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**‘Thus I set my printless feet’: Representations of rape and their circulation in
early modern England, 1630-1634**

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A thesis submitted to fulfil the requirements of the degree of Master of Arts (Research)

Statement of Originality

This is to certify that the content of this thesis is my own work. This thesis has not been submitted for any other degree or purpose.

I certify that the intellectual content of this thesis is the product of my own work, and that all assistance received in preparing this thesis and all sources have been acknowledged. I did not use generative AI in the writing of this thesis.

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Content Warning

This thesis contains sources with graphic descriptions of the aftermath of rape. This content is necessary in my analysis of the telling of rape. The material of this thesis should be approached with sensitivity to the real victims whose experiences I've drawn upon, and with sensitivity to the potential experiences of the reader.

Table of Contents

<u>Statement of Originality</u>	2
<u>Acknowledgements</u>	3
<u>Content Warning</u>	3
<u>Table of Contents</u>	5
<u>Introduction</u>	6
<u>Chapter 1: ‘So maist thou be translated’: Communicating the raped body</u>	26
<u>Chapter 2: The continuity of a rape text: The Margery Evans sources</u>	61
<u>Chapter 3: ‘I put my self into yor hands’: The Castlehaven libels and textual proliferation in circulation</u>	81
<u>Chapter 4: Localised means of mitigating rape’s representation</u>	111
<u>Conclusion: Field notes from reading rape</u>	134
<u>Bibliography</u>	143
<u>Appendix: Margery Evans Source Transcriptions</u>	165

Introduction

Milton's *A Mask at Ludlow Castle* (1634) follows the central character of the Lady, who is put at risk of rape by the enchanter Comus. An Attendant Spirit, narrating the masque, calls upon Sabrina, nymph of the River Severn in Wales, to save the character of the Lady. Sabrina is imagined as pure enough to cleanse the stains of sexual violation from others. But Sabrina herself is a body of contradictions. She is called away from her stream to undo the charms set by Comus. With her 'chaste palms moist and cold', she successfully frees the Lady, who has been imprisoned by Comus's 'gumms of glutenous heat'¹. Yet Sabrina's origin myth describes how her powers originate from being thrown into the river by her stepmother Guendolin, for being an illegitimate child herself.² Sabrina's power to save Milton's Lady is derived from her chastity but, historically, this power is born of her parents' promiscuity. Sabrina is the immortal imprint of a sexual transgression, and yet she leaves no prints herself. Sabrina summarises this contradiction in her speech:

Thus I set my printless feet
O're the Cowslips Velvet head,
That bends not as I tread,
Gentle swain at thy request
I am here. (897-901)

Sabrina's feet tread the ground without touching it. This paradox is representative of a greater problem of representing rape in the seventeenth century. In order to prosecute, or indicate, rape, touch had to be proven. As statutes progressed, the incriminating qualities of 'touch' could be

¹ John Milton, "A Mask Presented at Ludlow-Castle, 1634," in *The Complete Works of John Milton*, ed. Barbara Kiefer Lewalski and Estelle Haan, vol. 3, *The Shorter Poems*, (Oxford University Press, 2012), lines 917-18. All further citations refer to this edition unless otherwise specified.

² Lisa Hopkins, *Renaissance Drama on the Edge* (Routledge, 2014), 61-2

represented by a suite of acts, from abduction to physical violence. Representing any of these acts, however, also had the potential to implicate the woman in her own assault. Virtue was best proved far away from the touch of others, or the marks, prints or ‘treads’ they left. The characters who populate stories of rape therefore had to negotiate their own proximity to the woman’s body at stake. ‘Printless feet’ are just one solution brought by a rape narrative forced to control the proliferating imprints of its central body.

Proximity – the very palpable distance between bodies, between texts, or even events – was a key aspect of the telling of rape. The closeness of individuals was clearly a defining issue in stories of rape, but textual material could also become a bodily actor. Texts, necessary for the telling of rape, could stand in for the physical self. Pursuing an allegation of rape and attempting to prove chastity was therefore complicated by the very fact of its propagating representation. The amount of material generated by a rape, and its relative importance, was particularly problematic in an early modern context navigating the collision of orality, manuscript and print. This thesis will attempt to model the dual pull between a textual world geared towards making a raped woman’s body more and more accessible, via the bodiliness of textual material, and the strategies that were adopted to mitigate such a proliferation.

Defining proximity: a critical concept

The early modern period in England witnessed an expansion of both the regions in contact with each other, and the modes of communication by which this contact was achieved. Rural and civic spaces could communicate with greater speed and confidence with the establishment of a royal post system in 1516, with consolidating networks of non-royal post, and finally with the

expansion of the Royal Mail system to the wider public in 1635. Post likewise trickled in from new global imperial outposts, in the Caribbean and Virginia. Additionally, communication between England and the Continent, London and the kingdom's peripheries, was altered by the expanding distribution of mass print media. Between post and print, then, and England and its global counterparts, communication traversed greater distances via adapting modes. Early modern England experienced a shift from business and government that was personally conducted, sealed orally or with a handshake, to relationships formed and authenticated via letter or contract.

Correspondents or authors writing over greater distances, and changing communicative modes, used particular forms of language for communicating their relations with each other. Texts from the period found ways to manipulate distance so that conversations could be had, connections made, and agreements sealed as if in person. This thesis will address such strategies for manipulating space by using 'proximity' as a foundation of critical practice. Proximity comprises the space between people, as well as the proxies that existed to manipulate, condense or expand that space.

The basic unit of proximity is the 'proxy'; here, the text, representing its author or initiator. As friendships and familial, romantic and business relationships were established in writing, the body was translated into writing, or into the voice of a messenger. Letters professed to kiss hands or bow; petitioners wrote themselves into positions of prostration, literally in the text or materially in the arrangement of salutation and signature. James Daybell has studied how when letters are delivered, they perform social functions replacing physical exchanges: gift-giving, the relation of news, formation of patronage or political networks and offers of marriage. Beyond letters, bawdy gestures of penetration and sexual reproduction materialised in

prefaces, libels and ballads.³ Women's writing, conversely, solidified networks of friends and patrons to ward off such implications.⁴ Texts functioned as proxies for the individuals surrounding them.

How does the textual proxy operate in the broader scheme of space in early modern England? In considering the spatial dimension of proximity, work on 'space' in early modern England takes two approaches. The first is the intersection of overlapping or increasingly antagonistic 'spheres': domestic and public, private and public, and court and civic. The second is the 'network', in which points – particular individuals, communities, events and spaces – negotiate their expanding relation to and beyond each other through a web of manufactured and incidental connections. Space was not static in early modern England; textual proxies take their place in a greater system of negotiated relation among and between a network of people, places and overlapping 'spheres'.

This thesis will consider early modern proximity as a process. The first stage of the process of proximity involves the body being translated into the proxy of text, that it might relate to other bodies without the physical presence of the body writing or sending it. This involves attributing body parts to pieces of the text or its material form, or attributing material parts or processes of the text, like ink or margins, to bodily characteristics or actions. Often the written body is translated again, into speech, as the text enters new spaces and is communicated by new voices. The second stage of proximity is the written body interacting with others: if a letter, deposition or manuscript is a body, or contains body parts, it can act for the body, make friends

³ Jonathan Goldberg, "Hamlet's Hand," *Shakespeare Quarterly* 39, no. 3 (1988); Farah Karim-Cooper, *The Hand on the Shakespearean Stage: Gesture, Touch and the Spectacle of Dismemberment* (Bloomsbury Arden Shakespeare, 2016); Wendy Wall, *The Imprint of Gender: Authorship and Publication in the English Renaissance* (Cornell University Press, 2019)

⁴ Laurie Ellinghausen, "Literary Property and the Single Woman in Isabella Whitney's *A Sweet Nosgay*," *SEL* 45, no. 1 (2005)

or patrons, seal romantic dalliances, or condemn itself as promiscuous and dissolve existing connections.

The final stage occurs in the afterlife, or unintended travel of the text: the unwriting of the body. In the critical or reading history of texts representing rape, conscious attempts are often made to locate textual violence or sexuality in its original raped body. In lieu of an ‘original’ body, in the case of fiction, scholarly work can attempt to materialise invented pain in the mind or body of the critic or reader. The rape victim is ‘translated’ yet again, becoming the site of a supposed initial trauma, one picked up and propagated in the twentieth and twenty-first centuries.

Rape in the 1630s: A case study

Where space in seventeenth-century England was fraught and inconclusive, so was the understanding of rape. Rape was obfuscated, rather than clarified, by the law, and early modern England was a legally-conscious society. Around the end of the sixteenth century and beginning of the seventeenth, Tim Stretton finds ‘perhaps a million or more’ cases of private litigation a year in a population of four million.⁵ Courts were assembled in theatres, or, in the case of a public trial, became theatres.⁶ News of verdicts was circulated in letters and in print, which then spawned legal manuals or new statutes.

⁵ Tim Stretton, “Contract and Conjugalinity in Early Modern England,” in *The Oxford Handbook of English Law and Literature, 1500-1700*, ed. Lorna Hutson (Oxford University Press: 2017), 418

⁶ Cynthia Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven* (Oxford University Press, 2001), 25-62

In the courts, statute law, dating from the eleventh century, was complemented (or complicated) by common law, codified by its ‘meer immemorial Usage or Custom’.⁷ Statute law on rape began with Westminster I in 1275, which made ‘ravishing’ of any females under twelve, or non-consenting women older than twelve, punishable by two years in prison and a fine.⁸ Westminster II (1285) changed ravishment without consent to a capital offence, but neglected to mention the age above which consent became relevant, which allowed underage rapes to continue to be punished under Westminster I, which was not invalidated by its successor.⁹ The beginning of statute law on rape therefore set its own precedent for ambiguity in the rape law that followed.

The presence of uncertainty and contradiction between statutes continues to define the successive written law on rape. Helen Barker notes that in 18 Elizabeth I, c. 7 (1575-6), which removed benefit of clergy from felonies except murder, the clarification that a girl ‘under the Age of Tenne yeeres’¹⁰ could not consent to rape unintentionally superseded the existing age at which consent became relevant to accusations of rape, which had been twelve. The age of consent to marriage remained twelve, which led to the ‘perverse situation that a girl of ten or eleven years might consent to sex outside marriage, but not to sex within marriage until she was twelve’.¹¹

Further, rape, abduction and elopement were treated interchangeably until 3 Henry VII ch. 3 (1487), ‘An Acte agaynst taking awaye Women agaynst their Wills’, which singled out abduction as its own crime, though one that could, with successive rulings, be aggravated by

⁷ Matthew Hale, *The History of the Common Law in England*, ed. Charles M. Gray (University of Chicago Press, 1971), 3-4, quoted in Helen Barker, *Rape in Early Modern England: Law, History and Criticism* (Palgrave Macmillan, 2021), 36

⁸ Rape Act 1275, 3 Edward I, c. 13

⁹ Forfeiture of Dower Act 1285, 13 Edward I, c. 34

¹⁰ Rape Act 1576, 18 Elizabeth I, c. 7

¹¹ Edward Coke, *The Third Part of the Institutes of the Laws of England*, 4th edn (London, 1797), sig. F5r, quoted in Barker, *Rape in Early Modern England*, 74-5

rape.¹² When abduction was made punishable by imprisonment or fine in 4 & 5 Philip & Mary, ch. 8 (1557-8), this then provided a means of prosecuting rape (under the crime of abduction) not as a capital felony but rather as a misdemeanor.¹³ The legal definition of rape and a victim of rape, as well as its punishments, provided the background of entanglement against which the attitudes of those discussing and representing rape existed.

The Castlehaven scandal in 1631 was the catalyst for a fresh wave of representations of rape. In a very public trial, the Earl of Castlehaven was convicted of and executed for rape and sodomy, which included buggery with a manservant, and the arrangement for another manservant to rape his wife and daughter. The trial was conducted in a purpose-built court in Westminster Hall that Cynthia Herrup describes as functionally a theatre. It spawned the publication of legal manuals clarifying the crime of rape, plays dealing with the subject, and, as Herrup studies specifically, libels and verses re-rehearsing the trial and reinforcing or undermining its verdicts.¹⁴

Among these, this thesis will consider the chain of six libels responding to the Earl's execution, and then to each other. Beginning with 'I neade no Trophies, to adorne my hearse', which was pinned to the Earl's hearse and then circulated, defending the Earl and accusing his wife of adultery, the second, 'Blame not thy wife, for what thy selfe hath wrought', argues that Castlehaven brought the charges on his own head.¹⁵ The others, 'My Lord high stewarde his grace', 'Romes worst Philenis, and Pasiphaes dust', 'My life is done my heart prepard for death',

¹² Abduction Act 1487, 3 Henry VII, cap. 3

¹³ Abduction Act 1558, 4 & 5 Philip & Mary, c. 8; Barker, *Rape in Early Modern England*, 80-1

¹⁴ Herrup, *A House in Gross Disorder*, 25-62 and 115-143

¹⁵ "An Epitaffe on the Earle of Castelhaven Mervine Touchett. set on his Tombe. after his beheadinge. 1631," n.d., CCRO MS CR 63/2/19, fol. 72r; "The Ladyes Answere," n.d., BL Add. MS 22591, fol. 89r. All as quoted in Alastair Bellany and Andrew McRae, eds., "Early Stuart Libels: an edition of poetry from manuscript sources," in *Early Modern Literary Studies Text Series I* (2005), <http://purl.oclc.org/emls/texts/libels/>, 1022, 1027

and ‘A proud cuckold tollit cornua’, play with this dichotomy, taking alternate sides of the trial and its themes.¹⁶

Beyond the textual response to the trial’s participants was a flurry of texts rushing to address its themes: chastity and promiscuity, the body and soul, and kingship and patriarchal authority. Herrup highlights the reprinting in 1632 of several literary texts concerned with rape: Shakespeare’s *Rape of Lucrece*, Thomas Heywood’s *The Iron Age*, about the abduction (‘rape’) of Helen and siege of Troy, Claudius Claudianus’s *Rape of Proserpine* and Martin Parker’s *The Nightingale Warbling Forth Her Owne Disaster; or, the Rape of Philomela*.¹⁷ In 1634, the family of the Earl of Bridgewater, John Egerton — whose wife, Lady Frances Stanley, was the sister of Castlehaven’s second wife and rape victim — performed Milton’s ‘A Mask Presented at Ludlow Castle’, hereafter referred to as *Comus*, at the seat of Bridgewater’s new post of Lord President of the Council of the Marches in Wales.

Leah Marcus argues that *Comus* likely functioned to clear the reputation of the Egerton family, and separate them from the scandal surrounding their Castlehaven relatives.¹⁸ Within, it also clarifies acceptable sexual activity, and the place of female participants. The central Lady of the masque affirms that, though the body may be touched despite non-consent, the chaste mind remains inviolable (756-799). Published anonymously in 1637, then again in a collection of Milton’s poems in 1645, *Comus* became another text reflecting on and circulating around the rupture Castlehaven provoked in the British understanding of rape law and what it signified.

¹⁶ “I need no trophies, to adorn my hearse,” n.d., NCRO MS IL 3338, fols. 1r-2r; “Upon the Lord Audleys Convictio April 1631,” n.d., Bodleian MS Ashmole 47, fols. 88v-89r; “My life is done my heart prepar’d for death,” n.d., BL MS Lansdowne 491, fol. 229v; “A proud cuckold tollit cornua,” n.d., Huntington MS HM 166, p. 122. All as quoted in “Early Stuart Libels,” 1012-1028.

¹⁷ Herrup, *A House in Gross Disorder*, 117

¹⁸ Leah Sinanoglou Marcus, “The Milieu of Milton’s *Comus*: Judicial Reform at Ludlow and the Problem of Sexual Assault,” *Criticism* 25, no. 4 (1983), 293-327

Scholars disagree on the extent to which *Comus* specifically responds to the Castlehaven events. Barbara Breasted in 1971 gave a full account of the emerging hypothesis of the link between the two, asking, ‘could it have been possible to watch even the cut version of the masque performed and not be reminded of the members of the family who had yielded to ‘fowle’ temptations?’¹⁹ Breasted suggests the masque as a cleansing ritual for a tainted family.

Responding primarily to Breasted, John Creaser in 1987 purported to debunk the link between *Comus* and Castlehaven that has ‘hardened into orthodoxy’ in successive scholars of Milton, referencing Christopher Hill and A. N. Wilson among others.²⁰ Creaser gives varying alternative explanations for the delay of Bridgewater’s assumption of office in Ludlow, for the themes of chastity and perversion in the masque, and for the cuts made to explicit sexual material, all theses used by past scholars proving connection between *Comus* and Castlehaven. But Creaser concludes by declaring that though the masque ‘does not allude to or invoke the scandal in any way; nevertheless, it here tactfully short-circuits anyone perverse enough to insist on imposing this dark irrelevance.’²¹ Even the ‘irrelevant’ Castlehaven is a shadow on the masque, somewhat inhibiting Creaser’s argument. *Comus* is inhabited fundamentally by the concerns of the performing Egerton family, and the Castlehaven brethren they seek to hold at arms length. The shadow-body of Elizabeth Touchet, Castlehaven’s daughter and rape victim, shares the part of the Lady with the body of Alice Egerton.

Leah Marcus also points attention to a rape case brought before the Earl of Bridgewater in the years immediately preceding the composition of *Comus*.²² Margery Evans was a 14 year

¹⁹ Breasted, “Comus and the Castlehaven Scandal,” 217; quoted in John Creaser, “Milton’s *Comus*: The Irrelevance of the Castlehaven Scandal,” *Milton Quarterly* 21, no. 4 (1987), 25

²⁰ Creaser, “Milton’s *Comus*,” 24-34; citing Christopher Hill, *Milton and the English Revolution* (Viking Press, 1977), 44, and A. N. Wilson, *The Life of John Milton* (Oxford University Press, 1983), ch. 3

²¹ Creaser, “Milton’s *Comus*,” 31

²² Marcus, “The Milieu of Milton’s *Comus*,” 293-313

old maidservant, who was probably *en route* from Herefordshire to Breconshire Fair on Midsummer Eve 1631, when she was raped by the roadside by Philbert Burghill, with assistance from his manservant, John Williams. Evans raised the ‘hue and cry’, the response expected for a violent felony, and with the assistance of other men on the highway chased the two attackers to a village in Breconshire called The Hay. When she laid her charges on the men, however, the bailiff of The Hay, James Lloyd, detained Margery for two nights, following which ‘the felons’ (presumably Burghill and Williams) obtained a warrant that led to her imprisonment in county gaol for twenty-five days, from which she was released at the Breconshire quarter sessions. Evans and her aunt, Elizabeth Evans, attempted to pursue the charges in Herefordshire, where Burghill’s power in the county could not result in an indictment. In 1633, Evans petitioned Bridgewater, who accepted and pursued her case until what Leah Marcus assumes was its resolution in 1634. I have reconstructed Evans’s case by transcribing over 90 pages of archival material, including letters, petitions, depositions and court records. I have presented my transcriptions in the Appendix, in the hope that they may be of use in the public domain, to extend the local lens in early modern rape studies. I will show that this mass of material, proliferating outward from 1631 and landing with the Earl of Bridgewater in 1634, may be extended to consider *Comus* as well.²³

These three sets of texts, then—the Castlehaven libels, *Comus*, and Margery Evans’s rape case—together represent the tangled understandings of rape in the seventeenth century. The texts reflect, and contribute to, each others’ interpretations of rape and the raped bodies they contain. This thesis will study all three to understand the ways in which texts expressed, denied or accentuated their proximity to each other, and how this sense of proximity impacted the way rape

²³ All the Margery Evans sources I have drawn upon are from The Huntington Library, San Marino, California, Ellesmere Collection, MS 7383-94. They are outlined in the bibliography, and I have transcribed and provided them in full in the Appendix.

was told. I will then use this understanding of proximity to analyse how the negative implications of telling rape could be recognised and mitigated by the texts themselves.

Rape studies: Literary criticism and historiography

The first wave of feminist histories focusing solely on rape emerged in the 1970s, after which historians and literary critics took to considering the conventions with which rape was told, or should have been told to enable a successful prosecution. Helen Barker demonstrates how the histories and literary criticism of early modern rape from the 1980s to 2000s were dogged by evidence errors. Erroneous assumptions that were published in the early 1980s were perpetuated without adequate interrogation into the twenty-first century.²⁴ Nazife Bashar assumed *The Lawes Resolutions on Womens Rights*, a legal manual published in 1632, held legal authority amongst contemporaries.²⁵ Bashar's interpretation became authoritative in successive studies of rape. The manual was then drawn on by successive scholars, notably Kim Solga, as supposedly scripting the way a rape victim should re-perform her ordeal for a judicial audience.²⁶ Barker observes, however, that the book's black letter typeface and its lack of citation in any contemporary legal texts other than library catalogues indicates that the manual was a commercial undertaking to exploit uncertainty about rape law, rather than any authoritative clarification.²⁷

Bashar perpetuated the assumption that the terms 'rape', 'ravishment' and 'abduction' referred to discrete felonies. She used variations in these terms to prove that by the seventeenth

²⁴ Barker, *Rape in Early Modern England*, 89-119

²⁵ T.E., *The Lawes Resolutions of Womens Rights* (London: 1632); Nazife Bashar, "Rape in England between 1550 and 1700," in *The Sexual Dynamics of History: Men's Power, Women's Resistance*, ed. London Feminist History Group (Pluto Press, 1983), 28-42

²⁶ Kim Solga, "Rape's Metatheatrical Return: Rehearsing Sexual Violence Among the Early Moderns," *Theatre Journal*, 58, no. 1 (2006), 53-72

²⁷ Barker, *Rape in Early Modern England*, 89-119

century, ‘rape came to be seen as a crime against a person, not as a crime against property’.²⁸ Yet this analysis assumes that, while the various terms surrounding rape are muddled now by successive definitions of rape, ravishment, abduction and elopement, their meanings were clear in the seventeenth century itself. However, these terms became increasingly tangled in the growing body of British statute and common law from the tenth century onwards. They posed as great a problem to contemporaries attempting to untangle the vast and contradictory bodies of the law in the seventeenth century as they did for later critics.

The historical errors of foundational criticism appear in late twentieth-century rape scholarship as a mistaken identification of rape law’s concern with the ‘person’ of the victim. Rape scholarship from this era considers legal and literary texts as increasingly concerned with the trauma of the raped individual. Kim Solga and Jocelyn Catty are two literary critics from the 1990s-2000s who structurally echo this supposed centering of the individual’s will. Their works aim to foreground trauma hidden under the apparently prescriptive conventions for the telling of rape.

Catty’s *Writing Rape, Writing Women in Early Modern England* (1999) declares itself a ‘literal reading’ of rape in early modern theatre, identifying and physicalising sexual violence where it has apparently been elided.²⁹ Catty used the by-then foundational assumption that rape’s telling had recognised conventions to draw out hypothesised instances of violence and non-consent. She analyses the use of tropes like the bed-trick (the substitution of one partner for another in bed, in darkness), the use of stage directions (Lavinia re-entering ‘ravished’), and the ‘virtue topos’ (a victim’s protection against accusations of her own wrongdoing via the creation

²⁸ Bashar, “Rape in England,” 41; Catherine Belsey, “Tarquin Dispossessed: Expropriation and Consent in *The Rape of Lucrece*,” *Shakespeare Quarterly* 52 (2001), 333

²⁹ Jocelyn Catty, *Writing Rape, Writing Women in Early Modern England* (Macmillan, 1999), 11

of a ‘background of normative promiscuity’).³⁰ Catty identifies conventions through which violence and trauma are generated and then hidden, which has the effect of generating trauma itself as much as discovering it in the texts she studies. By physicalising sexual violence, Catty extends the raped woman’s body beyond its existing representations, drawing it close to the critical text.

Kim Solga’s *Violence Against Women in Early Modern Performance: Invisible Acts* (2009) approaches rape from a performance studies perspective, taking Catty’s reading of the elision of violence against women a step further by probing the possibilities of staging ‘the history of its elision’.³¹ A key trope amongst these possibilities of omission and visibility is the ‘metatheatrical return’, rape criticism’s most explicit theorisation of the script provided by *The Lawes Resolutions* in 1632. Solga takes its summary of the process of lodging an appeal as prescriptions for a re-performance of the rape: ‘she ought to go straight away, while recounting the same fact, and with Hue and Cry complaine to the good men of the next towne, & stained with blood’ complain to the series of judicial officials who will set her appeal in motion.³² In reality, the hue and cry and demonstration of violence was prescribed for all felonies in the Bracton Treatise, which *Lawes* references.³³

As significant as the particulars of the performance conventions Solga identifies, however, is the way she literally handles the matter. Solga’s text in itself picks up the ‘crisis body’ of the raped woman, proposing awareness ‘of our tendencies as critics, when faced with a crisis body, to suture its epistemological wounds’.³⁴ Solga proposes honing in on the horror and

³⁰ Catty, *Writing Rape*, 99-117

³¹ Kim Solga, *Violence Against Women in Early Modern Performance: Invisible Acts* (Macmillan, 2013), 3

³² T.E., *Lawes Resolutions*, sect. XXX; Kim Solga, “Rape’s Metatheatrical Return: Rehearsing Sexual Violence among the Early Moderns,” *Theatre Journal* 58, no. 1 (2006), 53-72

³³ Henry de Bracton, *On the laws and customs of England*, vol. 2, trans. Samuel E. Thorne (Belknap Press, 1968)

³⁴ Solga, *Violence Against Women*, 23

unfathomability of a raped body, rather than rationalising or hiding it, and she does so by entering ‘our’ suturing hands into the network of interacting bodies of early modern theatre.³⁵

Catty and Solga enter themselves, sometimes physically, into the community surrounding the raped woman. More recent work on rape takes the existence of this community, in the rape text’s immediate context, as a defining element of rape’s early modern representation. Garthine Walker addresses the dichotomy wherein rapists may either be everywhere, with all men implicated in rape culture if not the act of rape, or ‘monstrous’ outsiders making manifest a community’s most outlandish fears.³⁶ Really, Walker suggests, the early modern rapist manifested more as a ‘serial harrasser, fornicator or ‘gallant’ and a ‘familiar part of society’, a threat to the community as a whole but at the same time a well-known member of it.³⁷ In fact, the dehumanisation of a rapist as an irredeemable ‘monster’ might actually threaten a community’s ‘providential narratives of sin, punishment and redemption’ more than the rapist was considered a threat to the community itself.³⁸

Bernard Capp’s *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* strengthens this sense of an entire community defining appropriate behaviour, or able to censure it when it transgressed.³⁹ Capp highlights how women’s communities – childbirth gossips, informal credit and debt streams, networks of slander and support – and men’s networks – agreements for compurgation, husbands working towards informal redress – worked in tandem. By gathering numbers, they could produce a general ‘fame’ or the impression of serial offending around the accused rapist, if a rape prosecution was to be successful – or they

³⁵ Solga, *Violence Against Women*, 11

³⁶ Garthine Walker, “Everyman or a Monster? The Rapist in Early Modern England, c. 1600-1750,” *History Workshop Journal* 76 (2013)

³⁷ Walker, “Everyman or a Monster?,” 21

³⁸ Walker, “Everyman or a Monster?,” 23

³⁹ Bernard Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford University Press, 2003)

could negate it if such an outcome was undesirable.⁴⁰ Such a community-cognisant analysis enables understanding of a rape as occurring within a community, proximate to the bodies of the friends, enemies and neighbours who would arbitrate it.

Communities surrounding rapes did not only exist in formal or informal judicial structures. Laura Gowing's *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (2003) shows that rape reflected on, or literally touched, the bodies of the women surrounding its victim or perpetrator.⁴¹ Evidence could be produced for rape and surrounding crimes like infanticide via the testimony of panels of matrons or midwives who would physically examine the complainant, while belonging to a house in which a maid's chastity was suspect could 'touch' and infect all the women within it.⁴² Gowing identifies unchaste (and thereby self-implicatory) ways of deposing about sexual acts. Sexual description was one of these, as 'the vilification of whoredom and the emphasis on chastity as evidence of female virtue could mean that the more rape was understood as sexual, the harder it was to believe women'.⁴³ Gowing also suggests that neighbours and witnesses could be identified in descriptions as 'the chastest, least sexually loquacious of women or men might find themselves articulating a sexual story without impugning their own modesty'.⁴⁴ A neighbour could intervene at the critical moment, or recount the story as a witness on behalf of the complainant.

The virtuous intactness supposedly enabled (or approximated) by a community member's mediation might, however, also have been construed as a breach, a violation, or another example of the bodily accessibility of the rape victim. Literary critics like Wendy Wall have worked on the promiscuous nature of writing, highlighting the preface as an entryway approximate to the

⁴⁰ Capp, *When Gossips Meet*, 248

⁴¹ Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (Yale University Press, 2003)

⁴² Gowing, *Common Bodies*, 44-51

⁴³ Gowing, *Common Bodies*, 92

⁴⁴ Gowing, *Common Bodies*, 103

female genitalia, both birthing the text and entered by the voyeuristic reader.⁴⁵ Laurie Ellinghausen furthers this idea of the early modern sexual text by suggesting that ‘the idea of paying a lady for her services suggested the trade of sex’.⁴⁶ Ellinghausen writes in relation to Isabella Whitney, and the implications of *A Sweet Nosgay*, but her analysis is nonetheless relevant to the risk inherent in seeking redress for rape via circulating written documents. A transaction emerges wherein sexual activity, or its representation, is exchanged for financial or legal compensation.

The more characters that populate the scene, give voice and hand to its depositions and petitions, trade rape’s telling in letters and reproduce it in libels – the more the central body of the raped women is touched, exchanged, even violated and sold. Gowing’s identification of the community that is personally involved in retelling a rape is useful in building a picture of the physicality, materiality and frequency of the telling, but such a community had the potential to implicate more than it absolved. Community members’ inclusion in, and involvement with, the discourse of a rape’s representation may allow for the avoidance of explicit sexual descriptions. But they nonetheless perpetuate sexual imagery by propagating the story and multiplying the bodies enmeshed in it.

Discussing the ethics of literary rape studies: A convention of telling rape in itself

So far I have considered two types of proximity bound up in the representation of early modern rape. The first is proximity between contemporaneous texts, the petitions, letters and statutes that circulate around an accusation. The second is proximity between texts and critics. The latter is

⁴⁵ Wall, *The Imprint of Gender*, 169-226

⁴⁶ Ellinghausen, “Literary Property and the Single Woman,” 3

evident in the language used to handle rape cases, particularly towards the end of the twentieth century, and is also evident in their broader approaches. The psychologically-informed perspective Catty and Solga use is not a psychoanalytical reading in the formal sense, but foregrounds an assumption of trauma, emotion, memory and the subconscious rooted in the modern understanding of the mind. Jocelyn Catty and Garthine Walker are psychotherapists as well as literary scholars and historians – which occupation feeds the other? Catty and Solga particularly foreground the ethics of the project of early modern rape studies – did the project breed or begin with this responsibility?

Along the same lines, I visited Somerset Heritage Centre for sources from the county assizes and cried at one of the long reading tables, staring at a deposition signed X, because the deponent couldn't understand the story it told, and because self-indulgently, staring at the page of early modern penmanship, like her, I couldn't either. Rape studies appear to draw critics whose proximity to the texts is imaginative in the sense that Stanley Fish understands *Paradise Lost*; the locus of the text is in the mind of the reader, the treacherous terrain some complex test of their virtue.⁴⁷ The victim's body is ours too: not only that, but ours to heal, or to minister justice to. Attention to the closeness we feel allows an extension of our understanding of the deeply populated network of the story of a rape, and its generative potential, to ourselves as critics.

Thesis approach and outline

A recent trend in historical and literary studies of sex has been, as Cynthia Herrup titles it, 'finding the bodies', or an understanding of the physical acts sex constituted.⁴⁸ Such an approach

⁴⁷ Stanley Fish, *Surprised by Sin: The Reader in Paradise Lost* (Palgrave, 1967), 11

⁴⁸ Cynthia Herrup, "Finding the Bodies," *GLQ* 5, no. 3 (1999), 255-265

takes aim at an understanding of early modern sexual activity as an analogy or metaphor for politics or society. Trauma-informed approaches like Jocelyn Catty's exist in this vein, promising to recentre the specific violence enacted on the raped woman's body or mind.

Such a reclamation of the physical is relevant, Herrup suggests, because it illuminates the amount of early modern sexual activity, and its publicness. Herrup highlights the present social tendency to interpret sex as private, or the critical choice to examine private sex. Foregrounding the physical act/s of early modern sex can highlight how contemporaries interpreted their own sex acts as a public concern, intersecting with public opinion and law on what was specifically acceptable. Herrup argues that early modern trial participants themselves understood the specific boundaries of sexual activity, and had expectations about exactly how far they could push them.⁴⁹ This is specifically relevant to rape's representation, as tellers had to negotiate exactly how to phrase rape to characterise it legally as a crime, whilst minimising their own culpability. There is clearly physicality, and bodies and acts waiting to be inventoried in rape studies.

This thesis will approach the relationship between the physical body, and the metaphors generated from it, from the other side. Where scholars have sought to locate the 'real' body amidst the social and political metaphors surrounding a rape, I will instead attempt to locate the multiplying bodies and body parts generated *by* the metaphors that seek to convey and explain rape. These bodies are not, and do not need to be 'real' in the sense of speculatively once existing in the flesh. They are instead 'real' in the sense that they come back to reflect on the original body of the rape, creating perceptions of it as promiscuous and fertile in the most incriminating sense.

Where might a study of bodily metaphor sit, ethically or as a scholarly contribution? Bodily metaphor can be thought of separately to social or political metaphor. Consider I.A.

⁴⁹ Herrup, "Finding the Bodies," 261-2

Richards's formulation of a metaphor as a tenor, the entity being represented, and a vehicle, the image doing the representing.⁵⁰ In the historiography Herrup criticises in 'Finding the Bodies', the tenor of the metaphor is, for example, monarchical authority, or the sovereignty of the British Isles, and the vehicle is the raped and despoiled body. In the bodily metaphor this thesis is concerned with, the tenor is the body at the centre, and the vehicle is a text or part thereof. The texts and narratives surrounding a story of rape become representative of the original raped body. A preface, a letter, an inkblot, an 'epistemological suture', all represent a human form, rather than an original human form *being* represented by these objects.⁵¹

Consideration of how metaphors representing the body add to, animate or exaggerate the rape victim's body therefore contributes to a 'finding' of the bodies. This approach locates the way the body and its violence permeate texts even where they are held to signify matters of state or society. In early modern texts and in their criticism, this points out the closeness between bodies, as their representations grow and intersect. Studying bodily metaphor in scholarly texts also identifies the criticism's own proximity to the original bodies. Bodiliness can be seen as a critical trend, as much as identifying bodiliness is a critical trend.

My first chapter will consider Milton's *Comus* and the ways it translates the raped body into proxies: the textual life of the masque, the natural world, its masquers, and in its own publication history. From this 'translation', the Lady's body is left accessible to the world of the text and the performance, open to advances and assumptions such as those of *Comus*. My second chapter will consider *Comus* in relation to the rape case of Margery Evans, and my third chapter will consider *Comus* with the libels published in the wake of the Castlehaven scandal. These

⁵⁰ I.A. Richards, *The Philosophy of Rhetoric* (Oxford University Press, 1936), 95-100

⁵¹ Solga, *Violence Against Women*, 23

chapters will examine the ways the raped body is fragmented and circulated by the bodies of the texts that represent it.

My final chapter will draw out strategies by which texts projecting an image of chastity attempted to mitigate the dangerous implications of this textual reproduction. This will look at how *Comus* and Evans's rape prosecution together construct a set of entirely local conventions for ameliorating the incriminating implications of representing rape. My conclusion will consider successive critics and rape theorists as intervening again in the accumulating bodies of representations of rape. This thesis will trace the bodily weight of the footprints of rape's representation, where they leave their marks in print, and where their authors attempt to scrub it clean.

Chapter 1: 'So maist thou be translated': *Communicating the raped body*

John Milton's 'A Masque at Ludlow Castle', or *Comus*, is ostensibly a portrait of rape avoided. The masque was written for John Egerton, Earl of Bridgewater, who had recently acceded to President of the Council of the Marches. In recognition of Egerton's new position, Milton wrote the masque to be performed by the Earl's two sons and his daughter, Alice. In *Comus*, the children play a virtuous Lady and her two brothers. The Lady is ensnared by the masque's titular enchanter, Comus, who tricks her from her wanderings in his dark wood, and traps her in his palace. When the Lady is paralysed in Comus's chair, he attempts to violate her. At that moment, her brothers run in to rescue her.

Although the Lady evades rape at the last possible moment, the performance contexts of *Comus* were dogged by the spectre of a successful rape. Frances Stanley, wife to the Earl of Bridgewater, had recently been enmeshed in what became known as the Castlehaven scandal. Frances's sister Anne was then wife to the Earl of Castlehaven. Three years before the masque, Frances had been forced to testify to her own rape and the rape of her daughter by her husband's manservants. Castlehaven was convicted and executed as both a rapist and an accessory to these rapes. *Comus* therefore proceeds from a point of ambiguity with regard to the occurrence of rape. The masque preaches the avoidance of sexual violation, in an historical context which cannot escape it.

Comus's context isn't the only part of the masque that admits the stain of rape. The text also tends in two contradictory directions with regard to the Lady's chastity. On the one hand, the Lady's chastity is assailed but ultimately preserved. On the other, the Lady's chastity is not strong enough to save her from the chair where *Comus* traps her, where she remains, literally

frozen at the point of attempted rape. It is only through the magical intervention of the nearby river nymph, Sabrina, that the Lady regains movement and her freedom.

Chastity is theorised in the masque as a panacea, a salve for all dangers that might befall the Lady. The Lady's brother claims that chastity provides an armour of 'compleat steel' (421) through which no danger to virtue may penetrate. But chastity falls short of putting the situation to rights. The Lady's rape is not averted, and indeed it occurs in two ways. She is successfully abducted to Comus's palace, abduction being an existing legal definition of rape at the time. And she is forced to drink in Comus's seductive speeches, even as she refuses explicitly to drink from his chalice. Comus is not even vanquished by the brothers, nor by the river nymph. The rapist-figure escapes unscathed, armed with both his wand and rout. Chastity is presented as a panacea, but does not function as one.

The issue preventing chastity from curing all ills in *Comus* is the diffuse nature of its representation. No one figure represents chastity and channels its power. Masques at the time of *Comus* were used politically by Charles I and Henrietta Maria to communicate the absolute virtue and governance of the King. They were typically restricted to the court and featured fundamentally allegorical characters. A single masquer explicitly represented a characteristic or moral position. For example, *Tempe Restored* casts the King as 'Heroic Virtue' and the Queen as 'Divine Beauty'.⁵²

Comus does not cast 'chastity' as one particular player or representation. In fact, it has two main representations: the Lady and Sabrina. And the Lady and Sabrina are flawed representations of chastity. The Lady's chastity falters in the face of Comus's power and admits the two potential moments of rape described above. Sabrina's chastity comes from her death, as a

⁵² Aurelian Townshend and Inigo Jones, *Tempe restord: A masque presented by the Queene, and foureteene ladies, to the Kings Maiestie at Whitehall on Shrove-Tuesday* (London, 1631), <https://name.umdl.umich.edu/a13848.0001.001>

virgin, when her stepmother chased her into the river for being a bastard child. She therefore may be a protector of chastity, but is also a reminder of promiscuity.

Comus does not accommodate the absolutism of allegorical character that was a typical feature of the Stuart court masque. In the *Masque of Blackness*, James I as Britannia turns a group of ‘daughters of Niger’ white through the ‘blanching’ powers of Britain. The masque attempts to construct a straightforward parallel. James as Britain, uncomfortably, ‘Can salve the rude defectes of every Creature’.⁵³ Yet in *Comus*, Sabrina saves the Lady from Comus’s chair. This makes it appear that Chastity frees Chastity. The allegorical significance of this moment sits somewhere between contradiction and tautology. Filling the stage with multiple representations of chastity confuses both its powers and its weaknesses. When chastity fixes chastity, then the chaste individual is simultaneously portrayed as broken and cured, protector and victim.

The dualities of these multiple representations of Chastity are problematic in the masque. The Attendant Spirit, who narrates and guides the masque, closes the performance by instructing:

Love vertue, she alone is free,
She can teach ye how to clime
Higher then the Spheary chime;
Or if Vertue feeble were,
Heav’n itself would stoop to her. (1019-1023)

‘Virtue’ in the masque is a chaste approach to sexuality, essentially interchangeable with chastity. In this speech, it is virtue which controls the passage of the soul to Heaven. The shortcomings of virtue, however, are made clear in the Spirit’s phrasing, that virtue ‘alone is free’. The Lady’s virtue is never ‘alone’ in *Comus*. The Lady is entangled by Comus’s verbal sparring. She then

⁵³ Ben Jonson, “The Masque of Blackness (1605) (M),” *The Cambridge Edition of the Works of Ben Jonson Online*, ed. by David M. Bevington, Martin Butler and Ian Donaldson (Cambridge: Cambridge University Press, 2014), <https://universitypublishingonline.org/cambridge/benjonson/k/works/blackness/facing/#>, lines 34-5, 209, 211

experiences the violation and the implied rape of being trapped in Comus's chair. Sabrina, as discussed above, offers a close parallel to the Lady's predicament. Both characters are chaste maidens who have had their virtue assailed and life threatened. Virtue is certainly not 'alone' in *Comus*.

Chastity has multiple, flawed representations within the masque's texts. In addition to this sit the excessive figures of violation that populate its context. The masque's context, performed for the Earl of Bridgewater in 1634, points out towards the Castlehaven Scandal. The trial and execution of Bridgewater's wife's brother-in-law, the Earl of Castlehaven, in 1631, had challenged the family's chastity amidst crimes of rape and sodomy. Where Alice Egerton, playing the Lady, is chaste, her cousin, Elizabeth Touchet, is no longer so. Frances Stanley, Bridgewater's wife, presides over her brood of children in the family reunion at the end of the masque. But Frances's mother, the Countess of Derby, must recall the legal challenges she undertook in order to preserve her own children, including her wronged daughter Anne.

Beyond the figures who overpopulate the masque's context is the openness of the medium itself. Projecting speech or text makes the rape victim's body accessible, open to interpretation and appropriation. By virtue of chastity's multiple representations, the presence of contextual figures of violation, and the openness of the masque medium, chastity is not 'alone' in *Comus*. Rather, it mingles with enough bodies and representations to corrupt its own impression of chaste singularity.

This chapter will investigate how in *Comus*, the raped body is translated, or removed and altered beyond itself. This occurs in three distinct ways. The first 'translation' of the raped body is the spectral presence of other, perhaps already violated, bodies from *Comus*'s context. The Lady's physical features are reminiscent of the bodies of the infamous Castlehaven family, to

whom Alice Egerton was closely related. And Alice's presence in the masque also recalls the dancing bodies of the court masques Alice performed in in London. The Lady's body must coexist with the raped or at-risk bodies of her context. The Lady is no longer one discrete body, chastely removed from her peers. The rape victims or promiscuous women Alice Egerton's body is reminiscent of hover around the edges of *Comus*.

The second 'translation' of the raped body takes place in the material texts associated with *Comus*. The raped body of the 'Lady' becomes bound up with the movement and reproduction of the material texts in which the Lady exists. The production of the manuscripts and print editions of *Comus* was imagined sexually by its early modern authors and readers. Writing, speaking and printing were conceived via metaphors of sexual reproduction. The Lady's body is therefore, in its textual metaphors and forms, translated to a broad audience of reader-consumers. When the manuscripts of *Comus* travel, so does the Lady. The stains and marks of the material text, and the greater accessibility allowed by its geographical movement, reflect back on the Lady as moral transgressions.

In the third and final translation of the raped body, the Lady's body is represented as an element touching the natural world. The body expels and takes in air to produce sound. Sound and its echoes, in the early modern imagination, collided with each other and with the surrounding environment. The Lady enters the air as sound, touching mouths, ears and echoes. With each speech, she abandons her proclaimed chastity. The masque also produces a scheme of fluids in which female bodily fluids are likened to, and shared with, water in the environment. The raped body, in this natural world, can never be 'alone' again. The text, its performers and its audience become proximal to the 'original' rape victim of the Lady. Viewers and readers of the masque begin to relate to the Lady in otherwise impossible ways.

As *Comus* begins, and the Attendant Spirit steps out of the Ludlow darkness to deliver his opening speech, the vulnerable female body—Anne Stanley’s? Her daughter’s? Her niece, Alice’s? The Lady’s? —has already begun to transmute, and to proliferate. This first step is the translation of the rape victim outside herself.

I. *Entering other bodies and affairs*

‘Chaste’ representations of rape require a discrete body, untouched by others. In early modern literature, this is typically only achievable in the death of the raped body. The figure of Lucretia was a foundational representation of a rape by the early 1630s. Lucretia was popular as a way of debating monarchical and patriarchal authority, as well as rape itself.⁵⁴ In Shakespeare’s *The Rape of Lucrece*, Lucrece’s suicide purges the ‘tainted’ or ‘black’ blood affected by Tarquin’s crime, contrasting it with the ‘untainted’ red blood of Lucrece. The theory in the poem holds that ‘Corrupted blood some watry token shows; / And blood untainted still doth red abide, / Blushing at that which is so putrified.’⁵⁵ With two separate pools of blood emanating from Lucrece, it becomes evident to Collatine and the Romans that ‘this chaste blood [was] so unjustly stained’.⁵⁶ By her suicide, and this hematic separation, the blood of Lucrece may remain ‘chaste’. When it comes to a rape and its aftermath, the discreteness that makes chastity possible can exist only in death.

Without exsanguination, however, there is less hope for the chastity of the rape victim. In *Comus*, the blood of the raped Lady is ‘tainted’ by Comus’s rapes. Yet the Lady was a

⁵⁴ Melissa Matthes, *The Rape of Lucretia and the Founding of Republics: Readings in Livy, Machiavelli, and Rousseau* (Pennsylvania State University Press, 2001), 1-22

⁵⁵ William Shakespeare, *The rape of Lucrece. By Mr. William Shakespeare* (London, 1632) <https://www.proquest.com/books/rape-lucrece-mr-william-shakespeare/docview/2240873801/se-2>, sig. D6r

⁵⁶ Shakespeare, *The Rape of Lucrece*, sig. D7r

representation of Alice Egerton to her parents. Her chastity could not be restored with her death. The conventional separation of bodies and bodily fluids following a rape is problematised. Part of Alice Egerton's value, even her chastity, lay in her noble blood. Death by bleeding, far from exculpating her embodied Lady, would drain the hallmarks of her nobility. Bleeding out could therefore make the performed character of the Lady even more suspect. This is just the beginning of the denial of a separation of bodies, or their fluids, in *Comus*. It is the beginning of a denial of chastity too.

As a masque, *Comus* needed its text to be translated into other bodies to be performed. This brings the idea of the raped body into contact with a circle of hosts. As performance, there is the single occasion of the masque itself, and the host bodies of its actors. The bodies of its actors, the Egerton children, gesture back to Milton's *Arcades*, which had honoured their grandmother, the Countess of Derby. The participation of the Egerton children also gestures to the Whitehall masques the children danced in, including *Tempe Restored*. The performing Egertons, allegorised Castlehavens, and courtly dancers, are among the mesh of bodies into which *Comus* penetrates.

Alice's body as the Lady is painted as open and accessible to these figures as well as to her rapist. The masque does not temper its language of crude embodiment. When Sabrina lists the Lady's physical features, which will receive drops from Sabrina's 'fountain pure' (912) to free the Lady from Comus's seat, they draw attention to the blossoming features of a young woman:

Shepherd 'tis my office best
To help insnared chastity;
Brightest Lady look on me,
Thus I sprinkle on thy brest
Drops that from my fountain pure,

I have kept of pretious cure,
Thrice upon thy fingers tip,
Thrice upon thy rubied lip [...] (908-915)

From breast to rubied lip, the Lady is delineated physically even as she is referred to by her ‘insnared chastity’. This positions her body itself as a ‘snare’, in which chastity sits uncomfortably within a frame of external sensuality. The physical body of Alice Egerton is ostensibly used by Sabrina to confirm the ultimate chastity of its character, but this description of the body highlights Alice’s dangerous accessibility.

The line Alice’s body walks is an unsteady one, both resembling and distancing herself and her family from the sullied Touchets. The physicality invoked by Sabrina guides the audience’s focus towards Alice Egerton’s breast, fingers, and lips. Alice’s physical features were both related to, and very much not those of, Anne Stanley or Elizabeth Touchet, rape victims of the Earl of Castlehaven. They were also her aunt and cousin. Alice’s physical presence as a Bridgewater child conjures the fates of her wronged relatives. And Sabrina singling out the shape of her lips and hands places the scandal of her relatives squarely within Alice’s own body.

Alice’s violated counterparts are invited not only into her body, but into the scene itself. This draws further parallels between *Comus* and the Castlehaven Scandal, including between Castlehaven and Comus. When Comus gets away at the climax of the masque, the Attendant Spirit alerts the brothers and audience to the fact that he escapes with his wand and the ability to further perpetrate his crimes.

What, have you let the false enchanter scape?
O ye mistook, ye should have snatcht his wand
And bound him fast; without his rod revers’t,
And backward mutters of dissevering power,
We cannot free the Lady that sits here
In stony fetters fixt and motionless [...] (814-819)

Alice's, or the Lady's, assailant escapes. The danger is not over. This recalls the broader context of the masque. The threats of rape and disinheritance that the Egerton children have just faced were first brought to public consciousness by their cousins. It is as if the Earl of Castlehaven himself has escaped, to threaten another young girl, only to escape again. The 'dissevering power' that Comus is free to continue to wield seems to undo Castlehaven's execution, as the 'severing' of Castlehaven's head is negated into a 'dissevering'. The dissatisfying ending of *Comus*, leaving its enchanter at large, imagines the Egertons as continuous with the stories of the Castlehaven family. Both families are ambiguously freed from sexual threat whilst worrying about its escape and propagation.

The spectre of the Countess of Derby is also present in Alice's character. Vanessa Wilkie links *Comus* with Milton's *Arcades* and Marston's *Entertainment at Ashby*. Each masque was commissioned by or performed for the Countess of Derby. Together they form a 'trio of masques' concerned with the reputations of the Bridgewater and Stanley families.⁵⁷ Within this 'trio', Alice begins to overlap with the Countess, as the two championed protagonists. Wilkie argues that *Arcades* was written to celebrate Alice Stanley's legal victory in exculpating her daughter Anne, and Anne's daughter, from blame in their roles as victims of Castlehaven. The Countess is the centre of *Arcades*, much as the Lady sits at the centre of *Comus*. And both *Arcades* and *Comus* were performed by the Countess's grandchildren. Among a similar cast of players, in an overlapping masquing context, the two central players of the Countess and the Lady appear to be paralleled. The body of Alice Egerton blurs with her namesake, the Countess at the centre of Milton's earlier masque. This can be added to the existing blurring of Alice's

⁵⁷ Vanessa Wilkie, "The Context for the Text: The Masque Entertainments of the Egerton-Hastings Family," *Huntington Library Quarterly* 83, no. 2 (2020), 291-5

body with her older Castlehaven cousin, whose pardon hovers around the edges of *Arcades*. Far from separating out into tainted and clear blood like the doomed Lucrece, the bodies into which *Comus* extends multiply and further intertwine in the context of the ‘trio of masques’.

Along with the familial connection of performers, the *Entertainment at Ashby* and *Arcades* begin a concern with lineage to which *Comus* responds. Wilkie points out that this ‘trio’ of masques functions to celebrate family advancements and legal victories in a tradition beginning with the Elizabethan theatrical patronage of Alice Stanley’s first husband, Ferdinando Strange. The creation of *Comus* is therefore a new branch in a lineage of patronage, affirming the uninterrupted generational flow of the Stanley-Egerton line.⁵⁸ The hold Alice Stanley exerts on her lineage is emphasised in a language of light, which can be traced through the masques. In *Arcades*, Alice is a central figure deploying ‘threads’ of light:

Mark what radiant state she spreads,
In circle round her shining throne
Shooting her beams like silver threads:
This, this is she alone,
Sitting like a goddess bright
In the centre of her light.⁵⁹

Alice’s ‘radiant state’ ‘spreads’ both back to the *Entertainment at Ashby*, and forward to *Comus*. In the *Entertainment at Ashby*, the eagle on the coat of arms of the Hastings family honours the oak, or ‘forrest’, on the arms of the Stanley family: ‘But every night upon a Forrest syde / on wch an Eagle pearcheth they abyde / and honor her with their moste raysed light’.⁶⁰ The Hastings eagle honours Alice by reflecting threads of her heavenly light back at her.

⁵⁸ Wilkie, “The Context for the Text,” 295-6

⁵⁹ John Milton, “Arcades,” in *The Complete Works of John Milton*, vol. III, ed. Barbara Kiefer Lewalski and Estelle Haan (Oxford University Press, 2012), lines 14-19

⁶⁰ “Entertainment at Ashby,” ca. 1607, The Huntington Library, San Marino, California, EL 34 B 9, fol. 9v; quoted in Wilkie, “The Context for the Text,” 297.

Sabrina in *Comus* bears a resemblance to the matriarchal ‘goddess bright’, echoing Alice Stanley from the earlier masques. Alice Stanley had saved her female heirs from rape and ruin before, in the aftermath of Castlehaven’s execution. Before Castlehaven, in 1607 her lobbying against the theft of her and her daughters’ inheritance by her late husband’s brother resulted in a private Act of Parliament in Alice’s favour. In *Comus*, Sabrina is designated ‘Goddess of the silver lake’ in the Song that summons her (865). Sabrina arises in the Lady’s hour of need to free her from lecherous men and their destructive insinuations. The ‘silver threads’ cast by Alice Stanley in *Arcades* arrive to bind *Comus* to the earlier masque, and the Countess’s powers to Sabrina.

The Lady is caught up in the correspondence of Sabrina and the Countess of Derby. When Sabrina instructs the trapped Lady, ‘Brightest Lady look on me’, it is in a re-rehearsal of both earlier masques (910). The Lady is reflecting Sabrina’s, or the Countess of Derby’s, brightness back at her. The Lady and Alice, and Sabrina and Alice, are linked together with silver thread, just as light in *Arcades* linked the Egerton-Hastings family with their same matriarch. *Comus* honours the Countess. It recalls her saving powers by constructing Sabrina, and to a lesser extent the Lady, in her image.

Even though the Countess of Derby’s light-powers are curative, the Lady is still in danger of being bound to the violated and sensationalised bodies of the family over which she presides. Connecting the Countess, Sabrina and the Lady through their saving powers brings back the scandal and trauma of Castlehaven. It brings back the event that required the Countess’s children and grandchildren to be ‘saved’ in the first place. The bodies that were implicated in the Castlehaven Scandal are, in a way, re-cast in the new rape threat posed by *Comus*. When the Countess-Sabrina saves the Lady, the parallels between them cast the Lady as her violated

cousin. The Lady's chastity is only proven with recourse to other bodies, including sullied ones. Her body is placed under threat even as the masque attempts to purify it.

The Lady's central body also points towards the Whitehall masques that Alice Egerton danced in with her brothers. *Comus* often directly criticises the visual spectacle and courtly excess of such performances. The Attendant Spirit describes Comus's disfigured victims as 'boast[ing] themselves more comely then before / And all their friends, and native home forget / To roule with pleasure in a sensual stie' (75-77), a description not a little reminiscent of the masked revellers. The physical presence of Alice as the Lady is therefore difficult to reconcile: she is on one hand an experienced masquer, and on the other a figure of the very entertainments Milton would have her condemn.

Comus uses the court masques Alice danced in to portray Alice's body as a site of excess and vice. Alice is a member of the indulgent 'starry choir' that, in his opening speech, Comus wishes to imitate:

Rigor now is gon to bed,
And Advice with scrupulous head,
Strict Age, and sowre Severity,
With their grave Saws in slumber ly.
We that are of purer fire
Imitate the Starry Quire,
Who in their nightly watchfull Sphears,
Lead in swift round the Months and Years. (107-114)

John Demaray connects Comus's aspirations to 'imitate the starry choir' with Alice, who was one of fourteen court girls dancing the 'harmonious movement of the stars' in *Tempe Restored* at Whitehall in 1632.⁶¹ Comus seizes on Whitehall's dancing stars as a symbol of courtly excess

⁶¹ John Demaray, "Milton's "Comus": The Sequel to a Masque of Circe," *Huntington Library Quarterly* 29, no. 3 (1966), 248

and moulds himself and his court in their image, pointedly disavowing rigor, advice, age and severity. This appropriation casts doubt on the purported virtue of *Tempe Restored*'s dances and performance. Alice's body as the Lady is inseparable from her body dancing as the stars for Henrietta Maria, and therefore from the presence Comus desires to have. Alice's Lady rejects lust and promiscuity but, because of her place in the 'starry choir', such vices are located in her own body. Alice's bodily presence as a masquer makes the Lady spill beyond the controlled physicality to which she aspires.

In the context of the masque's audience, the Lady changes again, this time into one of many assailed women in the justice system. The audience of the masque's performance would have been full of Bridgewater's fellow Council of the Marches members, judges, and similar lawmakers. *Comus* was written at least in part to remind Bridgewater's Council of the importance of the virtuous administration of justice, at the start of the courts' Michaelmas term. Clearly, Bridgewater is to be reminded of the place of his own administration of justice in offenses such as that perpetrated against the Lady, wearing the visage of his own daughter. The escaped Comus, too, perhaps runs out of the masque and into the workings of Bridgewater's Council, where they might bring him to justice themselves. Even when the Lady is virtuous, she begins to blur with the other raped women seeking justice that are soon to flood Bridgewater's court.

The raped body that starts with Alice Egerton's Lady extends itself to incorporate other bodies belonging to the Castlehaven scandal, the courts of London, and the judicial courts. These dissolving corporeal boundaries, rather than cleansing and isolating the Egertons from scandal, instead only make the Lady's body more accessible.

II. *The text as representative of or continuous with the body*

The transmission of sexual violation through text or speech reproduces what was already a reproductive act. *Comus*, with its multiple manuscripts and print editions, was a text ripe for sexual comparisons. As a manuscript, it travelled in two distinct drafts between Milton and Henry Lawes, and between England and Wales, culminating in its 1634 performance. The manuscripts were then set into multiple printed editions. Writing, reading, performing and witnessing *Comus*, in its multiple hands and editions, came with corporeal aspects. Locked away for private enjoyment or reproduced for public consumption, *Comus* was a sexual body in motion. As it travelled and reproduced, intentional or incidental parallels could be drawn between the movement of the text and the implications surrounding its central raped body.

The various editions of *Comus* spill out in directions which resemble sexual reproduction. As text, there is the Bridgewater Manuscript, generally considered to be the acting copy, and the Trinity College Cambridge Manuscript, featuring heavy revisions. *Comus* was first issued in print in Henry Lawes's unauthorised 1637 publication. Its authorised publications followed in Milton's 1645 and 1673 collections of his poems.

In his preface to the 1637 edition, Henry Lawes acknowledges that the text's unauthorised publication makes it seem rather like an illegitimate child. Lawes prefaces the 1637 *Comus* by attempting to defend its legitimacy:

Although not openly acknowledged by the Author, yet it is legitimate offspring, so lovely, and so much desired, that the often copying of it hath tired my pen to give my several friends satisfaction, and brought me to a necessitie of producing it to the publicke.⁶²

⁶² John Milton, *A Mask Presented at Ludlow Castle, 1634 on Michaelmas night before the Right Honorable John, Earle of Bridgewater, Viscount Brackly, Lord President of Wales, and One of His Majesty's Most Honorable Privy*

The various birthing combinations that allegedly produced the 1637 *Comus* swirl together. Lawes claims the printing is the legitimate offspring of Milton, while also describing how he himself has ‘produced’ it. Then there is the desirability of the original manuscript of *Comus*. Lawes feminises the original *Comus*, implying that her ‘loveliness’ has given ‘satisfaction’ to ‘several friends’. The copying of the text is then conveyed in a sexual metaphor: Lawes’s phallic ‘pen’ is ‘tired’ from the reproduction of this ‘lovely’ textual lady. The original text of *Comus* is represented as at best a promiscuous woman, with several potential authors and many more readers, and at worst now a prostitute.

The promiscuity of the original *Comus* manuscript allows Lawes to offset the blame for the publication of the text onto the feminised manuscript itself. The text-as-body was a common metaphor in early modern literature. Margreta de Grazia, analysing the imprinting of wax on a seal as a kind of conception, describes how ‘in the English Renaissance, comparisons of mechanical and sexual reproduction, imprints and children, seem to multiply’.⁶³ The signet stamp and wax, and then the printing press and paper, were processes which involved the meeting of materials to reproduce an image or concept. The part of the printing press in which the type was set was known as the ‘matrix’, a word which also, in the seventeenth century, referred to the womb.⁶⁴ By these metaphors, all printing could be configured as sexual reproduction.

When Lawes printed *Comus* in 1637, the text was the first version of *Comus* to be birthed out of the generative femininity of the printing press’s womb. Previously, as he writes in the preface, copies had entered the protective masculinity of a manuscript coterie of ‘several

Council (London: 1637),

<https://www.proquest.com/books/maske-presented-at-ludlow-castle-1634-on/docview/2240914948/se-2, sig. A2r-v>

⁶³ Margreta de Grazia, “Imprints: Shakespeare, Gutenberg and Descartes,” in *Printing and Parenting in Early Modern England*, ed. Douglas A. Brooks (Ashgate, 2005), 34-5

⁶⁴ Philip Gaskell, *A New Introduction to Bibliography* (Clarendon Press, 1974), 10, quoted in Douglas A. Brooks, “Introduction,” in *Printing and Parenting in Early Modern England*, ed. Douglas A. Brooks (Ashgate, 2005), 17

friends'. It is no coincidence that Lawes's sexualising preface appears in the first printed edition of *Comus*. Wendy Wall analyses early modern prefaces in print as working to pin criticisms of the text's male author onto the promiscuous female body of the text itself.⁶⁵ By characterising *Comus* as a promiscuous female, Lawes may pin on the text the shame for its own printing.

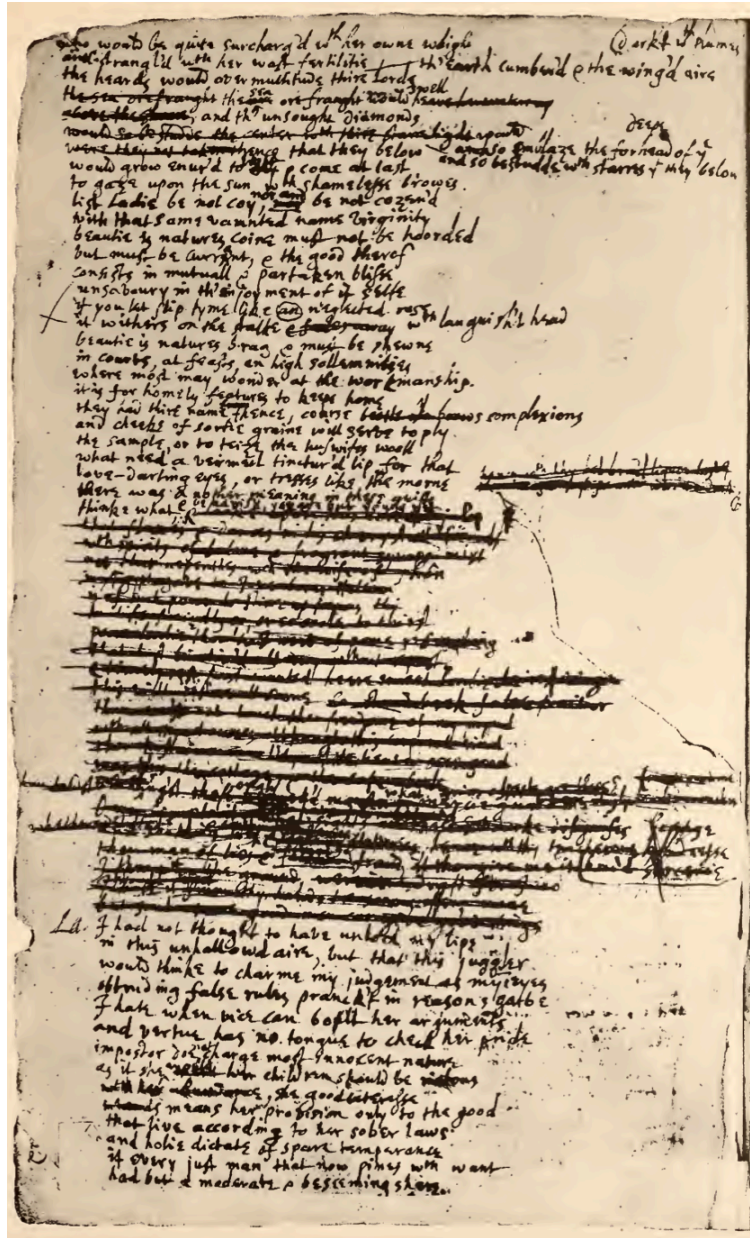
The shame placed on the text of *Comus* reflects back onto its central Lady. Through Lawes's images of illegitimate reproduction, *Comus* comes to exist as a textual body threatening to chastity and lines of legitimacy. And this is before it even broaches the subject of rape and bastardisation. When the Lady's chastity is imperiled, it is within the bounds of a text that is framed as offering itself up to the printer and to the reader. The Lady's overspilling body is anticipated by the material texts of *Comus*.

The Lady also implicates herself in this scheme of speaking or writing as equivalent to sexually reproducing. She begins her refusal of Comus's seduction with 'I had not thought to have unlockt my lips / In this unhallow'd air' (757-8). 'Lips' were a common double entendre among contemporaries, referring both to the female speaking and sexual organs. If the 'locked lips' are equivalent to the Lady's virginity, then all of the Lady's speech violates her chastity. The 'unlocking' of the Lady's lips allows the endless reinterpretation made possible by speech and writing, and the openness this designates her, and the text she inhabits.

The material text of *Comus* confirms the sexual potential of 'unlocking' lips. The page in the Trinity Manuscript on which the Lady 'unlocks her lips' to speak to Comus is the most altered page in the masque. A third of the page, the speech immediately preceding the Lady's declaration, is emphatically crossed out, rewritten and crossed out again. The page ends up so

⁶⁵ Wendy Wall, *The Imprint of Gender: Authorship and Publication in the English Renaissance* (Cornell University Press, 2019), 169-226

ruined that Comus's preceding speech is ultimately replaced by a fresh leaf pasted in a page earlier.



John Milton, "Trinity College Manuscript," in *John Milton's Poetical Works: Reproduced in Photographic Facsimile*, vol. 1, ed. Harris Francis Fletcher (University of Illinois Press, 1943), 423

Materially, the masque, and its Lady, appear as straying creatures. They both have the marks of being taken in unintended and indelible directions. The page itself reads:

what need a vermeil tinctur'd lip for that [staying home; chastity]
love-darting eyes, or tresses like the morne
there was a nother meaning in these gifts
thinke what, & be advis'd, you are but young yet

These words from *Comus* are followed by the large section of crossing out. The crossed-out lines would have contained Comus introducing the Lady to the seductive ‘crystall bounds’ of his cup, and the Lady emphatically refusing to partake. Reading only the intact text, Comus’s ‘there was another meaning in these gifts’ speech skips directly to the Lady saying, ‘I had not thought to have unlocked my lips’. In the printed masque, this is effectively the Lady rebutting Comus immediately. Yet in the Trinity Manuscript, the large chunk of illegible text in between swells into a corpus of monstrous proportions. It suggests that perhaps there really are ‘other meanings’ than chastity in the Lady’s physical gifts. It prompts the reader to consider a host of options that get more and more explicit without clarification. The Lady does not even need to ‘unlock her lips’ to implicate herself in Comus’s sexualisation; the Trinity Manuscript does so first.

The ‘vermeil-tinctur’d lip’ lines in the Trinity Manuscript are so potent in calling up the ‘other meaning’ of such ‘gifts’ that they must be cut from the edited Bridgewater Manuscript entirely. The quoted ‘vermeil-tinctur’d lip’ lines, 637-55 of the Trinity Manuscript, do not appear in Bridgewater. Critics typically interpret the crossings-out and elisions of the Trinity Manuscript, and between the Trinity and Bridgewater Manuscripts, as strategies for making the Lady’s speech *less* sexual. This then supports interpretations of the masque as offsetting the sexual scandal of Castlehaven. Barbara Breasted argues, for example, that lines such as the

‘vermeil’ lips and ‘love-darting eyes’ of 637-55 are eventually cut so as not to recall too strongly the ‘temptation’ of Alice Egerton’s aunt and young cousin.⁶⁶

But the crossings-out, within and between the manuscripts, reveal a set of texts obsessed with their own sexual potential. It is as if Milton himself is asking the purposes of the ‘vermeil-tinctur’d lip’ and ‘love-darting eyes’. Juliet Fleming describes the effect of deletion in a text: ‘to systematically blot the name of the Pope from the pages of a book is to produce a blot *as* that name.’⁶⁷ The Trinity Manuscript’s crossings-out do not obscure but *signify* a list of the potentials held by attractive physical features. Their subsequent deletion from the Bridgewater Manuscript marks the manuscript anyway, by marking these sexual potentials, as Fleming writes, ‘for erasure’.⁶⁸ The erasure of points of temptation of beauty and sexuality makes the deletion signify the temptations of beauty and sexuality.

Though the Trinity Manuscript probably preceded the Bridgewater Manuscript, Trinity is the copy most similar to the printed text when it emerged in 1645. The Bridgewater Manuscript was produced to sit in the Earl of Bridgewater’s library, while the Trinity Manuscript became the basis for the wide distribution of the printed editions of *Comus*. The ‘vermeil-tinctur’d lip’ lines are reinstated in the printed editions of *Comus*. The corruptive sexual potential of print becomes evident in the difference between Sabrina’s song in the Bridgewater Manuscript, and in Trinity and the subsequent printed editions of the masque. In the Bridgewater Manuscript, Sabrina sings:

Whilst from off the waters fleete
thus I rest my printless feete
ore the Couslips head

⁶⁶ Barbara Breasted, “*Comus* and the Castlehaven Scandal,” *Milton Studies* 3 (1971), 207

⁶⁷ Juliet Fleming, *Graffiti and the Writing Arts of Early Modern England* (Reaktion, 2001), 76, quoted in Adam Smyth, *Material Texts in Early Modern England* (Cambridge University Press, 2018), 114

⁶⁸ Fleming, *Graffiti*, 76

that bends not as I tread.⁶⁹

Rising from the Severn to come to the Lady's aid, Sabrina claims to traverse the land without touching it. The phrasing of 'Thus I *rest* my printless feet' in this acting copy differs slightly from, in the Trinity Manuscript and Milton's 1645 *Poems*, 'thus I *set* my printless feet'.⁷⁰ In the Trinity Manuscript, Sabrina sets her feet as if setting type, preparing the ground for the mass publication of the masque. In the Trinity Manuscript and beyond, there is no 'resting', only continuous travel in ever-increasing directions. As the variations in the language and presentations of the masque multiply, so, too, does Sabrina. The virgin nymph is unwittingly caught up in the print market's scheme of continual reproduction. There can be no 'printlessness' nor chastity once *Comus* is set in print.

Comus's material crossings-out draw attention to transgressions within the text. But the manuscript of *Comus* is not just a sedentary point of interest. It was written, edited, performed and published across kingdom and county borders, from England to Wales and back many times. These journeys take a text that may stray morally in the implications of its material elements, and make it stray geographically as well. The movements of the material pieces comprising *Comus* set the sexually active woman of the text in motion, where she lies open to a broader pool of readers and consumers. As the Lady travels, and as the manuscripts of *Comus* travel, the Lady's body is distributed across a broad field of eager readers and consumers. As the text/Lady moves, she gains alterations, deletions, inkblots, multiple hands and the marks of multiple fingers and

⁶⁹ John Milton, "The Bridgewater Manuscript," in *John Milton's Poetical Works: Reproduced in Photographic Facsimile*, vol. 1, ed. by Harris Francis Fletcher (University of Illinois Press, 1943), 335

⁷⁰ John Milton, "Trinity College Manuscript," in *John Milton's Poetical Works: Reproduced in Photographic Facsimile*, vol. 1, ed. by Harris Francis Fletcher (University of Illinois Press, 1943), 426; John Milton, *Poems of Mr. John Milton both English and Latin, Compos'd at several Times. Printed by His True Copies. the Songs were Set in Musick by Mr. Henry Lawes Gentleman of the Kings Chappel, and One of His Maiesties Private Musick. Printed and Publish'd According to Order* (London, 1645), <https://www.proquest.com/books/poems-mr-john-milton-both-english-latin-composd/docview/2248522535/se-2, sig. H1v>

eyes. The paper gets weathered, imprinting itself with tiny material memories of the journey. The bodily accessibility of *Comus* as a feminised text, and of its central Lady, is only enhanced by its travels.

Barbara Lewalski pieces together the compositional journey of *Comus*. As a collaborative text written with Henry Lawes, it moved frequently between London and Ludlow.⁷¹ As music tutor, Lawes accompanied the Egerton/Bridgewater family on their Progress marches to Ludlow in 1632 and to Cheshire.⁷² It was on the former march that Lawes likely took ownership of Milton's first fair copy of *Comus* and made 'extensive revisions' to make the acting copy that constitutes the 1634 Bridgewater Manuscript.⁷³

The masque narrativises its own journey towards performance at Ludlow. *Comus* shares conventions with the chorography multigenre, a literary means of mapping the land whilst physically traversing or performing on it. Chorographical texts were composed via actual, sometimes very public, perambulations, and spanned elements of pilgrimage, royal progress, cartography, chronicle, historiography, poetry and staged drama genres.⁷⁴ In this tradition, *Comus* presents a version of its own path within its narrative. In the masque, the sibling trio are led out of the 'perplex't paths of this drear Wood' (37) and into the light of Ludlow. The manuscript, in its travels from London to Ludlow, has just performed the same perambulation. In this way, the masque maps the land it travels on, marking out forests, rivers, and geographical and moral borders. The journey of the Bridgewater Manuscript inscribes geographical space as if the land itself were a palimpsest.

⁷¹ Lewalski, "Milton's *Comus*," 306-7

⁷² Cedric C. Brown, *John Milton's Aristocratic Entertainments* (Cambridge University Press, 1985), 26-40

⁷³ Lewalski, "Milton's *Comus*," 306

⁷⁴ Julie Sanders, "Making the Land Known: Henry IV, Parts 1 and 2 and the Literature of Perambulation," in *Travel and Drama in Early Modern England*, ed. Claire Jowitt and David McInnis (Cambridge University Press, 2018), 72-91

By mapping the land with notable points of interest, the *Comus* manuscript's travels further distribute the body of the Lady. The text of the masque is aligned with the body of the Lady, for all the aforementioned textual/sexual metaphors and compositional practices, as well as the plain fact that both Lady and manuscript must find their way to Ludlow. Because of this association, in the manuscript's wanderings, the Lady finds herself exceptionally astray, over and over. She travels to places in which she is received only as her body, contained within the text of the masque. And she becomes associated with the places seized upon by the masque: the River Severn, Ludlow and its woods, the Welsh-English border. Through its wanderings, the text of *Comus* imprints the body of the Lady over its map of the land.

The material text in the seventeenth century was surrounded by metaphors for sexuality, in its composition and in its physical features. In *Comus*, boundaries between the human body and the text dissolve. The text becomes a proxy of the human. It is able to copulate, reproduce, wander and stray in lieu of the characters it contains. Its sexual metaphors then reflect back on its central Lady. As *Comus* proceeds spatially and sexually in unauthorised directions, so does she.

The crossings of the masque between its performance, manuscript and print variations set the text up to stray beyond its text and performing bodies, and into the environment around it. The next section will consider how the Lady crosses out of her body and the material text of *Comus*, and into the air and water that surrounds her.

III. The dissolution of natural boundaries

In the world of *Comus*, bodies are in close contact with the elements around them. Air is close and weighted. Voice enters it as breath, cleaving a path and bumping into its own echoes. Rivers

overspill their bounds, and sound acts as a string tying body and mind to the grossness of the physical world. The porosity of *Comus*'s world makes the physical manuscript just one of a number of forces seeking to merge with the Lady. Her body is also absorbed into the natural environment. The boundary between the Lady and nature dissolves, leaving her open for possession by its elements.

The permeable zone of the border

The River Severn, one of the river boundaries between England and Wales, is a border that controls the flow of sexuality in *Comus*. Lisa Hopkins, in her work on the idea of the border in early modern English literature and culture, analyses sexuality as a facilitator of border crossing. Sexuality as a hallmark of the border, she argues, helped to voice some of the anxieties about crossing so easily between England and Scotland, and England and Wales.⁷⁵ She highlights the 'radical permeability' of these intra-British borders, a feature that is sexual as well as geographical.⁷⁶ Crossing into Wales from England or vice versa could be comparable to illicit sex: difficult to control, with few, if any, external markings of the act. Both crossing, and copulating, could potentially signify a threat to the natural order of the region. The centrality of the River Severn in *Comus*, and on the site of performance at Ludlow, sets the masque in a zone of anxiety about illicit sexuality.

Comus treats its location on a river border as a magical border, a site of interaction between humans and faeries, and the living and dead. The Eldest Brother, describing enemies of

⁷⁵ Lisa Hopkins, *Renaissance Drama on the Edge* (Routledge, 2014)

⁷⁶ Hopkins, *Renaissance Drama*, 52

chastity, traverses borders between the flesh and the soul, and heaven and purgatory. He details how lust makes a soul 'clotted by contagion' (467):

Such are those thick and gloomy shadows damp
Oft seen in Charnell vaults, and Sepulchers
Lingering, and sitting by a new made grave,
As loath to leave the body that it lov'd,
And link't it self by carnal sensuality
To a degenerate and degraded state. (470-5)

When the soul gives in to 'carnal sensuality', it is no longer able to cross between the worlds of the living and the dead. It is rather buried in the shadows at a 'new made grave', consigned to a kind of purgatory where it is neither flesh nor spirit. It is reduced to a shadow, neither on heaven nor earth. The 'degenerate and degraded state' is the moral 'state', or status, of the debased once-chaste soul. But it is also a region of its own, a 'state' in which the unchaste languish. This state is the border zone. Large parts of the masque are set in this 'degraded state', the neither-here-nor-there of a border that is both geographical and moral.

The Eldest Brother's speech on 'carnal sensuality' is prompted by his defence of the Lady's chastity. Yet the frozen soul, 'clotted by contagion', is evoked later in the masque by the Lady herself. Trapped by Comus's wiles, she finds herself stuck to his chair by 'gumms of glutenous heat' (917). The Lady falls victim to the in-between of the border zone; she is trapped in a physical location of impropriety, while maintaining 'the freedom of my minde' (664). And she is only freed by Sabrina, nymph of the Severn, the river dividing England and Wales. The Lady is liberated from the transgressive uncertainty of the border by the physical incarnation of the border itself. The Lady's chastity is muddied by dissolution and confusion of expected boundaries, leaving her irreparably 'clotted by contagion'.

The Lady is tainted by the ‘radical permeability’ of the border zone. She also becomes one of the many permutations of flora and fauna that occur around borders. *Comus* takes note of the differences in plants and ecosystems across the border. Haemony, which the Attendant Spirit produces to protect the brothers from Comus’s disguise as a shepherd, is a plant from ‘another Countrey’ (633). There, it blooms with a ‘bright golden flowre’ (634). In England’s soil, it is dark and prickly. The foreign haemony penetrates England’s soil. Suddenly, England’s flora is not its own. Haemony makes the soil of England unpredictable, with unexpected and shape-shifting growths, both distinguished from other ‘countreys’ and foreign to its own natural landscape. The Lady, positioned among these unnatural growths, is at risk of being counted among them.

Crossing the border to the land of the faerie creates a masquing world in which natural processes are so altered that they are indistinguishable from the supernatural. The powers of Comus, Sabrina and the Attendant Spirit are only the beginning of this magical ecosystem. When the Attendant Spirit introduces haemony to the brothers, he claims the plant will protect them ‘Gainst all inchantments, mildew blast, or damp’ (641), and therefore from Comus’s disguise as a shepherd. ‘Mildew blast’ is the poisoning of sheep by mildewed hay, which could be considered at the time to be a spell cast by witches. Natural phenomena, in the world of Comus, are suspiciously close to ‘inchantment’.

The Spirit claims that through this ‘darkish’ leaf (632), ‘I knew the foul inchanter though disguis’d, / Entered the very lime-twigs of his spells, / And yet came off’ (646-8). And while lime-twigs were snares made with twigs and tree sap to catch small birds, in this verse they are sticky tricks of magic. Even human methods of intervening in the landscape look potentially like witchcraft in the narration of *Comus*. Not only are these traps suspiciously magical, but they

further the entanglement of bodies: Comus's lustful life is sticky with sap, forcing unwanted touch upon bodies that come near. The magic of haemony bleeds over the border of the 'other Country' of England, and functions to cast suspicion on the natural processes of *Comus*.

If geographical boundaries evoke magical, apocalyptic and ultimately promiscuous transgressions, then the body that crosses them is at threat. Specifically, the Lady becomes positioned as a kind of witch, bound up in this world of shape-shifting and spells. Laura Gowing describes the 'physicality of bewitchment', noting 'distorted reflections of maternity' in 'the infinite, dangerous powers of the witch's body, in the suckling of familiars, and in the particular fears about bewitchings of children and new babies [...] The witch's power makes her the perfect anti-mother.'⁷⁷ The reproductive potential of the Lady's body positions her as a possible maternal figure in the masque. And the permeable border of *Comus*'s faerie world frames this generation as a kind of witchcraft. The reproductive potential of the Lady's body is under threats both human and faerie.

The dissolution of borders in *Comus*, between England and Wales, life and death, and sexuality and chastity, makes way for the expression of the crossing body in new, unfamiliar forms. Where haemony propagates, grows and shape-shifts across the border, so does the Lady.

Sound and the air

The changeable potential of borders in *Comus* allows the body of its Lady to cross the boundary between the speaking body, and the air into which it penetrates. The Lady's corporeal form is

⁷⁷ Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (Yale University Press, 2003), 74; Gowing draws on Diane Purkiss, *The Witch in History: Early Modern and Twentieth Century Representations* (Routledge, 1996), Lyndal Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (Routledge, 1994), and Deborah Willis, *Malevolent Nurture: Witch-Hunting and Maternal Power in Early Modern England* (Cornell University Press, 1995)

eventually translated into the seductive rhythms of sound and argument. The metamorphosis into the sensual movement of sound lies at the heart of the masque's dangers. Comus's flowery verse conducts an aural rape of the Lady as it breaches her ear. And when she responds, as Katherine Larson has suggested, the siren-like implications of the speaking woman implicate the Lady in her own rape.⁷⁸

The 'Sweet Echo' song, which comes just after the Lady discovers she is lost, highlights the transformative potential of producing sound. The Lady's singing is able to transmute the body into the breath of its speech. Lost in the dark wood, unable to reach her brothers' ears, the Lady resolves to make 'such noise as I can make to be heard farthest' (227). To do so, she calls on Echo, Ovid's doomed, reflexive nymph, to locate them:

Sweet Echo, sweetest Nymph that liv'st unseen
Within thy airy shell
By slow Meander's margent green,
And in the violet-imbroider'd vale
Where the love-lorn Nightingale
Nightly to thee her sad Song mourneth well.
Canst thou not tell me of a gentle Pair
That likest thy Narcissus are?
O if thou have
Hid them in som flowry Cave,
Tell me but where
Sweet Queen of Parly, Daughter of the Sphear,
So maist thou be translated to the skies,
And give resounding grace to all Heav'ns Harmonies. (230-43)

Echo is the most extreme example of a body transformed into only its voice. In her story, as told in Ovid's *Metamorphoses*, the nymph is cursed by Juno to speak only by repeating the words of others. Unable to win the love of Narcissus in this way, Echo fades into 'voice only / For the

⁷⁸ Katherine Larson, *The Matter of Song in Early Modern England: Texts in and of the Air* (Oxford University Press, 2019), 64-109

bones are turned to stone’,⁷⁹ her skeleton calcifying into rock, her voice becoming what Milton calls her ‘airy shell’. Like Philomela, the ‘love-lorn Nightingale’ reduced to birdsong following her own rape, the noise the Lady makes with her ‘Sweet Echo’ song paints her already as a woman violently transformed. The Lady attempts the translation into speech that occurred so violently to Echo.

The Lady’s transformation into speech is made plain by the text but would have been even plainer *in situ*. Alice Egerton, who played the Lady, was a studied pupil of Henry Lawes, who composed the masque’s music. The song exists within the masque to showcase Alice and her vocal capacity. Alice, as the Lady, transforms her performing body into her piercing voice, which travels through the night air, the woods, and the mythical realm, extending her reach and presence like Echo’s ‘airy shell’.

In the masque, with its combination of relative darkness and then bursts of speech and song, ‘translation’ into sound has dangerous implications. The emerging field of acoustics in the seventeenth century theorised that voice entered air via breath, becoming what Katherine Larson summarises as a ‘substantive’ element, a physical entity. The voice was imagined to physically penetrate the air with the products of the body.⁸⁰ The corporeality of the voice is further entrenched by conceptions of the echo. Larson notes that in Marin Mersenne’s 1636 treatise on music, *Harmonie Universelle*, the echo ‘is best understood as air that has been touched indirectly by those other atoms [the original vocal breath] and that in turn bounces off the surfaces it encounters’.⁸¹ The Echo called for by the Lady is a product of the seeking paths of her original breath. Echo – as a gust of air constructed by the Lady’s original breath – is produced by the

⁷⁹ Ovid, *Ovid: Metamorphoses*, trans. by Rolfe Humphries (Indiana University Press, 2018), 3.402-3

⁸⁰ Larson, *The Matter of Song*, 193

⁸¹ Marin Mersenne, *Harmonie Universelle* (Editions du Centre National de la Recherche Scientifique, 1963), i. 51; cited in Larson, *The Matter of Song*, 194

Lady herself. And the Lady gets no answer, no echoic response. The Echo produced is more physical and elemental than vocal. In her speech, the Lady aims to recruit Echo as an ally in chastely raising her voice. Echo will take on the bulk of the work, and the blame, in speaking so boldly. Yet instead, the Lady faces the consequences for both her speech and the quasi-echo it produces. Her body is ‘translated’ into the air and actively travels and collides within it.

The Lady’s speech alerts Comus, not Echo, as intended. It is Comus who speaks immediately after the Lady. Blaine Greteman points out that typically in masques that invoke Echo, such as Jonson’s *Pan’s Anniversary*, Echo would be expected to reply through her repetition of the prior lines.⁸² But as the next voice to speak belongs to Comus; it is Comus who has been touched by the Lady’s ‘sounding breath’ and its wandering atoms, at the moment that he discovers her. If the Lady’s voice hits Comus and transforms into his voice, surely he poses an alternate Echo. Like the lime-twigs used to catch birds, but appropriated into Comus’s faerie scheme, Comus takes the Lady’s voice and appropriates it, twisting and propagating her words.

Comus and the Lady feed off each other, each attracted by the other’s noise. But the echo does not necessarily remain as Comus. It becomes, in time, the Lady herself. Greteman notes that the likely performance manuscript of *Comus* ends the Lady’s Song by instructing Echo to hold ‘a Counterpointe to all heav’ns harmonies’.⁸³ In the Renaissance musical form of counterpoint, polyphonic melodies create ‘two-part “harmonic” progressions’.⁸⁴ The Lady, striving to match Comus’s elaborate speeches, comes to pose a counterpoint herself. Comus, attempting to seduce the Lady, accelerates his speech and intentions, building quickly out of pretended virtue into lewdness, from iambic pentameter to ‘a quickening, Puckish tetrameter’.⁸⁵ The Lady does the

⁸² Blaine Greteman, ““Perplex’t Paths”: Youth and Authority in Milton’s Mask,” *Renaissance Quarterly* 62, no. 2 (2009), 426

⁸³ Greteman, “Perplex’t Paths,” 428; John Milton, “The Bridgewater Manuscript,” 312, line 230

⁸⁴ Margaret Bent, *Counterpoint, Composition, and Musica Ficta* (New York, 2002), 112

⁸⁵ Greteman, “Perplex’t Paths,” 427

opposite in the speech she gives preceding the call on Echo, moving from tetrameter to iambic pentameter by the end of her Song.⁸⁶ The Lady becomes Comus's melodic counterpoint. Comus and the Lady form a generative feedback loop, reflecting and then spiraling in on each other, battling for territory in the substantive air.

The reproductive tendencies of Comus as the Lady's echo, and the Lady as Comus's echo, represent the Lady's rape as participatory. The Lady's voice has the ability to intertwine with Comus even while the Lady explicitly rejects his advances. Alice Egerton, singing tremulously out of the dark, generating and reframing Comus's own rhythms, invests all of the Lady's corporeality into her voice. Her voice then travels, meets friends and foe, is appropriated and twisted and, eventually, robbed by Comus's chair.

The Lady wishes, at the end of her song, in a gesture of respect and gratitude, that Echo will be 'translated to the skies'. The Lady uses 'translation' in the biblical sense of transfer from earth to heaven, rather than specifically referring to the power of voice or language. But the boundary-surpassing power of 'translation' is clearly potent. If the Lady's song holds the power of 'translation' between worlds, it may also allow transgression across other borders, into other ears, through the sounding air. Sound and voice, rather than saving the Lady from rape, instead bridge the divide between her and Comus, and enact the sexual acts she attempts to avoid.

Fluidity and the water

Like sound and the air, liquid in *Comus* has moral properties. Mingling or uncontained fluids, bodily or aligned with the bodily, incriminate the characters within or around whom they swirl. Other liquids are conduits along which vice and excess flow and multiply. And the fluid called in

⁸⁶ Greteman, "Perplex't Paths," 427

at the end of the masque to put its world to rights, Sabrina, nymph of the River Severn, is only able to help the Lady by overflowing her own bounds. The Lady's body is translated into this grand overflow and, given the promiscuous implications of free-flowing liquids in the seventeenth century, condemned by its movements.

I have already considered the very fact of the Lady speaking as displacing and reproducing her body. But her speech itself also flows, or leaks, in directions of fertility and promiscuity. The matter of speech in *Comus*, particularly that of Comus and of those who talk with him, is conducted along the path of rivers and fluids. F. R. Leavis pejoratively identifies 'liquid sentences' as a defining feature of Milton's verse, accusing him of sacrificing substance for 'a pleasing opening and closing of the vowels.'⁸⁷ But what would it mean for this liquidity, this auditory openness, to constitute the substance of the verse? If the substance of the masque's pleasing 'liquid' speeches is their weightlessness, then liquid and liquid sound becomes a signifier of moral emptiness.

This poses a particular problem for the Lady when she seeks to correct Comus's argument that worldly excess is in fact a moral duty, allowing its possessor to appreciate in full the 'riches' of the 'all-giver' (724-5). She argues:

If every just man that now pines with want
Had but a moderate and beseeming share
Of that which lewdly-pamper'd Luxury
Now heaps upon som few with vast excess,
Natures full blessings would be well dispenc't
In unsuperfluous even proportion,
And she no whit encomber'd with her store,
And then the giver would be better thank't,
His praise due paid, for swinish gluttony
Ne're looks to Heav'n amidst his gorgeous feast,

⁸⁷ F.R. Leavis, *Revaluation: Tradition and Development in English Poetry* (Chatto & Windus, 1936), 46-61, quoted in Christopher Ricks, *Milton's Grand Style* (Oxford University Press, 1978), 3

But with besotted base ingratitude
Cramms, and blasphemes his feeder. Shall I go on?
Or have I said enough? (769-781)

The Lady's repetition of her question after 'shall I go on', spilling over into another sentence, another phrase, another line, exemplifies the effect of the rest of the speech. Where before she and Comus have exchanged information and intention in the pattern of stichomythia (277-290), line for line, here she matches him speech for speech. Comus's sentences spill over as a poetic illustration of his sense, warning that temperate men would be overwhelmed by the unnatural consequences of their own abstention:

[temperate men would] live like Natures bastards, not her sons,
Who would be quite surcharg'd with her own weight,
And strangl'd with her waste fertility;
Th'earth cumber'd, and the wing'd air dark't with plumes,
The herds would over-multitude their Lords,
The Sea o'refraught would swell, & th' unsought diamonds
Would so emblaze the forehead of the Deep [...] (728-734)

Dependent clauses are 'surcharg'd with [their] own weight' in Comus's speech of Nature's excess. While the Lady forswears this excess, she does so by matching his style and sound, as she has earlier. And she does continue, even after she declares her speech enough, her argument something Comus does not in any case have 'Eare, nor Soul to apprehend' (785). The fluidity of the Lady's speech places her in danger. She herself recognises 'I had not thought to have unlockt my lips / In this unhallow'd air' (757-8), but is moved to speech by passion, 'I hate when vice can bolt her arguments, / And vertue has no tongue to check her pride' (761-2). All that follows violates the chastity of refraining from speech, for the 'locked lips' might be considered equivalent to her much-vaunted virginity. The 'liquid sentences' originated by Comus and

mirrored by the Lady produce a kind of sonic excess, flowing on without abandon, which indicate the speaker as potentially compromised. Listening, and producing sound, particularly fluid or excessive sound, approaches bodily spillage and vice.

The spillage of speech is particularly damaging for the Lady. Gail Kern Paster associates early modern female fluids with vice, and male fluids with power. Paster notes that ‘given the intractability of gynecological disease in the period and the incessant childbearing of an important female minority, evidence for an iconology of women as leaky vessels must have seemed undeniable’.⁸⁸ This iconology extended to characterise women’s speech and gossips’ meetings, representations of which literally overflow with a lack of bodily self-control. In opposition to this, ‘male water, unlike female leaking, has economic value and under the right circumstances can even be shared in order to preserve or enlarge dynastic claims’.⁸⁹ Where liquids are uncontainable in *Comus*, then, there is a distinctly feminine connotation of leakiness, both physical and moral. Comus’s leakiness of speech is a double stain on the Lady, the first his own fluid sentences, the second her response to them.

In this way, even fluid promiscuity attributed to Comus is reconfigured as a fault of the Lady. Comus’s cup is the locus of transgressive feminine speech. To drink from it, as Comus attempts to force the Lady to do, is to succumb to Comus’s fluids and complete the threatened rape. The cup is, however, the second in a chain of manoeuvres that Comus employs to force the Lady to give up her chastity. The first is seduction through speech, through Comus’s artificial logic. The cup itself is ‘with many murmurs mixt’ (526), deriving its power from Comus’s spoken chants. It is positioned as the successor to his rhetoric.

⁸⁸ Gail Kern Paster, *The Body Embarrassed: Drama and the Disciplines of Shame in Early Modern England* (Cornell University Press, 2018), 44

⁸⁹ Paster, *The Body Embarrassed*, 57

The way Comus's words spill from his speeches of seduction into the swirling sexuality, and implied forced rape, of his cup, is not masculine, but feminine. Catherine Belsey analyses Samson in Milton's *Samson Agonistes* as effeminate in succumbing to Dalila's sexuality.⁹⁰ This way, Adam may address Eve in *Paradise Lost* 'with ravishment',⁹¹ because it is he who has succumbed in loving her, rather than the more straightforward rape law configuration of the woman being ravished by the man. Comus's cup is therefore a feminine fluid, one that, in losing control and seeking to force the Lady, joins the text's corpus of leaky women, spilling uncontained sexuality.

Sabrina, the river nymph who restores the Lady with her 'chaste palms', supposedly halts this flow of lust (918). But Sabrina herself is an origin point for this promiscuity of fluid. Sabrina is the illegitimate daughter of Loocrine, whose 'enraged stepdam Guendolen, / Commended her fair innocence to the flood / That stay'd her flight with his cross-flowing course' (830-2). She is a nymph of the river because of the illicit sexuality of her mother, virgin only because this sexual transgression caused her death. The river beats its 'cross-flowing course' against the tides of promiscuity and illegitimacy, but in the process admits the original current of Sabrina's transgressive origins. Even the masque's second symbol of chastity, after the Lady, becomes a representation of the flow of vice.

When the Lady joins the tide of fluids in *Comus*, there is no end in sight. She is at the mercy of its uncontrollable flow. At the end of the masque, Comus is not defeated, but escapes with his wand. Vice flows onward; the Attending Spirit's closing speech is rife with uncontained liquid. Despite ascending to heaven, to arrive there he flies 'to the Ocean' (976), where he seeks to breathe the 'liquid ayr' 'up in the broad fields of the sky' (979-80), and touch the 'Elysian

⁹⁰ Belsey, *John Milton*, 57

⁹¹ John Milton, *Paradise Lost*, ed. Alastair Fowler, 2nd edn (Routledge, 2006), V.46

dew' (996) that carpets them. This speech of liquids transitions to a different kind of overflow, because Milton births twins from the Cupid and Psyche myth that have not existed before, 'Youth and Joy' (1011). Interestingly, the children are born from Psyche's 'unspotted' side (1009): perhaps this is possible because the poem has taken on the 'spotting' for her, taking the original myth and multiplying it. Once the Lady enters by the fluids of *Comus*, she becomes irrevocably swept up in its sexually profligate connotations.

Comus overflows with sexual threats to the Lady. It invites external bodies into its performance, recalling the Castlehaven scandal and the Whitehall masques. The masque births new texts and editions, which stray both geographically and morally, and bring the Lady along with them. In the masque's verse, the Lady enters the surrounding air and water. When the Lady perceives the 'unblemish't form of Chastity' (215), then, it is as much a mistake as her wanderings in the woods. Her various rapes are represented as yet more blemishes on an already blemished chastity. The masque's poetic and performance world 'translates' the Lady into a series of bodies, texts and elements that make her sexually accessible, and implicate her in this transformation.

The next two chapters will consider the Lady's proliferation in the context of the representations of rape surrounding Bridgewater in the early 1630s. As *Comus* was being first performed, it was already being 'translated' into the stories of rape circulating in the world it entered into. *Comus* becomes yet another proliferation of the rape representations that immediately preceded it.

Chapter 2: *The continuity of a rape text: The Margery Evans sources*

Before the starry threshold of Joves Court
My mansion is, where those immortal shapes
Of bright aëreal Spirits live inspear'd
In Regions milde of calm and serene Ayr,
Above the smoak and stirr of this dim spot,
Which men call Earth [...] (1-6)

The Attendant Spirit of Milton's masque begins the entertainment with 'before', referring to the geographical position of his mansion relative to Jove's Court. In advance of the context that arrives in the second line, though, he could also be gesturing to the events preceding the masque. The speech sets the scene for the masque, filling in background information as to the journey of the young siblings, the dangerous 'drear wood' (37), and the threatening practices of Comus and his court. Much has happened, then, 'before' the action begins: the children have set off, Comus has transformed men into beasts, and the Attendant Spirit has just descended.

In the same 'before' time, Milton's draft manuscripts have evolved, come into contact with Lawes and the Egerton performers, and transformed into acting copies between and around London and Ludlow. In the meantime, the Earl of Bridgewater's Council has assembled and, among other judicial issues, resolved the rape case of Margery Evans. Bridgewater wrote in a letter that his assumption of office was delayed due to 'some extraordinary occasions'.⁹² The more 'extraordinary' intervening occasions were likely the scandal and aftermath of the Earl of Castlehaven's execution for rape and sodomy, Castlehaven being the brother-in-law of Bridgewater's wife. The Attendant Spirit's 'before' acknowledges the long wait for the masque to be performed, and all that occurs in the meantime.

⁹² Alix Egerton, ed., *Milton's Comus: Being the Bridgewater Manuscript with Notes and a Short Family Memoir* (Dent and Sons, 1910), 22-3

This chapter will consider the implications for a rape victim when representations of rape extend beyond their own textual bodies. That is, what does it mean for rape's representation when one rape, such as the one that occurs in *Comus*, is responding to or anticipating external rape events? The chapter will begin with a summary of the extensive textual and legal footprint of Margery Evans's rape and prosecution. This will reveal that the texts comprising the case of Margery Evans provide alarming parallels to the precarious situation of the Lady in *Comus*. Both young women are waylaid while travelling by a figure of local notoriety and require the intervention of a figure of local authority.

Such parallels come to be dangerous to the body of the Lady when we consider *Comus* as a textual proliferation of the Evans case. *Comus* can be positioned as a continuation of the Margery Evans rape narrative. The Margery case even concludes in 1634, just as *Comus* begins. In these linked cases, Milton's representation of the Lady can be viewed as a reinterpretation of Margery. The representation of Margery's rape, then, reflects on the Lady. In light of the 'translation' of the raped body into other bodies and the surrounding environment, explored in the previous chapter, external rape cases offer another opportunity for 'translation' of the rape victim outside herself.

The chapter will proceed to a comparative analysis of *Comus* and the Evans case, considering *Comus* as a text continuous with the Evans case. The texts would have been particularly linked from the viewing perspective of the masque's jury of judges and judicial officials, who were in the position of both deciding Margery's rape case, and spectating the Lady's. Both sets of texts reach outside themselves to construct a shared economy in which money and credit move and exchange freely, alongside the texts that contain or attempt to contain them. The implications of this greater interchange continue to frame the raped body as

essentially on the market, open for consumption by the greater networks operating in early modern England.

Together, the Evans case and *Comus* demonstrate the fallacy of treating representations of rape discretely. Rather, their temporal and textual overlap produces unintended meanings, painting rape victims as profligate and accessible beyond the event of their rape and its representation.

I. The rape of Margery Evans

On Midsummer Eve in 1631, Margery Evans was fourteen and travelling alone on horseback between Herefordshire and Brecknockshire when she was overtaken by Philbert Burghill and his servant John Williams. Burghill forced her to ride behind him on his horse another quarter mile, where she alighted and tried to escape. He then restrained, raped and robbed her. Burghill rode her to the next town, The Bache in Shropshire, where he set her down.⁹³

Evans raised the hue and cry – a legal, but popularly known, call to all the available men to pursue an escaping criminal – and followed Burghill and Williams to The Hay in Brecknockshire, where they were charged with rape and felony. In The Hay, Evans found Burghill and Williams in the inn, owned by James Lloyd, who was both innkeeper and bailiff. Evans charged Lloyd to hold the alleged perpetrators until they could come before a Justice of the Peace, but Lloyd acquired Burghill and Williams's horses and sent them off. With his wife and Katherine James, Lloyd caused injury to Evans and imprisoned her for two nights.

⁹³ I am outlining the known facts of Margery Evans's rape and prosecution based on the extant sources: The Huntington Library, San Marino, California, Ellesmere Collection, EL 7381-7404. I have transcribed and presented these in the Appendix. I am indebted to Leah Marcus's article, "The Milieu of Milton's *Comus*" (*Criticism* 25, no. 4, 1983) for bringing my attention to these sources. I have relied heavily on her narrative reconstruction of their chronology to piece the case together, as verified and supplemented by my own transcriptions. I have also relied on Marcus's hypothesis on the final conclusion of the case, which is cited in the text.

Burghill and Williams then obtained a warrant from one or two JPs of Brecknockshire – including Henry Price, Burghill’s relative or close friend – for Margery Evans. Evans was sent to Breconshire county gaol for twenty-five days and refused bail. Evans was brought to the county gaol via her father’s house. Elizabeth Thomas and the midwife Joane John visited and examined her. Margery fell sick. She was released at the open Brecknockshire quarter sessions. For a week during Margery’s imprisonment, Burghill was held at ‘Mr Price’s house in ye Priory’, but probably not imprisoned, given Price’s close connection with Burghill.⁹⁴

Next on the documentary record of Margery Evans is her request for a Special Commission of the Peace. The petition was presented to Charles I, who ‘was graciouslie pleased to give order to Edward James, Roger Vaughan, Charles Vaughan and Blanch Parrey Esqrs, Justices of the peace to examine the truth of the cause upon oath’ (7383). The Commission had depositions taken in August and September 1632 from four men who heard Evans screaming after Burghill and rode her into town, one among whom heard the bailiff abusing her. A deposition was also recorded from Elizabeth Thomas, who was at the time in Breconshire and had been asked to see and examine Margery by Margery’s sister and grandmother, and from the midwife Joan John, who corroborated Elizabeth Thomas on this first occasion. Burghill and Williams were found guilty by the Commission of rape and felony, and the case directed to the Hereford Assizes.

At Hereford Lent Assizes, in March 1633, Margery Evans presented despite fears for her life because of Burghill’s ‘adherents’ in the area (7383). At least one of the JPs, on examining the proofs provided by the Commission, preferred a bill of indictment against Burghill and Williams, but because of Burghill’s ‘friends’ the indictment would not be accepted (7382). Simultaneously,

⁹⁴ The Huntington Library, San Marino, California, Ellesmere Collection, EL 7385. Further references to quotations from the Huntington Library collection of Evans documents will be in-text and by call number.

Evans opened an unsuccessful suit against the JPs who had imprisoned her, and for ‘losses’ incurred thereby, in the Court of the Marches (7382).

Following the failure of the Hereford indictment, Evans and her aunt, Elizabeth Evans, sent a petition to the Privy Council emphasising ‘feare of their lives’ upon prosecuting Burghill in Herefordshire (7383). Charles recommended and delegated the petition to the Earl of Bridgewater, then the new President of the Council of the Marches. As part of Bridgewater’s enquiry, his staff interviewed Margery’s father for the first time in September 1633 (7385).

Tymothy Tourneur, one of Bridgewater’s advisors, wrote to Bridgewater on September 8, putting suspicion on Margery’s father being the only deponent. Tourneur accused her aunt Elizabeth of ‘light conversation’ and Elizabeth’s husband of having recently been hung for felony. He did note that to ‘shew their diligence’ the Council of the Marches had requested more information from the 1632 Commission (7386).

In a letter of 10 September 1633, the Council intimated it was up to Elizabeth and Margery to continue to pursue their 1631 false imprisonment accusations. Their failure to pursue them was probably because of intimidation, illness or bankruptcy, all of which are indicated as roadblocks in various of their petitions. Meanwhile, in the rape case itself, twelve witnesses were brought by the Earl to the Council between September and October 1633, including four of the original deponents. Two men largely stuck to their stories. But Elizabeth Thomas’s deposition was now a vague description of a felony, rather than specifically of a rape, and Joan John claimed she ‘not see any hurts or woundes upon her’, a departure from contrary claims made a year earlier (7381; 7395). Margery’s sister Anne Evans was interviewed, claiming to have visited Margery in jail and seen her clothes bloody. She also claimed that Burghill and Williams had

confessed to her, and that they had intimated that the matter could have all been handled between the two parties (7395).

By November, Elizabeth Evans, Margery's aunt, was prosecuting in the place of Margery, now aged sixteen. Elizabeth had appeared at Ludlow and been denied sight of the newest depositions, and of the unsuccessful indictment of Burghill from the Hereford Assizes. Elizabeth sent another petition to Bridgewater, informing him of this, and directing him to the indictment on her behalf: 'a coppie of the Inditemte, preferred at Hereford wch are in the hands of one Mr Gravell of Clifforde Inn' (7391). Bridgewater pursued and located the indictment, as directed.

A letter from Tourneur in November 1633 reported the bias of the Justices of The Hay, being unwilling to examine the case. Tourneur himself described Burghill as 'of evill behaviour but not so highe a straine as felony' (7394). In November or December, Bridgewater received copies of the Commission documents, able to see the changes in testimony from 1632 to 1633. By January 1634, Leah Marcus analyses the defensive tone of a letter from Tourneur replying to Bridgewater as indicating that the Earl believed the rape had been committed.⁹⁵

Also in January 1634, Elizabeth Evans petitioned the Earl, telling him her financial situation was so perilous that her creditors were getting violent and had had arrested her three times (7396). This appears to be the first time Elizabeth or Margery had brought their financial situation to Bridgewater. They likely had not wanted to bring their disappearing personal and financial credit into Bridgewater's judgement of the case. Early modern England was in large part a credit-based economy. Credit in the seventeenth century referred both to loaning money, and to a participant's trustworthiness of character. The necessity of trust between lenders and

⁹⁵ Leah Sinanoglou Marcus, "The Milieu of Milton's *Comus*: Judicial Reform at Ludlow and the Problem of Sexual Assault," *Criticism* 25, no. 4 (1983), 307-8

borrowers, and within communities created a ‘moral economy’.⁹⁶ Money, credit and finance moved along paths of trust and interpersonal reliance. When Elizabeth explicitly outlined her destructive financial situation to Bridgewater, she would have been aware she was eroding the trustworthiness of her character.

Equally, though, it would have been an opportunity for Bridgewater to demonstrate his own trustworthiness, particularly in his new role as President of the Council of the Marches. Craig Muldrew describes how, ‘because of the extensiveness of credit and the potential domino effect of defaults’, any one ‘person’s or household’s trustworthiness [...] would not have been the concern of a few individual associates only, but of whole towns and villages.’⁹⁷ Elizabeth and the Earl being drawn together in the credit networks of Bridgewater’s new jurisdiction was an opportunity for the Earl to prove the commitment to honour and justice that *Comus* urged of him. Elizabeth did not write of an arrest again, and her prosecution of the case continued. Bridgewater must have granted her request, supplementing her credit with his own.

Pursuing the wrongful arrest case, Elizabeth went to London to acquire a copy of Burghill’s indictment. She received no response from court officials there. In March/April 1634 she petitioned Bridgewater for the document. She also petitioned for immunity from imprisonment when prosecuting against Henry Williams and Henry Price, writing that she had received a threatening ‘letter that shee shall have satisfaccon from Sr Henry Williams Mr Price and the rest’ (7403). In response to a countersuit by Burghill in Star Chamber, Elizabeth petitioned Bridgewater, a member of Star Chamber, to be able to answer the suit *in forma*

⁹⁶ Craig Muldrew, “Interpreting the Market: The Ethics of Credit and Community Relations in Early Modern England,” *Social History* 18, no. 2 (1993)

⁹⁷ Craig Muldrew, *The Economy of Obligation: The Culture of Credit in Early Modern England* (St. Martin’s Press, 1998), 150, cited in David Hawkes, *Shakespeare and Economic Theory* (Bloomsbury Arden Shakespeare, 2018), 147

pauperis, without the usual associated legal fees (7404). Leah Marcus suggests that the Earl was probably able to quash it himself.⁹⁸

In what is likely her final extant petition, Elizabeth intimated she had received letters from defendants eager to reach an accommodation: ‘The defts, have procured divrs lres to bee written unto her, and her frinds thereby prtending, that they have much desired a finall end’ (7404). She also reminds Bridgewater that, ‘conceaving that yor petr and her said neece were poore people’, he had offered to settle the case in person when he returned to Ludlow (7401). This is what Marcus speculates happened when the Earl was next at Ludlow in July 1634, because there are no more records of indictments or trials, and no more petitions either.⁹⁹ The Evans case, or its textual archive, is complete. That is, until *Comus* arrives.

Leah Marcus contends that *Comus* was inspired by the rape case of Margery Evans, concluding that ‘Milton's immediate goal on the occasion of the masque was to make better judges by making the judges better men’.¹⁰⁰ Marcus suggests that the masque was designed to recall the case to the judges and officials serving under the Earl of Bridgewater, and among its audience, and to ‘chasten’ and ‘uplift’ them, reminding them of the unceasing need to pursue justice to its end. Sabrina, in Marcus’s reading of the masque, is an ‘ally’ of the council, with the same ‘basic judicial aims and functions’.¹⁰¹

To make the connection, Marcus mobilises a host of similarities, from the similar ages of Alice Egerton and Margery Evans – fifteen and fourteen – to the solitary westward travel they had in common, and the extensive retinues of their assailants. These all hinge on the argument that *Comus* ‘shows such extensive familiarity with the Earl's political goals and conditions at

⁹⁸ Marcus, “The Milieu of Milton’s *Comus*,” 312; Leah Marcus, “The Earl of Bridgewater’s Legal Life: Notes Towards a Political Reading of *Comus*,” *Milton Quarterly* 21, no. 4 (1987)

⁹⁹ Marcus, “The Milieu of Milton’s *Comus*,” 312-3

¹⁰⁰ Marcus, “The Milieu of Milton’s *Comus*,” 323

¹⁰¹ Marcus, “The Milieu of Milton’s *Comus*,” 323, 320

Ludlow that Milton must have had excellent sources of information—most likely the Earl of Bridgewater himself or someone personally and politically close to the family.¹⁰² Marcus connects Margery Evans to *Comus* by suggesting that Bridgewater had made the case known to Milton.

Such a connection is tenuous and unlikely ever to be supported by evidence. There is a stronger case, however, for *Comus* functioning as an extension of the Evans case, not by any individual intervention but rather by the nature of representing rape. I have already examined how the nature of sexual and textual discourse in the seventeenth century makes representations of the Lady at risk of rape in *Comus* loom larger than Milton might have intended. The parts and presence of her body are multiplied so that she is endlessly accessible, not just to Comus but to the audience and even the elements.

There is a parallel in the way Margery's case creates a credit network that extends between Margery and Elizabeth, and the Earl in Ludlow. Ties of credit and debt, and accompanying financial and moral anxieties, branch out from Elizabeth and Margery to the Earl and his Council, to the debtors and creditors of Wales and the Marches. This allows a new perspective on the 'counterfeit' coins Comus generates and spends so liberally in Milton's masque. The economy of *Comus* is anticipated by the snaking vectors of credit and debt present in the Margery Evans case. Both Margery and Milton's Lady participated in a continuous and unstable economy.

The connecting issue between the two case studies is not only whether Milton as a masque writer was aware of the connection between Margery and the Lady, but how *Comus* might have come to function, or be interpreted as a textual extension of the Evans case and its documents. The body of the Lady, already proliferating from the beginning of the masque,

¹⁰² Marcus, "The Milieu of Milton's *Comus*," 316

becomes just another proliferation of an ongoing rape case: the case of Margery Evans. The Lady is generated out of an existing body, one doomed to procreate from the initial act of rape and its representation. *Comus* must be considered as part of a network of related rape texts that were also experiencing their own proliferations of text and body.

II. *Comus as the exponential increase of Margery Evans*

Comus's foundational approach to 'coyn', in his argument against chastity, is that it should be spent, and celebrated, not locked away and denied:

Beauty is nature's coyn, must not be hoarded,
But must be currant, and the good thereof
Consists in mutual and partak'n bliss,
Unsavoury in th' injoyment of it self. (740-3)

To make his case against the hoarding of chastity, Comus draws on the circulation of currency beyond the text. David Hawkes has analysed how money in the seventeenth century was newly experienced as an unstable signifier. Money had already transformed from precious metal, to coin, and the earliest forms of English paper money. Value thus unanchored from its physical form was able to multiply to extents that were, as yet, unknown and that were treated as morally suspicious.¹⁰³ Comus's 'coyn' argument refers to anxieties around the hoarding and spending of the kind of excess wealth allowed by expanded trade and finance. But by drawing on these economic currents, he connects the masque to its networks.

Participation in the economies of the text and its context unmoors the Lady from the isolation and containment of virtue. Comus pretends to argue the side of virtue in his argument

¹⁰³ Hawkes, *Shakespeare and Economic Theory*, 173-5

that coin must be ‘currant’, that is, in circulation, and end in ‘mutual and partak’n bliss’ (741-2). Obviously, Comus’s imagined end is the decidedly sinful consummation of his relationship with the Lady, to which the ‘spending’ refers. But Comus frames this argument as the argument of virtue itself, as opposed to the greed of hoarding. In this, he creates a false opposition. The Lady is forced to position herself away from the two options of hoarding, and spending. As she wisely points out, currency does not exist in such a binary. The Lady’s suggestion that each party receive ‘but a moderate and beseeming share’ (770) represents her as spending her beauty or sexuality equally, in a charitable way. The Lady engages in charitable means of receiving and distributing wealth, as were emerging in an increasingly mercantile London with growing wealth disparities.¹⁰⁴ Yet Comus’s appropriation of financial rhetoric forces the Lady into its markets too. Simply by addressing Comus’s argument, the Lady unwittingly enters the currents of trade and consumption that Comus occupies. Comus creates a different kind of ‘mutual’ arrangement with the Lady by opening the masque to the broader economies and financial controversies surrounding the text.

The Lady’s dilemma as to the financial position she should occupy is reflective of the predicament of a prosecuting rape victim in real life. The real networks of money required to sustain a rape case, and the implications of spending or running out of it, similarly left the rape victim open and vulnerable to surrounding economic networks. And like the Lady, once the rape victim spoke, wrote, or prosecuted, there could be no retreat back to the isolation of chastity or the ‘hoarding’ of beauty.

As Margery’s rape case proceeded, Margery and Elizabeth Evans were forced to find increasingly desperate sources of finance for their prosecution. The tides of commerce they drew

¹⁰⁴ W. K. Jordan, *Philanthropy in England 1480-1660: A Study of the Changing Pattern of English Aspirations* (Allen & Unwin, 1960), 155-180, cited in Anita Gilman Sherman, “The Status of Charity in Thomas Heywood’s “If You Know Not Me You Know Nobody II”,” *Medieval & Renaissance Drama in England* 12 (1999), 100

upon attached negative connotations to their case. By November 1633, Elizabeth was reduced to petitioning the Earl of Bridgewater to be able to plead ‘in forma pauperis’, or as a pauper, without charge for an attorney (7404). Elizabeth writes that she pleads as such, ‘the said Burghill having already by his vile and wicked lewdnes caused yor petr to wast her whole estate’ (7401). The petition functioned to tide the case and finances of Elizabeth and Margery over until Bridgewater returned to Ludlow ‘finally to determine’ the judgement. But the ‘wasting’ of Elizabeth’s estate had repercussions for her character as well as for her finances, given the moral connotations of spending, hoarding or lacking money.

The ‘estate’ Elizabeth refers to extends both in the direction of Margery and the Evans lineage, and Elizabeth’s own financial resources. That is, the ‘wasting’ of Margery’s body, her marriage prospects and the legitimacy of her future children, is intimately tied to the wasting of Elizabeth’s money, assets and credit. The female body in rape literature of the time, in its most extreme interpretations, exists as an economic proxy of its male relatives, able to be married off transactionally, and to produce male heirs to which the inheritance will pass. Lucrece’s rape in Shakespeare’s poem leaves ‘Pure Chastity [...] rifled of her store’.¹⁰⁵ That is, Lucrece’s inherent value as a bearer of her husband’s noble children has been robbed. Elizabeth’s wasted estate conjures images of financial ruin, but also attaches connotations of wastage to Margery, in a reversal of this estate-chastity metaphor. Even as Evans’s petition to Bridgewater seeks to vindicate Margery, the way it lays out Elizabeth’s circumstances implicates Margery’s body in a system of spillage and overconsumption.

The ‘wasted’ estate is open to all: creditors, the Earl, the forces of immorality that Burghill and Williams represent. It recalls Hamlet’s description of the world in his first soliloquy:

¹⁰⁵ Shakespeare, *Rape of Lucrece*, B6v

[...] 'tis an unweeded garden,
That grows to seed; things rank and gross in nature
Possess it merely.¹⁰⁶

David Hawkes describes the various meanings of ‘possess’ in the early modern period. To ‘possess’ could mean to have sex with, i.e. ‘having’ a woman; it could mean residing in or occupying, or, newly, it could mean ‘to own as property’. Either way, increasingly by the seventeenth century, ‘the idea of possession necessarily implie[d] alienation. A possession belongs to its owner alone. It is alienated from everyone else’.¹⁰⁷ To possess increasingly came to mean “to own” (an exclusive state) rather than “to inhabit” (a more inclusive state) during this time. The wasted estate – an estate that has been used, potentially sexually, that has been emptied of residence (Elizabeth had been arrested several times by her creditors), and, crucially, that has been disowned by an owner pleading ‘in forma pauperis’ – is the opposite of exclusivity. Interestingly for a case that drains Elizabeth’s possessions and questions Margery’s possession of herself, the word ‘possess’ appears nowhere in Margery and Elizabeth’s papers. Elizabeth’s ruined estate is ambiguously owned, open for possession by others.

The money Elizabeth lost from her estate was forfeit to the court system and its operations. It disappeared into the coffers of attorneys and judicial officials. *Comus* is situated in the court system Margery loses everything in. It was spectated by officials of the law, at the seat of legal power over the jurisdiction which Margery, and rape or felony victims like her, would have just occupied. Were she a real rape victim, the Lady’s financial worth would have been forfeit to the kinds of judicial figures that populated the masque’s audience. The economic ruin

¹⁰⁶ William Shakespeare, *Hamlet*, rev. ed., ed. Ann Thompson and Neil Taylor (Bloomsbury Arden Shakespeare, 2016), 1.ii.135. References are to act, scene and line.

¹⁰⁷ Hawkes, *Shakespeare and Economic Theory*, 167

experienced by Margery is a cornerstone of the lavish entertainment which *Comus* comprises. When Comus and the Lady debate the correct uses of coin, then, it is against a background of great financial instability. The Lady as rape victim inherits the economic ruin of the real rape victims that flowed through Bridgewater's Council at Ludlow.

In this way, *Comus* picks up the economic currents that flow through the Margery Evans papers, and exposes them to further proliferation, and a greater threat of devaluation.

Connotations of rape continue to devalue money in *Comus*. In the masque, promiscuous excess has the power to multiply coins into counterfeit money. The Attendant Spirit describes how the enchanter makes beasts of humans by 'unmoulding reasons mintage' from the face (529). Promiscuity is depicted as a kind of counterfeit sexuality, removing the stamp of humanity from the face and producing meaningless heirs. The coins that Comus earns and spends are counterfeit in the sense that rape, or the threat of rape, have corrupted their value.

Excessive speech is another means by which inflation of money and sexuality occurs in the masque. Comus's words, letting fall sub-clause after sub-clause, 'spend' its inherited sexuality and keep it circulating. Comus's use of monetary metaphors for sexuality devalue both money, and the Lady as sexualised rape victim:

Beauty is nature's brag; and must be shown
In courts, at feasts, and high solemnities
Where most may wonder at the workmanship;
It is for homely features to keep home,
They had their name thence; course complexions
And cheeks of sorry grain will serve to ply
The sampler, and to teize the huswifes wooll. (746-752)

The proliferation of coin subtly makes it worthless: most 'may wonder at the workmanship' (748). Excess promiscuous 'beauty' becomes suspect, another counterfeit produced by Comus.

The long journey of ‘beauty,’ its ‘showing’ in its many haunts – courts, feasts and ‘high solemnities’ – recalls the journey of Margery’s case. Margery’s case made it to court, met Charles I, and attended the ‘high solemnities’ of the Council of the Marches. The circulation of the rape case, from Margery to Charles to Bridgewater, his officials and his advisors, makes a counterfeit coin of an original ‘beauty’. The excessive circulation of the rape case, amongst the currents of money and writing that enable its prosecution and representation, cheapens Margery and her sexual violation. The excessive circulation of Margery, and then the Lady, too, devalues their coin, their words and texts, and the raped women themselves.

In *Comus*, this devaluation of the character of the raped woman does not only happen passively. The Lady matches Comus speech for speech, making her an active participant in this illicit counterfeit economy of words-as-coin. In her immediate response, she bids him ‘Enjoy your deer Wit, and gay Rhetorick’ (791):

Thou art not fit to hear thy self convinc’t [of the doctrine of chastity];
Yet should I try, the uncontrouled worth
Of this pure cause would kindle my rap’t spirits
To such a flame of sacred vehemence,
That dumb things would be mov’d to sympathise
And the brute Earth would lend her nerves, and shake,
Till all thy magick structures rear’d so high,
Were shatter’d into heaps o’re thy false head. (793-800)

The Lady is not shy of wit or rhetoric herself, shaking the Earth with her hypothetical exposition of her chaste cause. Neither is her rhetoric so hypothetical, for Comus immediately realises ‘She fables not, I feel that I do fear / Her words set off by som superior power’ (801-2). He, too, has been ‘mov’d’, if not ‘shaken’ or ‘shatter’d’ to realise the Lady’s cause. The Lady is, in spite of her declarations, a trading party in this marketplace of inflated words. In fact, her threats operate

almost as uncashed cheques, making large promises that are yet to eventuate. And above all, she exalts the ‘uncontrolled worth / Of this pure cause’. The Lady recognises her own arguments have an internal ‘worth’ that is not ‘temperate’ (794, 768) but overflowing and uncontrolled.

In expressing her vehement belief in chastity, the Lady refers to the flame of her ‘rap’t spirits’ (795). Lewalski glosses this as meaning ‘transported, enraptured’, but the apostrophe condenses it, additionally, to ‘raped’.¹⁰⁸ One of the meanings of rape in the seventeenth century was akin to kidnapping; when a woman was taken away by a suitor, illicit sex could not be disproven, and so she had been ‘raped’ in the abduction’s effect on her marriageability. In rising so furiously to the occasion, the Lady’s excess of argument transports her beyond the calm, chaste state she prizes, the state of financial and sexual containment. Comus’s counterfeiting of proper speech and sexuality draws the Lady in until she is ‘spending’ her own coin. And by participating in the marketplace of beauty and sexual value recently vacated by Margery, the Lady is like the abducted woman of the law, her transgressive movement as good as evidence of a rape.

For Elizabeth to make her own arguments and set money into motion, then, is to begin a dangerous engagement with implications of gross and unnatural inflation. Elizabeth has three extant petitions requesting financial absolution: the *in forma pauperis* petition, a petition requesting immunity from prosecution by her creditors, and an oath swearing she and Margery are worth less than five pounds (7404, 7396, 7393). The twinned metaphors connecting profligate spending with promiscuity, both conveyed via excessive speech, raise Elizabeth and Margery’s financial situation as a parallel to the sexual allegations they attempt to defend against. Margery and Elizabeth’s defences circulate, overlapping and complementing each other, building an ‘unweeded garden’ of excessive wastage, sexuality and words. Money becomes an

¹⁰⁸ Lewalski, ed., “A Mask,” 94n794

unavoidable object that adopts the properties of sexuality with which the Margery Evans materials are originally concerned.

The proliferation of paper in Margery's case raises another question linked with money: that of the inherent value of the case. Kolb describes the seventeenth-century culture of credit and debt, in which debtor's letters and creditor's notes made the paper they were written on a key physical representative of the circulation of money. Credit notes would become the earliest form of British paper money.¹⁰⁹ The papers detailing Elizabeth's bankruptcy can be considered currency in themselves. They are a form of debtor's letter, attempting to neutralise her debts.

But words, and paper, in the Evans case, are suspect. There exist doubles of most depositions in the case: Joan John, Elizabeth Thomas, Thomas Dennoyre and James Gittos all testify on two separate occasions. It was not unusual for multiple copies of depositions to exist. Yet only Thomas and Gittos's testimonies remain consistent (7395, 7381, 7384). Joan John retracted her claim to have witnessed Margery's wounds (7381). And where Elizabeth Thomas specifically described Margery's 'secrett pts' as 'bruised and torne' in 1632, when she testified again in 1633, she could only say vaguely that Margery 'seemed to bee lame & hurt & bruised' (7381; 7395). The doubled depositions made by Joan John and Elizabeth Thomas, in the context of Elizabeth's money troubles, make one in each set appear counterfeit, an imitation of the deposition with real inherent value. Words are doubled and divorced from truth. Value is removed from the paper that carries it.

The instability of the value of paper made Elizabeth's letters of bankruptcy a dangerous form of currency to use. As papers signifying a loss of value, the letters compound the uncertainty around the value and authenticity of the testimonies that surround them. Elizabeth's

¹⁰⁹ Laura Kolb, "Debt Letters: Epistolary Economies in Early Modern England," in *Early Modern Debts*, ed. by Laura Kolb and George Oppitz-Trotman (Springer International Publishing AG, 2020), 303-5

debtor's letters make the reader even more attuned to the value, or lack of value, of the other case materials. In turn, the rest of the case looks more and more like a series of counterfeits, paper reproducing itself uncontrollably.

The publication of *Comus* circumvented this danger by giving the printed edition of the masque 'friends' who could authenticate it. When Lawes published the masque in 1637, he made it clear that it was printed for certain 'friends' that had longed to have it in print.¹¹⁰ This paratextual clarification was an attempt to circumvent the implication of publishing (making money off of textual reproduction) as prostitution. But they also serve to authenticate the printed text of *Comus*, which would have been circulating as an object of financial worth itself. Rather than bleeding value through an inflated series of unauthorised counterfeit copies, the text's 'friends' buttress the worth of the printed masque.

Margery and Elizabeth, contrastingly, were explicitly friendless. Elizabeth's creditors were 'soe eager and violent against her that they will noe longer forbear her insomuch that shee hath of late beene 3 tymes arrested and is in danger of further trouble for other debts' (7396). Though creditors are rarely positive figures in early modern literature, the fragility of Elizabeth's credit stands as a symbolic breach of her trustworthiness. Comparatively, Burghill's glut of friends is that which stops Margery and Elizabeth from prosecuting in Hereford and being successful at the assizes. 'Friends' could be deployed to halt the damaging implications of circulating as paper currency, but lack of them compounded the appearance of counterfeiting the truth.

Comus is dragged into the Evans case's dangerous proliferation of paper through its connections with the Egerton/Bridgewater family. When Elizabeth petitions for the final time, she reminds Bridgewater, 'yor honor conceaving that yor petr and her said neece were poore

¹¹⁰ Milton, *A Mask Presented at Ludlow Castle* (1637), sig. A2r-v

people thought fitt that either some friendly agreeamt might bee made.’ (7401) This refers to a settlement potentially orchestrated by Bridgewater. The ‘friendly’ nature of the agreement highlights the counterbalance that friends might provide against the alienating nature of possession and property claims. Elizabeth claims Bridgewater as a friend of hers and Margery’s. The patronage protection envisaged by this connection may protect Elizabeth and Margery from the threatening potential of Elizabeth’s circulating, counterfeiting banknotes. But it also implicates Bridgewater into this network of papers. Bridgewater comes with his own ‘friends’, the Egerton family and, by 1634, the masque *Comus*. The circulating credits and debts of the Evans case do not cease with Bridgewater’s settlement, but rather take on a new direction, in a new pool of creditors.

Elizabeth borrows from Bridgewater, which endangers Alice Egerton’s Lady. Money was an ambiguous sign of internal worth, so when Elizabeth swears in an oath accessory to her petition of 1633 that ‘both the peticoner Elizabeth and Margery Evans make oathe they are not worth in lands and goods five pounds their debte paid’ (7393), it brings up a host of contentious meanings for their characters. What is the moral or social ‘worth’ of bankruptcy? On one hand, Tymothy Tourneur uses Margery’s socioeconomic position as another reason to dismiss her ‘in respect of the inequalitie of the psequutor & defendt, the first a woman poore and fendlesse’ (7399). Being poor, to Tourneur, exists along the same pejorative lines as being friendless. Both are, perhaps, a certain lack of credit. And with the link of ‘friendly agreement’ between Margery and the Earl, Margery and Elizabeth’s loss of credit can only be damaging to the Lady’s body and status.

Comus becomes a textual extension of the Margery Evans documents. It was written for and performed in a legal context where it would be drawn into similar such cases’ schemes of

credit, counterfeiting, value and possession. The masque similarly reflects back on the Evans case, becoming another textual proliferation of Margery's original rape. The overlap of Margery and the Lady, in the financial and social networks of their time, casts aspersions on both women's chastity and singularity. The next chapter will consider what happens when this excess of bodies and textual footprints is set in motion and allowed to circulate not just metaphorically, but geographically.

Chapter 3: *'I put my self into yor hands': The Castlehaven libels and textual proliferation in circulation*

The Margery Evans papers travelled to Ludlow, Hereford and even London. And Elizabeth's financial rhetoric placed the case in networks that extended beyond any of the places the papers physically inhabited. By communicating her financial situation to the Earl of Bridgewater, Elizabeth Evans unintentionally entered the currents of commerce that swept from London out into Europe and beyond at the turn of the seventeenth century. She was forced to place herself in the unstable representational schemes of coin, paper money, bonds and credit.

In these networks, Elizabeth and Margery became subject to the whims of the market. Anxieties around new possibilities for the inflation, hoarding and counterfeiting of money easily mapped onto metaphors of sexual reproduction. Inflation could be represented in sexual terms; when the reproduction of money lessened its inherent value, a straightforward parallel existed with a promiscuous woman. Reciprocally, a rape such as Margery's could be unintentionally represented by metaphors of counterfeiting. Counterfeiting could be seen as a financial form of rape, in which a licit form of financial reproduction was perverted and made illicit. Representing Margery's rape in a financial network therefore had the potential to lessen perceptions of her intrinsic value or worth. Interacting with the systems of early modern commerce brought Elizabeth and Margery into contact with a world of reputational damage.

The Margery Evans case took place against the backdrop of another, more widely-known case. The trial of the Earl of Castlehaven for rape and sodomy in 1631 prompted an explosion of correspondence, satire, news and gossip. Like the Evans narrative, its ramifications and representations circulated widely around the country. On the twenty-fifth of April 1631, Mervin

Touchet, Lord Audley and Earl of Castlehaven, was brought before a jury in a purpose-built court in Westminster Hall. The Earl was called up to defend against charges of rape and sodomy or, colloquially, ‘seventeenth-century England’s most sensational sex scandal’.¹¹¹ The investigation that precipitated the trial began when Castlehaven’s son, James Touchet, complained to the Privy Council of his father’s favouritism to one of his manservants, Henry Skipwith. James Touchet alleged that his father intended to bequeath James’s rightful inheritance to Skipwith. On the twenty-seventh of June that year, a jury found Castlehaven guilty of two charges of sodomy with another servant, Lawrence Fitzpatrick, and one charge of accessory to the rape of his wife Anne by another manservant, Giles Broadway.¹¹² Over the course of the trial, it emerged that the Earl’s household was rife with sexual transgression overseen by the Earl, spanning rape, sodomy, voyeurism, group sex and sex with minors.

Cynthia Herrup confirms that ‘comments on the case survive in collections representing virtually every part of England’ and beyond, in ‘correspondence sent as far north as Yorkshire and as far west as Massachusetts Bay’.¹¹³ Herrup describes how, immediately following the Earl’s execution, a series of mocking and argumentative verses were posted and set into circulation, joining this moving corpus.¹¹⁴ Libels were short verses typically mocking prominent figures or events, which would be posted in significant locations or passed between commonplace books, letters and miscellanies. In this way, libels were both deeply topical, and also out of time, able to be recycled or retold for their other themes or assets.

The Castlehaven libels ensure that the original rape prosecuted in Castlehaven’s trial were subject to unending reinterpretation. Elizabeth’s participation in the marketplace of money made

¹¹¹ Kenneth Borris, *Same-Sex Desire in the English Renaissance: A Sourcebook of Texts, 1470–1650* (Routledge, 2004), 97-98

¹¹² Borris, *Same-Sex Desire*, 96

¹¹³ Herrup, “Retellings,” in *A House in Gross Disorder*, 119n9; Herrup, *A House in Gross Disorder*, 118

¹¹⁴ Herrup, *A House in Gross Disorder*, 118, 115-143

Margery's body open to a host of metaphorical debtors. The textual circulation of the Castlehaven libels opened up the raped body even further, making it available on its manifold paths through England and beyond.

It is important to note that the Castlehaven libels were not specifically concerned with the trial as an issue of rape. They became vehicles for issues including monarchical authority, sodomy, and the religious battle between flesh and spirit. But on their journeys through England and Wales, they became texts enacting the rapes they described. The circulating libels penetrated cities, towns and houses, making the bodies of Castlehaven and his victims publicly available. Additionally, rape was often metaphor used to describe the impact of the trial on the Earl himself, whose property and status had been 'raped' by his accusers. In the 1630s discourse on rape, the Castlehaven libels unwittingly contributed to impressions or tropes of the raped body as accessible, in circulation and continually proliferating.

This chapter will first examine libel as a form concerned primarily with its own propagation. As a vehicle for news, scandal, rhetorical exercise and defamation, the common purpose of libels was to reproduce themselves. This had the effect, in Castlehaven's case, of making the libels' raped bodies much more open and accessible than they were in the news of the original scandal. The chapter will go on to use the language of the libels to highlight their metaphorical and material dismemberment of the Earl and his family. The libels' focus on examining various body parts of the Earl and his victims compounds the impression of the Earl and Countess's sexual availability given by the verses. Finally, the chapter will consider the ways in which the journeys taken by the libels set these promiscuous body parts in motion, re-enacting the original rape and amplifying its scandal and reach.

I. *'Wee once were one but now are double hearted': The reproductive qualities of libels*

Libels were written and distributed in order to spread scandal, news and defamation. This made them a choice vehicle for the representation of rape as scandal. Libels were short pieces of verse that could be transcribed in commonplace books or manuscript miscellanies, communicated orally as a ballad or poem, and eventually printed or posted in significant locations. By this means, the news or gossip of Castlehaven's trial and execution could circulate widely. And the libels could amplify the effect of representing rape, in turn enhancing the scandal of the event. As previously analysed, representing rape gave the impression of a proliferating and reproducing raped body. The proliferation libels were designed for would have only magnified the scandal of rape they were distributing. This in turn would have increased the libels' popularity and proliferation.

The form of the verse libel evolved out of older practices of posting placards threatening political action in cities, and in rural areas to defame sexual deviants. In villages, mocking songs could be aimed at personal enemies. This practice has parallels in the 'versified mocking of colleagues and rivals' at the Inns of Court and universities.¹¹⁵ Alastair Bellany notes that the 'late Elizabethan vogue for satire' was more pointed at 'general vices and character types'.¹¹⁶ This shifted in the seventeenth century, when attacks on courtiers met the explosion of news production of the 1620s. Satire of general vices gave way to the attack of specific individuals *en masse*, as occurred with Robert Cecil, the Duke of Buckingham and the participants in the Overbury Affair. Libels emerged out of a long timeline of satire and gossip, aimed at and circulating through broad audiences from the elite to the popular.

¹¹⁵ Alastair Bellany, "Railing Rhymes Revisited: Libels, Scandals, and Early Stuart Politics," *History Compass* 5, no. 4 (2007), 1136–1179, 1143–44

¹¹⁶ Bellany, "Railing Rhymes Revisited," 1143–44

The purposes of libeling were manifold. Various scholars suggest libels were produced as part of factional struggles in politics and at court, news-mongering and the practice of rhetoric. Bellany identifies the libels surrounding the factional conflicts of Walter Raleigh, Earl of Essex, in the 1590s as ‘weapons’ of the courtiers involved.¹¹⁷ Bellany suggests that libels may have been designed at least in part as a tool of elite politics. David Colclough alters this image of the libeler slightly, proposing that libels existed as a part of the Renaissance epideictic tradition, or the demonstration of rhetorical mastery. In this formulation, libeling would have allowed the highly educated to practice the arts of ‘dispraise’, in order to extend their political power.¹¹⁸

Pauline Croft contrarily describes the broader body of libels between the 1580s and 1630s as ‘spontaneous expressions of popular culture’. She attributes the explosion of libels to ‘public interest in current affairs’, widening the description of the libeler beyond nobles and politicians. She suggests that libels emerged in the ‘tavern world of pamphlets, epigrams and satire’. From the tavern world, they were *then* received with interest by the court world they referenced.¹¹⁹ This ‘interest in current affairs’ situates libels as part of the broader boom in news production and consumption from the 1620s – though squarely in the domain of ‘interest’ rather than financial gain. In summary, arguments exist for libels as a political tool of the court elite, as well as a ‘spontaneous’ form of news production and cultural participation.

I do not seek to privilege one explanation of the purpose of libels, but rather to draw on the wide net these scholars cast to see libels as multifaceted entities. They contain the potential to appeal to multiple audiences and to be sent off, then re-sent, in unlimited directions. From this beginning, the Castlehaven libels would have been able to interact with their libeling

¹¹⁷ Bellany, “Railing Rhymes Revisited,” 1145

¹¹⁸ David Colclough, “Verse Libels and the Epideictic Tradition in Early Stuart England,” *Huntington Library Quarterly* 69, no. 1 (2009)

¹¹⁹ Pauline Croft, “The Reputation of Robert Cecil: Libels, Political Opinion and Popular Awareness in the Early Seventeenth Century,” *Transactions of the Royal Historical Society* 1 (1991), 62-3

predecessors, too, in the textual or spatial settings where they were transcribed, printed or posted. The libels would be read in conjunction with the existing or older practices of slanderous ballads or placards in villages, and satirical verses in the Inns of Court and universities.

When the Castlehaven scandal was set in verse, then, the libels joined a pre-existing network of mocking verses designed to travel, proliferate, and interact with each other. The last chapter on Margery Evans focused on how the circulation of her texts impacted their reception. Circulation as financial documents, and alongside financial documents, gave the Evans papers damaging implications of counterfeiting and bankruptcy. Likewise, circulation of the Castlehaven libels took a set of texts that were already fleshly and explicit, and allowed the bodies within them to move and reproduce as they had in life. They would have come into contact with a broad network of Castlehaven libels, other libel predecessors, and other texts, contrasting and relating differently to each of them.

The circulation of libels involved three things, as identified by Joshua Eckhardt. The first is the emergence of the libels themselves: in commonplace books or letters, as ballads, or pinned to places of public or private significance.¹²⁰ Then there is the reinterpretation that the libels made possible. Libels could offer new angles for perceiving scandals and the texts associated with them. The final part of the circulation of the libels was the recontextualisation of the libels themselves. Publication or transcription in different commonplace books, miscellanies or locations gave new meanings to each verse in relation to the other verses or environments within which they were situated.

The Castlehaven libels would have satisfied Eckhardt's multiple 'recontextualisations' along their travels. The unique libel 'My life is done my heart prepar'd for death' parodies the

¹²⁰ Joshua Eckhardt, "'Love-Song Weeds, and Satyrique Thornes': Anti-Courtly Love Poetry and Somerset Libels," *Huntington Library Quarterly* 69, no. 1 (2006), 48

form of a last-dying speech in its first lines.¹²¹ In this way it reinterprets the actual material of Castlehaven's last days, including his scaffold speech which had already circulated in manuscript, asserting his innocence and Protestant faith. But the libel twists the speech's intent, moving straight from 'My saviour Christ hath paid my debt, and I / Am free from death and hell eternally' to 'And yet my heart from sorrow is not free / To thinke that my owne flesh should injure mee' (3-6). The later lines blame Castlehaven's execution on the adultery of his wife and betrayal of his son. The libel reinterprets Castlehaven's proclaimed innocence and faith with parodically unchristian spite.

In another recontextualisation, the unique verse of 'My life is done' comes 'at the end of several pages of documents on the Castlehaven case'.¹²² The libel is positioned as a noteworthy addition to the body of information about the case. Perhaps it is added instead of Castlehaven's real scaffold speech. The parodically uncharitable Castlehaven of the libel is incorporated into the body of news about the case. The poem additionally incorporates at its conclusion one of the other libels, 'I need no trophies to adorn my hearse', reinterpreting its libelling contemporary. While the libel 'My life is done' in isolation is a criticism of Castlehaven's wife and son, reading it in circulation – between its predecessors, context, and the texts that then recontextualise it – opens it up to a host of new potential meanings. The supposedly faithful and resigned Castlehaven of the scaffold becomes spiteful and accusatory, ballooning into the monster several of the other libels accuse him to be.

'I need no trophies to adorn my hearse', the short verse incorporated at the end of the 'My life is done' poem, is the probable first libel of the Castlehaven corpus. It parodies the Earl

¹²¹ "My life is done my heart prepard for death," n.d., BL MS Lansdowne 491, fol. 229v, sourced from Bellany and McRae, ed., "Early Stuart Libels," 1024-5. All further quotations from this libel will be in-text and refer to line numbers from this source.

¹²² Bellany and McRae, "Early Stuart Libels," 1024

of Castlehaven's voice to slander his wife. In the verse, Castlehaven's poetic voice blames the Countess for crimes he calls adultery, rather than rape by proxy. The libel exists in the sexual slander tradition. David Lindley describes how it was an established practice for 'libels on women's conduct [to be] circulated orally, scattered randomly abroad, or affixed prominently to buildings.'¹²³ Like the sexual slander libels Lindley analyses, the 'I need no trophies' verse was alleged by contemporaries to have been pinned on Castlehaven's tomb itself. William Davenport, of Bramhall in Cheshire, tells us that the verse was 'set on [Castlehaven's] tomb after his beheading'.¹²⁴ Alternatively, the verse was alleged to have been found in his chamber.¹²⁵ The evidence for the placement of this first libel is anecdotal, and hazy on the libel's exact location. It appears, rather, that diarists and libelers (of which Davenport was both) *drew on* older libeling traditions, rather than simply adding to them. When Davenport transcribed 'I need no trophies' and claimed it was set on Castlehaven's tomb, he set the verse into a network of older libeling practices. Allegations as to the placement of the Castlehaven libels may not have actually been grounded in their physical circulation, but instead they draw the poems into a broader network of libeling precedent and history.

As far as extant copies can track 'I need no trophies', the verse then travelled in commonplace books from Oxford and Cambridge, to Cheshire, Wiltshire, Lincolnshire and beyond.¹²⁶ The Castlehaven libels actively place themselves in a diverse libeling network. In the various networks the libels come to occupy, they establish connections with ballads shaming

¹²³ David Lindley, *The Trials of Frances Howard: Fact and Fiction at the Court of King James* (Routledge, 1993), 173

¹²⁴ "An Epitaffe on the Earle of Castelhaven Mervine Touchett. set on his Tombe. after his beheadinge. 1631," n.d., CCRO MS CR 63/2/19, fol. 72r; quoted in Herrup, *A House in Gross Disorder*, 121

¹²⁵ Herrup, *A House in Gross Disorder*, 121

¹²⁶ Oxford: "I need no trophies, to adorn my hearse," n.d., Bodleian MS Eng. Poet. e.14, fol. 87v. Cambridge: "I need no trophies, to adorn my hearse," n.d., BL Add. MS 44963, fol. 38v. Wiltshire: "I need no trophies, to adorn my hearse," n.d., BL MS Sloane 1446, fol. 64v. Lincolnshire: "I need no trophies, to adorn my hearse," n.d., BL MS Egerton 2725, fol. 110r. All citations sourced from Bellany and McRae, eds., "Early Stuart Libels," 1022-3.

whores in town centres, poems intervening in court affairs, and exercises of wit and rhetoric in the universities. Each new connection offers the libels an opportunity to emphasise the profligate nature of Castlehaven, his Countess and his scandal.

The depiction of this profligacy is enhanced by the fact that libels typically conveyed their critiques through metaphors of the body. Bellany, analysing the many libels accusing the court favourite Robert Cecil of having ‘the pox’, suggests that ‘images of Cecil’s physical deformity and bodily disease resonated politically because contemporaries were conditioned to think about authority by analogy with the human body’.¹²⁷ That is, strong authority was allegorically implied by outward-presenting characteristics, such as ‘Divine Beauty’ in *Tempe Restored*. Weak authority supposedly manifested in a weak or diseased body, such as Richard III’s ‘notorious [...] crookback’.¹²⁸ Andrew McRae analyses how in light of this parallel, libelers played the anatomist, incisively tearing beneath the skin of the subject to highlight their rotten insides.¹²⁹ The libeler’s scalpel takes the idea of courtier self-fashioning and rips it open, pointedly exposing the (grotesque or sinful) human behind the rhetoric and style.¹³⁰

The libeler of ‘My life is done my heart prepar’d for death’ engages in this methodical dissection. He simultaneously dissects both Castlehaven, and Castlehaven’s son/accuser:

And yet my heart from sorrow is not free
To thinke that my owne flesh should injure mee.
My flesh and blood from flesh and blood is parted,
Wee once were one but now are double hearted. (5-8)

¹²⁷ Bellany, “Railing Rhymes Revisited,” 1158

¹²⁸ Bellany, “Railing Rhymes Revisited,” 1159

¹²⁹ Andrew McRae, *Literature, Satire and the Early Stuart State* (Cambridge University Press, 2004), 62

¹³⁰ Bellany, “Railing Rhymes Revisited,” 1159

The libeler digs into Castlehaven's flesh to find the cause of his injury: his son's own flesh. The betrayal of his son occurs physically, causing a gaping wound in a once-whole body. This is a kind of perverted reproduction. Where Castlehaven's normative reproduction should have resulted in a whole father, and whole son, his alleged rape and sodomy create either a bastard child or no offspring at all. The fruit of his sexual crimes is the 'parted' father and son, simultaneously doubled and wounded, whole and lacking. 'My life is done' therefore replicates the repercussions of Castlehaven's crimes of rape and sodomy in its text. But in its transmission, the libel then also rehearses the sexual proliferation that could not occur by Castlehaven's sex acts alone.

The recontextualisations the Castlehaven libels undergo enhance the promiscuous effect of the body parts they contain. This has damaging implications for victims of rape like the Countess. Textual proliferation, for Margery Evans, reflected back on her Margery's raped body and made her appear promiscuous. The Castlehaven libels have the added effect of reducing the raped body to its parts, before then setting them into circulation. This chapter will move on to firstly analysing the damaging effects of the libels' proliferating bodiliness on the perception of the raped bodies they set in circulation. The final section of the chapter will then consider the implications of the travels of these compromising body parts through their textual networks. Ultimately, the Castlehaven scandal and its libels provide a recent precedent for both Margery Evans and *Comus*, heightening the dangers of circulation for representations of the raped body.

II. *'My flesh and blood from flesh and blood is parted': Castlehaven's broken body*

The setting of Castlehaven's trial and execution into libel form heightens the bodiliness of the scandal, charging it with a grotesque corporeality absent from other news missives about the case. Contrast the way John Bladen put the trial in a letter to Fairfax reporting the legal news of London, and the much-reproduced verse, 'I need no trophies to adorn my hearse'. Bladen is attentive to Castlehaven's soul above all:

It may be this time your lordship hath heard divers reports of the Lord Audley's death; he seemed to be very penitent, but avowing his soul guiltless of the fact; inveighing against his wife and children that were his accusers, and so he died. And this hath given cause to some to apologise for him, and excuse, insomuch that some (either though ignorance or partiality) have rendered him guiltless.¹³¹

Bladen engages in restrained speculation on the weight of Castlehaven's soul: he 'seemed' penitent, 'but' vowed his guiltlessness. 'Some' apologised for him, and 'some' believed his professed guiltlessness. Regardless of Bladen's own persuasion on the trial, Castlehaven, in a very bodily trial and execution – having had his bodily narrative wrested from him, and finally his head – is reduced to his soul. Bladen's missive is a battle for 'his soul', distancing the gross corporeality of Castlehaven's crimes and punishment.

Compare this to the methodical dismembering of Castlehaven in the verse libel, 'I need no trophies'.

I neade noe Trophies, to adorne my hearse
my wyffe, exalts my hornes in everie vearse:
and plaste them hath, soe fullie on my tombe
that for my armes, there is noe vacant rome.
Who will take such a Countess to his bedd

¹³¹ George William Johnson, ed., *The Fairfax correspondence: Memoirs of the reign of Charles the First*, vol. 1 (London, 1848), <https://link.gale.com/apps/doc/CY0104318969/SABN?u=usyd&sid=bookmark-SABN&xid=dad5ffe6&pg=3,231-33>

that firste gives hornes, and then cutts off his head:
Servaunts, a sonne, and wyffe wich I did wedd,
have layde poore Mervine here without a headd. (1-8)

The verse begins with 'I', speaking from the miraculously reconstituted body of Castlehaven. The Earl has regained corporeality, locating himself in his corpse and tomb, which have been 'adorned' with decorations and fitted in a hearse. Once the corpse is established, the dissection begins. Castlehaven's body starts at his cuckold 'horns'. This is an anatomisation of both Castlehaven and his supposed adulteress wife. Robert Cecil's pox was an outward sign of an inward disturbance. Here, Castlehaven's 'horns' are an outward sign of his wife's inward disturbance.

The first body part examined by the libeler's scalpel therefore produces multiple bodies out of the original symptom. Castlehaven is destroyed by his wife's alleged infidelity, and the Countess is irrevocably marked by her husband's horns. The horns are representative of illicit reproduction, because they refer to the cuckold's horns and, therefore, to the illegitimate seed supposedly implanted in Castlehaven's wife. The executed Castlehaven as imagined in the libel carries with him the spectre of illegitimate offspring. The libel crowds itself with multiple bodies from out of Castlehaven's original wound.

While the horns are metaphorically pulled apart, the rest of Castlehaven's body is subject to dismemberment. Because his horns are so conspicuous on his tomb, Castlehaven's 'armes' cannot fit: 'for my armes, there is noe vacant rome.' The libeller accuses the Countess of destroying the Castlehaven house and reputation, such that its heraldry or signifying 'armes' is now only a set of horns. But the effect of this, because of the play of arms as both physical limbs and heraldry, is to emphasise the broken bodies of the Castlehaven line. Arms are not the only feature missing from Castlehaven's tomb: his head, recently detached from his body, is

ambiguously either in the tomb or buried separately. Castlehaven's head, arms and heraldry appear conspicuously absent. All of Castlehaven's household, subjects of his disputed parental authority, emerge as cut-off limbs too. Through Castlehaven's trial and accusations, 'Servaunts, a sonne, and wyffe' become estranged from the body which had previously kept them. 'I need no trophies' anatomises parts of a working body and family, and points to their displacement.

At the end of the verse, Castlehaven's wife 'cutts off his head' — though not, perhaps, finally, for two lines later he is again laid out 'here without a headd.' Although Castlehaven's body parts are missing, they are reinstated in the verse, only to be emphatically removed again. McRae describes, in the fixation of libelers on diagnosing 'the pox' in their subjects, a 'profound contemporary anxiety about the legibility of selves'.¹³² The inner, unseeable parts of the body could only be guessed at by the condition of the body's exterior. What, then, of when the body's exterior went missing?

The absence of parts of Castlehaven in his grave, on his headstone, and in these verses magnifies the perception of sexual scandal surrounding him. Libels were geared towards the propagation of scandal, gossip, rhetoric and above all themselves, able to be fragmented and redistributed in different texts and locations. Paired with an anxiety about the proper resting place of the Earl the libels dismember, the verse of 'I need no trophies' locates an anxiety about uncontrolled promulgation, and in this scandal, a particularly sexual one.

The verse itself recognises this assortment of odd 'trophies', variously present and missing, and it attributes them to Castlehaven's 'wyffe', the Countess. It 'need[s] no trophies', for 'my wyffe, exalts my horns in everie vearse': the Countess's alleged sexual sin is the origin point for the perverted trappings of Castlehaven's death. By marking the Countess as an adulteress through the varied prizes of her actions — Castlehaven's severed limbs, heraldry and

¹³² McRae, *Literature*, 62

reputation – these ‘trophies’ become hers as well. The dismembered objects are symptoms of the Countess’s moral illness, which in turn caused Castlehaven’s cuckoldry. They all come back to Castlehaven’s wife. Castlehaven was convicted as her rapist, but the chain of causation is turned on its head. The trail of limbs stems from her, portraying her as an adulteress, purveyor of body parts that were not hers to take.

The dismemberment of ‘I need no trophies’ carries into the libels that followed it. Three answer poems exist as addenda to this original verse. With Castlehaven’s head lopped off at the end of ‘I need no trophies’, their placement as addenda, just after this incident, in a way restores the head. Where the original verse ends with headlessness, ‘poor Mervine here without a headd’, the answer poems become potential artificial limbs. On the page, they appear to be bodily extensions of a body literally cut short. ‘Poor Mervine’ is ‘*here* without a head’, but just as soon as the verse can establish this loss, it is counterbalanced by the addition of the answer poem. Castlehaven loses a head, and gains an answer poem. The additional poems are incorporated into the libels’ bodily scheme.

To take the artificial limb image further, the cut-off body part is not at the head of the poem, but rather at its tail-end. The answer-poem’s artificial limb is, perhaps, a substitution not so much for Castlehaven’s *head* but rather for the offending organ, the genitalia that were metaphorically excised from Castlehaven in his conviction and execution. Formally, they further alter Castlehaven’s body. Castlehaven’s head went missing, and now his ‘tail’ is only tenuously attached.

The answer poems attempt to remove from the Countess the blame, and shame, attached to these severed parts. The first answer poem, titled simply ‘An Answer’, introduces a new body part to the story: Castlehaven’s own hands.

Its true you need noe trophees to your hearse
Your life beinge odious farr beneath all verse
Nor wast your wife who came chast to your bedd
which did you horne, your owne hands horn'd your head;
Twas fitt your head should off then as all conster
That you who livde soe, should soe dye a monster.¹³³

In the original verse of 'I neade no trophies', the action is all pinned upon Castlehaven's wife and her 'verses'. In this answer poem, Castlehaven is the primary body being dissected. The voice of the libel reconstitutes him not only as a deformed body – a 'horn'd [...] monster' – but as the agent of his own deformation. Katherine Rowe reveals how, in sixteenth-century anatomy books, dissected hands are drawn to invite their own dissection, beckoning the hand performing the dissection.¹³⁴ In a similar exercise of self-mutilating agency, Castlehaven's dead hand appears, in this verse, to action both the crimes leading to his execution, as well as his own dismemberment. His hand is implicated in its dismemberment in much the same way as it was in its rape offences.

The voice of Castlehaven's wife emphatically accuses him 'your bed [...] did you horne, your owne hands horn'd your head'. The addition of the subordinate clause, 'your owne hands horn'd your head', appears unnecessarily to repeat its accusation. But the effect is that the voice takes one step beyond addressing the voice of the original poem and accuses Castlehaven directly. In this way, Castlehaven's wife is revealed as the final anatomist. Castlehaven may be the self-studying severed hand, in charge of both his crimes and their consequences. But in the answer poems, his wife's voice becomes something like God, the ultimate anatomist, the only entity able to truly read the truth in human bodies.

¹³³ "An Answere," n.d., Rosenbach Museum and Library, Rosenbach MS 239/27, 386-87; sourced from Bellany and McRae, eds., "Early Stuart Libels," 1028

¹³⁴ Katherine Rowe, *Dead Hands: Fictions of Agency, Renaissance to Modern* (Stanford University Press, 1999), 42

The consequences of the Countess having the final scalpel with the answer-poems are that she is once again implicated in her own rape. The voice of libels is after all parodic. It is an imitation of a Countess who in fact had retreated from public life. To re-enter public discourse is to do to the Countess what the original verse did. It drags her out of obscurity and makes her the agent of the verse, whether as an adulteress or an accuser.

The ‘hands’ enter the poem specifically in this repetition. ‘Your own hands horn’d your head’ is the first clause not directly responding to a line from the original verse. The hands sit awkwardly between original poem and response, cutting them off from the poem-answer poem dynamic running through the verse. The hands fit uncomfortably within the verses, just like the ‘armes’ that don’t fit in the coffin. The severed hands are ambiguously Castlehaven’s ‘own hands’, and also those of the Countess, given that she has actively placed them within the poem as a new agent. Castlehaven’s hands become a new limb, one born of both his flesh and the Countess’s parodic activity. They are another bastard birth of the libels, circulating scandal indiscriminately.

The second answer poem, titled ‘The Ladyes Answere’, lacks the active agent of hands. In this way it is closer to responding directly to the original poem, matching and then denying it almost line-for-line:

Blame not thy wife, for what thy selfe hath wrought
Thou causd thy hornes in forcing me to nought
For hadst thou beene but human, not A Beast
Thy Armes had bene Supportors to thy Creast
Nor needst you yet have had A Tombe, or Hearse
Besmear’d with thy sensuall life in verse
Who then would take such A Lord unto her bedd
That to gaine hornes himsefe, would loose his head¹³⁵

¹³⁵ “The Ladyes Answere,” n.d., BL Add. MS 22591, fol. 89r; sourced from Bellany and McRae, eds., “Early Stuart Libels,” 1027

‘The Ladyes Answere’ negates the objects and bodies of ‘I neade no trophies’. It imagines a world in which the trappings of Castlehaven’s crimes are not necessary, where Castlehaven did not prompt the trial, nor poem, nor answer-poem, ‘nor needst [...] A Tombe, or Hearse’. And where the original poem created a body cut into discrete parts, ‘The Ladyes Answere’ reconstitutes the parts into a body without sin, then dismisses the body again. This answer poem doubles the dissection of Castlehaven’s body by remembering it whole and then emphatically blaming Castlehaven for its mutilation. The cutting voice of the Countess is therefore still a prolific entity, propagating both Castlehaven’s body and the verses anatomising it.

The pattern of the reconstitution, and then negation, of Castlehaven’s body parts raises further questions of absence along the journey of Castlehaven’s textual body. One of the more popular libels was titled ‘Uppon the Lord Audleys Convictio Aprill 1631’, and began:

Romes worst Philenis, and Pasiphaes dust
Are now chast Fictions and noe longer lust
This wilder age hath monstred out a sinne
That vertues them and saints an Aretine¹³⁶

Both of the examples that the writer of the libel provides as the worst sexual sins of ancient times are female. Philaenis was an ancient Greek woman known for having sex with women and, most pertinently to the early modern writers who invoked her name, for using a strap-on dildo.

Pasiphae was known for falling in love with the bull that fathered the Minotaur. Already, then, there is the sense of Castlehaven’s body as a deviation even from the invoked tradition of sexual deviance. His genitals may be, in the verses, variously castrated and re-attached, but he does not

¹³⁶ “Uppon the Lord Audleys Convictio Aprill 1631,” n.d., Bodleian MS Ashmole 47, fols. 88v-89r, lines 1-4; sourced from Bellany and McRae, eds., “Early Stuart Libels,” 1019-20

approach the female gender. The age itself, like its sexual deviants, is similarly female: it 'hath monstred out a sin', birthing sin from its own womb. Castlehaven's still-male body is composed of unexpected and unfitting parts.

When Castlehaven appears as a failed woman or womb, as a twisted Philaenis or Pasiphae, the ambiguity of his sexual activity leaves tracks on his body. The metaphorical castration he experiences in poems like the answer poems to 'I neade no trophies' is not only a just punishment for his crimes, but a dismembering that leaves him not male enough and not female enough. His textual body is a testament to the illicit and uncertain sexual activity he was seen to represent.

But beyond Castlehaven, the femininity of his new body parts points outwards again at his wife. Castlehaven may be the 'sin', but the Countess is the female reproductive system in question. It was the attack on her reproductive organs that catalysed Castlehaven's conviction, and it is through her female organs (the birthing womb) that Castlehaven's are anatomised in 'Romes worst Philenis'. Even while the second answer poem dissects Castlehaven's own 'sin', the Countess is brought into it by the invocation of her sex and its catalysing role.

Castlehaven's dismemberment is an alteration of the typical body present in libels. Bodies in recent libeling precedent, used the metaphor of courtiers with a fashionable face but a sinful body, including those that emerged following the death of Robert Cecil, Earl of Salisbury, in 1612. Libeled bodies were typically sick, decrepit or grotesque. McRae singles out a corpus of libels conjuring Cecil's pox-afflicted form. In these libels, Cecil's body is whole and rotting, rather than hacked apart:

As for his soule, I cannot tell,
Whither it went to heaven, or hell.

But sure I am, they have earthed the foxe,
That stanke alive, & di'd of the poxe.¹³⁷

Cecil is reduced to soul and body, not the anatomisation of a body undertaken by the Castlehaven libels. He is the prototypical libeled courtier, split between the fashionable body and decaying soul. Even death is secondary to the courtier's deep and incurable sickness of soul in the Cecil libels:

Oh ladies ladies howl and cry,
For you have lost your Salisbury
He that of late was your protection,
He is now dead by your infection
Come with your tears bedew his locks,
Death killed him not
It was the pox.¹³⁸

The Earl of Salisbury is taken so wholly by venereal disease that his condition might even surpass death. Like Salisbury, Castlehaven's dismemberment certainly surpasses death, continuing after and even enabled by his execution. But Castlehaven does not face libelling accusations of 'the pox', which, given the sexual nature of his crimes, would surely be a straightforward correlative line to draw. What about his situation made dismemberment more appropriate?

There is the fact of his execution by decapitation, from which much of the dismemberment proceeds. There is the betrayal of his son, which rends flesh from like flesh. And there is the fact of rape, which stands apart from the allegations of moral corruption and sodomy levelled at most targets of libel. This thesis has already analysed rape as a form of illicit

¹³⁷ "Heere lieth interred for wormes meate", n.d., Bodleian MS Tanner 299, fol. 12v, quoted in McRae, *Literature*, 61

¹³⁸ "Oh ladies ladies howl and cry," n.d., Bodleian MS Tanner 299, fol. 11v, quoted in Croft, "The Reputation of Robert Cecil," 58

reproduction. Even without conception, the raped woman was multiplied into her various parts, in and around all the places and figures the rape retelling touched upon. In *Comus*, the threatened Lady is split into her speaking lips, her sexual organs, her voice entering the air and her fluids in the environment. These attributes proliferate into the masque's occasion of performance, its material texts, the other characters and the audience. Likewise, as the case of Margery Evans is sent from Llanfilo to Ludlow, her body is dissected by its papers and proffered as evidence.

Although Castlehaven was convicted as the perpetrator of the rapes in his household, his dismemberment is attached to his status as a perverted kind of rape victim. The libel 'Romes worst Philenis' positions him as a secondary victim of rape:

[...] vertue hath not witt to understand
How sinne can bee soe learned, that man should know
To rape himselfe and make one rape proove too
That lust should grow more barren than the grave
it merrits, for to a wise man, and slave
And how at onc'd a strange incestuous love
Should both a Father and an husband proove
That soe high blood should prompt soe base a spirit
To gett an heir...to disinheritt¹³⁹

'To rape himselfe and make one rape proove too' references Castlehaven's rape by proxy, in which he rapes his wife by forcing her to have sex with his servant Fitzpatrick. But it also marks Castlehaven out as both victim and perpetrator. He 'rape[s] himself' by cuckolding himself and attempting to disinherit his children. This clearly references the early modern understanding of rape in which property is threatened, the woman and her dowry and inheritance being a prize passed from man to man through the sexual body of the woman as conduit. By disrupting his

¹³⁹ "Uppon the Lord Audleys Convictio Aprill 1631," n.d., Bodleian MS Ashmole 47, fols. 88v-89r, lines 10-18; sourced from Bellany and McRae, eds., "Early Stuart Libels," 1019-20

own lineage and sons' inheritance, Castlehaven legally rapes himself, forfeiting his estate to fears of illegitimate inheritance actualised in the stripping of his properties for his crimes.

The sense of Castlehaven as rape victim is affirmed by the bodily action of the line, 'To rape himselfe and make one rape proove too'. It doubles the raped body, giving the first phrase a non-identical heir. The line enacts rape by participating in an illicit form of reproduction. In contrast, the libel then moves on to accusations of sodomy, where 'lust should grow more barren than the grave / It merrits'. In this line, copulating men forfeit both their lives and the possibility of reproduction. Yet the proliferation of the rape remains, infecting the typical discourse around sodomy. Even where lust is barren, it still 'grows', making Castlehaven at once succeeded and disinherited. The multiplying or doubling tendency of rape's representation itself grows to wrap around representations of sodomy. Rape fills the Castlehaven poems with its distinctive proliferating bodies and body parts.

The Castlehaven libels are geared towards capturing scandal and propagating themselves. They achieve this by capturing Castlehaven's moral 'sickness' in his limbs, taking up the anatomist's knife and cutting into them. The Countess, his wife and rape victim, is framed by this dissection as his principal anatomist. Whether she is blamed or exonerated by the libels, it is her body parts that are shown to have caused the moral and physical injury that Castlehaven has experienced. And as part of this reversal, Castlehaven became a rape victim. The incorrect bodies of victim-perpetrators blur, merge, sicken and fall apart.

The next section of this chapter will consider how the travel and proliferation of the libels set these body parts into circulation. As the libels gain new answers and counterparts, so too do the limbs taken apart in the verses disappear, emerge and metamorphose. The sexual implications of this mass exchange of body parts shame the Countess, as rape victim, for her own part in the

scandal. The Castlehaven libels ultimately produce a set of conventions for representing rape as a proliferation, against which Margery Evans and the Lady of *Comus* must struggle.

III. 'Ah whorish flesh': Body parts in motion

The movements of the Castlehaven verses weave a wide net of libels, and literary and political culture, all across the middle and south of England. The bodies depicted in the verses, already suspect in their trailing heads, missing limbs, and uncertain sexes, are now in motion. They are dissected further as they pass and undergo interpretation from group to group.

The sexually deviant implications of these modes of travel through time and space are then heightened in light of the previously analysed content of the verses, and their pervasive use of bodily language and metaphor. With each removal from the original context of the scandal, the licentiousness of both Castlehaven and the travelling libel grows. In turn, when the libels circulate, they drop and gain different body parts, from heads to hands to genitals, at various points on their courses through England. The raped bodies of the Castlehaven libels become ever more accessible.

The verses of 'I neade no trophies' and its answer poems chase each other around on paths around England and Wales. 'Blame not thy wife' appears in three extant manuscripts appended to the original verse: St Johns MS S.32, probably located between Cambridge and London, BL Add. MS 22591, probably written between Oxford and London, and WCRO MS 413 in Wiltshire. 'Its true you need no trophies' appears in CUL Add. MS 335 and Rosenbach MS 239/27, of unknown provenance, as well as WCRO MS 413 in Wiltshire, on the same page

as ‘Blame not thy wife’.¹⁴⁰ Judging by these extant copies, the two answer poems appear to have occasionally circulated together.

The original ‘I neade no trophies’ makes reference, in a way, to the verses that come after it:

I neade noe Trophies, to adorne my hearse
my wyffe, exalts my hornes in everie vearse:
and plaste them hath, soe fullie on my tombe
that for my armes, there is noe vacant rome (1-4)

The verse references potentially lost ‘verses’ written by and defending Castlehaven’s wife. But it also comes to incorporate its own answer poems, the ones written from the wife’s perspective. This creates a disrupted chain of causation, where the (either non-extant, or nonexistent) wife’s verses spawn Castlehaven’s verse, which then prompts the wife’s verses. The libel, even as the catalyst for a series of answering libels, creates an awareness of a broader and expanding network of news, gossip, satire and political action.

Libels appear simultaneous in their references to, or transcription amongst, other non-chronological verses. As with the disrupted causation of ‘I neade no trophies’, this simultaneity creates an effect of uncontrolled and unsupervised reproduction. Causative links stretch back and forward in time. This effect of disrupted linearity mirrors Castlehaven’s own drastically disrupted lineage. Castlehaven allegedly had planned to disinherit his son in favour of a servant. Castlehaven’s son, seeking to restore his hereditary right, instead ruined the family name, and lost its estate and some of its titles. When Castlehaven was convicted of his felonies, he was stripped of his English lands and chattels, and the barony that made him Lord Audley. Although these were eventually returned to his son, this restitution excluded the Earl’s estate at

¹⁴⁰ Bellany and McRae, eds., “Early Stuart Libels,” 1027-8

Fonthill Gifford. The estate was bequeathed by Charles I to the Privy Councillor Baron Cottingham, to pay the King's own significant debts. Ten years later, in 1641, Castlehaven's grandson put forward two linked petitions alleging 'unlawful conspiracy' in the first Earl's conviction and execution, suggesting that 'some powerful person' such as Cottingham had manipulated both the trial and its aftermath to wrest the third Earl's birthright from him.¹⁴¹

Castlehaven's disordered hereditary line forms the background against which the libels play. Not only did the libels publicise the allegations against him at length, but they also formed a kind of alternative lineage to noble heredity. Libels fed off of, responded to and circulated with each other, disrupting any sense of a timeline of their own production. The libels compound the knock-on effect of Castlehaven's original sin. They engage in the disruption of heredity that was already in motion at the point of the trial, exacerbating the consequences of Castlehaven's illicit sexual behaviour.

Simultaneously, there also exists a potentially more linear scheme of travel for libels. This is seen particularly in verses that escape the rapid hand-to-hand circulation of London, the Inns of Court and the universities. A possible link between travelling Castlehaven verses occurs in Sloane MS 1446, a verse miscellany which was composed in Oxford before passing to Francis Baskerville, who became MP for Marlborough in Wiltshire in 1640. Following this, people and accounts from Wiltshire appear in the book.¹⁴² We could potentially trace, then, transmission of the original verse and its answer from argumentative university culture to its replication in Wiltshire. When we consider the journey of 'I neade no trophies' and 'The Ladyes Answer' through the universities to Sloane MS 1446, and then away into the south towards the inhabitants

¹⁴¹ Petition of Lord Audley, 3rd Earl of Castlehaven, 10 December 1640, TNA, HLRO Main Papers Parchments/10 December 1640; Petitions of Lord Audley, 3rd Earl of Castlehaven, 17 February 1641, TNA, HLRO Main Papers Parchments/17 February 1641. As cited in Herrup, *A House in Gross Disorder*, 100-105.

¹⁴² Peter Beal, comp., "The British Library: Sloane Collection," *Catalogue of English Literary Manuscripts 1450-1700*, accessed 10 July 2025, <https://celm.folger.edu/repositories/british-library-sloane.html>

of Wanborough, Wiltshire (fol. 9v), the verses pass through larger and more intimate social networks, amateur and prolific literary neighbours, and very different commonplace cultures.¹⁴³

On the one hand, therefore, the travel of libels creates a kind of temporal simultaneity. The gaps between verses that may have descended from each other are condensed, and their chronological order is reversed or erased. In a scandal deeply concerned with lineage, the dispensed time-logic of the verses heightens the appearance of a grand perversion of hereditary order. On the other hand, the traceable geographical paths taken by libels out of the immediate contexts within which they were originally created creates an impression of geographical straying, exposing the verse to new literary, cultural and physical environments. The travel of the verses compounds the impression the verses themselves give of Castlehaven and his rape victims as promiscuous creatures.

The variety of new texts the libels enter as they are transmitted – including commonplace books, miscellanies and letters – attach different implications to these travelling bodies and body parts. The commonplace book offered a particular focus on missing or reproducing heads. Ann Moss suggests that ‘the feature which distinguished the commonplace book from any random collection of quotations was the fact that the selected extracts were gathered together under heads.’¹⁴⁴ As the verses were transcribed from commonplace book to verse miscellany and back again, they gained and lost their ‘heads’. ‘I neade no trophies’ alone has twenty-six different extant copies, arranged according to different logic across commonplace books and miscellanies. One sits amongst mock-epitaphs in a miscellany that is otherwise largely Donne and Corbett poems, another amidst a slew of court gossip and happenings, and another in a volume of

¹⁴³ Arthur F. Marotti, *The Circulation of Poetry in Manuscript in Early Modern England* (Routledge, 2021), 331-2

¹⁴⁴ Ann Moss, *Printed Commonplace-Books and the Structuring of Renaissance Thought* (Clarendon Press, 1996), v

parliamentary papers.¹⁴⁵ Castlehaven's 'head' is removed over and over, replaced as it travels through England by alternating themes of governance, death and execution, and gossip and the nobility.

Even when reconstitution of Castlehaven's textual body is attempted, the verses and their movements resist wholeness. 'My life is done my heart prepar'd for death' appears only in BL MS Lansdowne 491, amongst mostly parliamentary transcripts and essays. As analysed, it pretends to offer Castlehaven the possibility of Christian redemption by briefly imitating the form of a last-dying speech. Execution narratives, as Garthine Walker notes, were 'providential narratives of sin, punishment and redemption', in which the perpetrator gave his heart over to God, thereby experiencing a divine pardon.¹⁴⁶ The first four lines bring the poem, and Castlehaven's providential narrative, to a close – following which the spiteful and parodic Castlehaven of the rest of the poem re-opens his case.

The unique part of the poem (as it concludes in the MS with the entirety of the 'I neade no trophies' verse) concludes with Castlehaven's lament, 'Ah whorish flesh what more is to bee knowne / To thy disgrace more then to name mine owne.' (13-14) The whorish flesh might be Castlehaven's, but he clearly intends it to mean his son, whose flesh he claims as 'mine own'. This is the final unique 'double' of Castlehaven in the poem. He has two false hearts, despite claiming one pure one at its beginning. He has the double flesh and blood of both himself and his son, which is ambiguously 'whorish' in the way it engages in acts of reproduction while simultaneously acting to negate legitimate reproduction. And his dubiously reanimated body is finished with the enactment of the execution referenced at the beginning, in the form of 'I neade

¹⁴⁵ "I need no trophies, to adorn my hearse," n.d., Bodleian MS Rawl. Poet. 26, fol. 21r; "I need no trophies, to adorn my hearse," n.d., Bodleian MS Eng. Poet. e.14, fol. 87v; "I need no trophies, to adorn my hearse," n.d., Bodleian MS Rawl. A. 346, fol. 142r. All sources drawn from Bellany and McRae, eds., "Early Stuart Libels," 1022-3.

¹⁴⁶ Garthine Walker, "Everyman or a Monster?," 23

no trophies', which is an addendum at the verse's end. The body of Castlehaven the verse reconstitutes is incorrect. It is an attempt at wholeness that goes too far, beyond the correct assembly of the original Earl.

The context of this verse emphasises the wrongness of the reconstituted Earl's body. The poem also sits uncomfortably in its folio, being otherwise largely parliamentary transcripts and commentaries. Interestingly, it is preceded closely by Queen Elizabeth I's 'Golden Speech' of November 1601, which expresses her love and care for her subjects and provides a model of maternal authority over the household of England (ff. 222r-5r). To then give the reminder of the failed paternal authority of Castlehaven over his own domain, even when the poem makes his fault ambiguous, portrays Castlehaven's abusive authority as a corruption of Elizabeth's. In context in the Lansdowne folio, his reconstituted body, with its multiple hearts and oozing flesh, is also a ruined image of a mother's body.

It is interesting that Castlehaven in Lansdowne 491 becomes a bedeviled mirror image of Queen Elizabeth, as the pinning and positioning of libels often usurped spaces of official communication from authorities. 'I neade no trophies' was originally posted on Castlehaven's hearse or tomb, or at least publicised as such. What might that then signify, considering that both Castlehaven's hearse and tomb were material examples of King and court's power over illicit sexuality? Andrew Gordon describes libels' 'material and textual intervention in the civic environment', permeating civic space used for communications *from* authorities with illegal communications *to* authorities. He notes that the choice of space in which libels were posted had 'the power to reconfigure radically the relationship between place and authority, challenging control over both the security and the significance of the civic topography'.¹⁴⁷

¹⁴⁷ Andrew Gordon, "The Act of Libel: Conscripting Civic Space in Early Modern England," *Journal of Medieval and Early Modern Studies* 32, no. 2 (2002), 386

‘I neade no trophies’, then, in proclaiming Castlehaven innocent and blaming his wife instead, rejects the King’s judgement on Castlehaven’s case, and does so by usurping the space meant to conclusively signify the finality of the court’s findings. The Crown, representing the King, made the case in Castlehaven’s trial that Castlehaven himself had disrupted his noble lineage. The Crown then became the party restoring order. Libels, as studied earlier in this chapter, rejected sources of court, political or even religious authority through the use of parodic voice and discourses. The libel’s satire of king and court, in placing itself, metaphorically or physically, in a space signifying the King’s decisive authority, willfully perpetuates scandal and disorder.

When the poem then was claimed to have appeared ‘in the Earl’s chamber’, it enacted another kind of threat to the authorities that prosecuted Castlehaven.¹⁴⁸ James Knowles has analysed the libel accusing Francis Bacon of sodomy, claiming its calculated placement at York House, Bacon’s place of residence, ‘represents a symbolic penetration of Bacon’s house and household (his private domain)’.¹⁴⁹ In other words, the libel re-enacts the sodomitical penetration for which it shames Bacon.

The doorway was a suggestively sexual place for the posting of libels. Gordon notes that ‘the threshold between the domestic interior and the street presented another possibility for transgressive penetration and was a frequent site of discovery.’¹⁵⁰ The posting of ‘I neade no trophies’ in Castlehaven’s domestic space enacts its own double rape by penetrating the private sphere in which the original rape was committed. And when ‘I neade no trophies’ appears in the

¹⁴⁸ FLS MS V. b.50/547, in Herrup, *A House in Gross Disorder*, 121

¹⁴⁹ James Knowles, “To ‘scourge the arse / Jove’s marrow so had wasted’: scurrility and the subversion of sodomy,” in *Subversion and Scurrility: Popular Discourse in Europe from 1500 to the Present*, ed. Tim Kirk and Dermot Cavanagh (Routledge, 2000), 76

¹⁵⁰ Gordon, “The Act of Libel,” 387

Earl's chamber, despite disputing his conviction for sodomy, its placement actually performs the act itself.

And consider, then, the implications for every further libel, from their places in commonplace books or verse miscellanies, to their transmission via lost networks of post, news and gossip. All three means of communicating took the doorway as their pivotal space: one of delivery, discussion and then dispatch back out along the paths by which they arrived. The penetration of both domestic and civic space in the meeting-place of the doorway adds another sexual dimension to the travel of libels.

All together, the travel of the Castlehaven libels and the places where they land or linger conjure a body that bleeds excess flesh and excised limbs, dropping them along paths etched through the country. They cross thresholds both physical and sexual, and enter homes and books who may or may not consent to the intrusion. Journeys of time and place add another dimension to the proliferating rape text, spreading it beyond the original body of text consented to, almost performing a rape of its own.

This is the inheritance of the Lady of *Comus*, when, three years later, Alice Egerton's figure recalls the bodies of her Stanley aunt and cousin, Castlehaven's victims. It is also the inheritance of Margery Evans, whose rape was judged by the Earl of Bridgewater and his Council. The Earl's wife was the sister of the Countess of Castlehaven who was so vividly libelled following the trial, leaving the Earl and his family marked by the scandal. The bodies of *Comus* and Margery Evans become continuations of the gross and expanding sexuality of the bodies of the Castlehaven libels. The next chapter will consider how these texts might mitigate such an inheritance.

Chapter 4: *Localised means of mitigating rape's representation*

This thesis has already considered 'chastity' as defined by singularity. A chaste individual remains untouched, both sexually and metaphorically. Contact with body parts or bodily fluids, even beyond the sexual, can still imply unchaste associations. In Shakespeare's formulation, Lucrece's blood is made chaste in the process of bleeding out: the black blood defiled by her rapist neatly separates itself from the pure red blood that existed before the rape.¹⁵¹ The process of representing rape has been analysed as forcing the rape victim into contact with individuals, networks and connotations that emphatically obliterate any impression of virginal seclusion. The virtue of chastity was supposed to do the work of rendering women's reputations intact and controllable. But the text's participation in the many and tangled discourses of chastity obliterates any original impression of the raped woman's virtue.

The thesis will now turn to alternative ways in which 'chastity' could be communicated. I will turn away from the general, and proliferating, discourses of chastity and promiscuity circulating through England, and towards the possibility of local configurations of chastity. Margery Evans and Milton's *Lady* deploy strategies for arresting the proliferation of meaning that attends their texts, both drawing their complex narratives under the auspices of a patron, and locating the narratives within a specific place. In the person of the Earl of Bridgewater, and the place of Ludlow, the Margery Evans case and *Comus* find a stopping point for their proliferating retellings of rape.

The Margery Evans case and *Comus* were complementary players in the local textual, judicial and financial networks of Wales and the border counties in the 1630s. Between them, the

¹⁵¹ Shakespeare, *Rape of Lucrece*, sig. D6r

texts both produced, and drew on, local conventions for representing and prosecuting rape. The masque and legal papers entered contemporaneous financial, judicial and literary networks that are presided over, or controlled in part, by the Earl of Bridgewater. The literary formulations of Margery reflect and produce connotations for representing rape, which are then encoded in *Comus*. Together, the Margery Evans documents and *Comus* create a local model for mitigating the implications of representing rape.

The Countess of Castlehaven was robbed of the opportunity for local protection and arbitration. In the aftermath of the Castlehaven trial, the Countess of Castlehaven was stripped of her household, the barony and estate of her husband, and the estate and protections of her mother. During the course of the trial, she stayed with the Bishop of Winchester, where she was so ill-provided for that she was described as ‘destitute’.¹⁵² The Countess of Derby, the mother of the Countess of Castlehaven, would only accept her tainted kin back in her household with the King’s forgiveness for their ‘wicked crimes’.¹⁵³ The Countess had no place of protection to which she could retreat, no figures willing to protect her, and no literary or dramatic voice in which to produce these spaces herself.

Comus and the Margery Evans papers had a place and figure of protection in Ludlow and the Earl of Bridgewater. But they also deployed metaphors which strengthened the impression they gave of Ludlow’s cleansing powers, and Bridgewater’s commitment to justice. Physically and rhetorically, the protections afforded by Ludlow, and the patronage of Bridgewater, produce spaces in which the texts’ proliferating tendencies might cease. Even as the texts’ representations of rape attracted implications of promiscuity, these implications were simultaneously recognised,

¹⁵² London, Public Record Office SP16/198/18, cited in Cynthia Herrup, “‘To Pluck Bright Honour From the Pale-Faced Moon’: Gender and Honour in the Castlehaven Story,” *Transactions of the Royal Historical Society* 6 (1996), 152

¹⁵³ London, Public Record Office SP16/192/11, cited in Herrup, “To Pluck Bright Honour,” 157

addressed and mitigated. The protections of Bridgewater as patron, and Ludlow as a place of justice, become localised formulae for representing chastity, and for mitigating the representation of promiscuity.

I. Mitigating the spread of the raped body: The place of Ludlow

In both the Margery Evans documents and *Comus*, Ludlow is framed as an alternative court to London. Ludlow is removed from the licentiousness of Henrietta Maria's court in London, while preserving all the hallmarks of gentility of the English nobility. Ludlow becomes a centre of virtue and justice, and the presentation of Ludlow as a unique beacon of chastity becomes a rhetorical convention used by those seeking its protection.

In *Comus*'s criticisms of court masques, the court is painted as a tainted place. I have already discussed the Lady's speech on courtesy as one denigrating the court, its courtiers, its entertainments and even its royalty:

Shepherd I take thy word,
And trust thy honest offer'd courtesie,
Which oft is sooner found in lowly sheds
With smoaky rafters, then in tapstry Halls
And Courts of Princes, where it first was nam'd (321-25)

The Lady criticises the increasing distance and alienation of the Caroline court. This is epitomised, in her speech, by the elaborate and expensive masques in which Henrietta Maria and her ladies performed. Barbara Lewalski notes that Charles I and his queen 'were promoting a fashionable cult of Platonic Love as a benign representation and vindication of royal absolutism

and the personal rule (1629–1640), when Charles ruled without Parliament.¹⁵⁴ That is, Charles I and Henrietta Maria were producing masques like *Tempe Restored* that promoted the King's 'Heroic Virtue' as a justification for the Personal Rule. To the Lady, the court's withdrawal is also a withdrawal of 'courtesy', and therefore virtue itself. And masques were a tool of the 'Courts of Princes' engaging in this withdrawal.

Comus performs the masque entertainment outside of the court in London, breaching the isolation of the Personal Rule to offer an alternative model for good governance and virtue. The courteous 'lowly sheds' have an echo of 'Ludlow' about them. There is enough similarity, at least, to locate an oppositional courtesy and virtue in the seat of the Council of the Marches (though not enough to label the Earl's estate a shed).

David Norbrook has studied the political context of pastoral in the early modern period, finding that texts like Sidney's *Arcadia* use pastoral courts subtly to criticise a withdrawn and absolute monarchy.¹⁵⁵ Critiques of an isolated court became only more relevant when Milton was writing his earlier poems, during the Caroline period. Norbrook describes *Comus* as among Milton's earlier work in prophesying an apocalypse of sorts, which would rescue the true church from the rituals and popery of the Jacobean and Caroline courts. Turning to *Comus*, Norbrook reads the ending – the marriage of Cupid and Psyche – as a metaphor for the reuniting of the 'souls of the godly' with Christ. In the concluding speech of the masque, Psyche's 'wandering' is ended by the embrace of Cupid: 'Celestial Cupid [...] Holds his dear Psyche sweet intranc't / After her wandring labours long' (1004-6). Psyche's labours, the tasks assigned to her in mythology to earn her way back to Cupid's side are, in this formulation, analogous with the

¹⁵⁴ Lewalski, "Milton's *Comus*," 296

¹⁵⁵ David Norbrook, *Poetry and Politics in the English Renaissance: Revised Edition* (Oxford University Press, 2002), 87

‘wandering in the wilderness’ of the ‘true, Invisible Church.’¹⁵⁶ The marriage of Psyche and Cupid at Ludlow is pointed: the true church and its godly congregation have found their way out of the wilderness of the Caroline court and into the light of Ludlow. Milton sets Ludlow up as an alternative to the ‘uncourteous’ masques and religion of the court.

Ludlow as an alternative rural court recalls the seat of the Countess of Derby in Milton’s earlier masque, *Arcades*: ‘Such a rural Queen / All *Arcadia* hath not seen’.¹⁵⁷ Alice Stanley, at the centre of *Arcades*, poses a total opposition to Henrietta Maria. Henrietta Marina as Divine Beauty in *Tempe Restored* is demarcated visually, given her magnificence through the visual aids of a ‘troop of Stars’ and a ‘divine beame’.¹⁵⁸ Lewalski points out that unlike the suspect virtue of Henrietta Maria, the Countess of Derby’s true virtue is best told in an auditory manner: ‘such musick worthiest were to blaze / The peerles height of her immortal praise’.¹⁵⁹ Alice Stanley would probably have been present at the performance of *Comus*. The ‘rural queen’ stands in opposition to the queen at the centre of Charles’s controversial court.

Legally, Ludlow would have already operated as its own kind of rural court. Throughout the reigns of James I and Charles I, proclamations were issued requiring the gentry to remain at their estates in the country, the most recent one being the 1632 ‘A Proclamation commanding the Gentry to keepe their Residence at their Mansions in the Countrey, and forbidding them to make their habitations in London, and places adjoyning’.¹⁶⁰ Designed to reinforce the presence of gentry in the counties, this continuous policy reinforced the courtlike functions of country

¹⁵⁶ Norbrook, *Poetry and Politics*, 251-2

¹⁵⁷ Milton, “Arcades,” lines 94-5

¹⁵⁸ Townshend and Jones, *Tempe restord*, 18

¹⁵⁹ Lewalski, “Milton’s *Comus*,” pp. 300-1

¹⁶⁰ Charles I, *By the King a proclamation commanding the gentry to keepe their residence at their mansions in the countrey, and forbidding them to make their habitations in London, and places adioyning* (London: 1632), <https://name.umdl.umich.edu/A22551.0001.001>

estates. Ludlow not only posed a virtuous alternative to London's court in *Comus* but functioned as one in the period.

In the Margery Evans documents, this opposition of courts begins with a different centre of licentiousness. *Comus* is an antagonist drawn from London court excesses, supported by a 'rout' that recalls the incestuous coterie of the court. The antagonist in the Margery Evans documents is the rapist Burghill, who appears *Comus*-like, a perverted king of his own alternative kingdom, propped up by a corrupt circle of lieutenants and officials. For Burghill, the alternative kingdom is not London but Herefordshire.

In Margery Evans's case, Herefordshire is a centre of wrongdoing commensurate with the Caroline court's popery and arbitrary Personal Rule. The county was where the rape occurred, and where Burghill had his strongholds of prejudiced officials. Speaking of Herefordshire in her 1633 petition to Bridgewater, Margery elaborates:

Mr. Attorney was pleased to wish the Petico.r to goe into the Country & Psecute ag the said offendo.rs And albeit yo.r peticonr Mother had bene form.rly slained in the Country nor Course could bee obtained ag.t the offendo.rs, & the peticon.rs death threatened by the said Burghill & his Adherents yet went she downe according to y.e direction of Mr. Attorney in lent Assizes last (7382)

The petition summarises Margery's mother's death, Margery's rape and the threats against her life from 'Burghill & his Adherents', all of which occurred in Herefordshire. These events characterise the entire county as so morally abhorrent, and so prejudiced against her, that she cannot even enter it for fear of her life.

Indeed, when Herefordshire is referred to in the 1633 petition, it is phrased in a manner aligning the entire county with the act of the rape. When Margery complains 'nor cane the Peticon.r have any Releife in those parts against the said James Lloyd or the said Justices of the

peace by whome she was wrongfully imprisoned’, Herefordshire is phrased as ‘those parts’ (7383). This is uncannily reminiscent of Margery’s sister, Elizabeth Thomas’s phrasing of Margery’s hurt genitalia in her deposition, ‘the said Elizabeth [the scribe here mixed up Margery and her sister] shewed her secrett *pts* to this deponent— whereby this deponent. verely [verified] that shee was ravished. for her fleshe abouts those *pts*, was bruised and torne’ (7381). Herefordshire is, in a way, the scene of the crime; the bruised and torn secret parts which Margery is determined to never revisit.

When figures in both Margery Evans’s case and *Comus* arrive at Ludlow, it signifies the completion of their journeys. Arrival there calls for, in the masque, ‘triumph in victorious dance / O’re sensual Folly, and Intemperance’ (974-5). The treacherous journey through the dark, tangled wood ends with a victory over all it represented. And Ludlow has the power to do the same to Margery Evans’s case. Margery’s petition itself is sent away from Herefordshire, towards Ludlow, in the direction of salvation that Bridgewater and his seat represent. Margery’s heightened fear of Herefordshire in the petition, her bodily reference to it as ‘those parts’, aligns her with the virtue invested in the rural estate of Ludlow. Bridgewater’s presence in it makes him a rural king similar to his mother-in-law’s ‘rural queen’.

Ludlow’s status as a place of central control and governance over Wales and the Marches has two significant meanings for the texts. The first is that it represents control over fringe elements threatening to the central power of London, like the Welsh rebellions and its known remnants of Catholicism. The other is that it may simultaneously remain as a locus for myths of the origins of good British government and the mandate to rule. In *Richard III*, when Richmond, or Henry VII, lands at Milford Haven in Wales, a virtuous and legitimate ruler takes his position

to dethrone a tyrant who has broken and corrupted the English court.¹⁶¹ Likewise, in *Cymbeline*, Milford Haven is where Innogen discovers her real family and her kingdom's true rulers, able to then displace the debased illegitimate court instituted by Cymbeline's new Queen and her son Cloten.¹⁶² John Kerrigan describes how 'Cymbeline seeks an accommodation between the invented Britishness of the 1603 union [of England and Scotland] and the claims to ancient British survivalism that were particularly made for Wales.' That is, Wales is a mythological nexus of the exercise of central control, and the ancient legend of British kings originating in Wales.

Wales offers the potential to pose a model for the rightful exercise of authority. Welsh legend asserts an ancient mandate for justice while still acceding to the governance of the court in London. Bridgewater's mandate is set up to be a salve for the wrongful use of power, as is exercised by Comus, Burghill and even, to some extent, the King.

Perhaps even more potent in terms of recalling the exercise of justice is the Arthurian legend of Wales, Arthur being the legendary Welsh king and defender of Britain. This is drawn upon specifically in Margery's summation of the case to her various judges and examiners. The place Margery pinpoints where she is raped on the highway is Arthur's Stone. Later, examiners must assert whether or not Burghill 'did ravish or carnally know the boddy of the said Margery Evans agaynst her will at or neere a place called Arthur Stone' (7395). Arthur's Stone is a neolithic burial chamber which was, by the thirteenth century, associated with myths surrounding King Arthur's activities in the countryside where it sat.¹⁶³ The fact that Margery places her rape here – whether or not the rape occurred in visible proximity to the landmark – speaks volumes

¹⁶¹ William Shakespeare, "The Tragedy of King Richard the Third (1592-3)," in *Oxford Shakespeare: William Shakespeare: The Complete Works*, 2nd edn, ed. by Stanley Wells and Gary Taylor (Oxford University Press, 2005), 4.IV.464

¹⁶² William Shakespeare, "Cymbeline, King of Britain (1610-11)," in *Oxford Shakespeare: William Shakespeare: The Complete Works*, 2nd edn, ed. by Stanley Wells and Gary Taylor (Oxford: Oxford University Press, 2005)

¹⁶³ Nicholas J. Higham, *King Arthur: The Making of the Legend* (Yale University Press, 2018), 229

about the narrative she attempts to evoke. Margery's representation of her rape, its case, and her continual retelling of it has her defending the pillars of justice, virtue and honour at the heart of English/British self-identity. Margery places herself as an early modern Arthur, aligned with Bridgewater in the important work of the defence of innocence and justice.

The action or amends that Margery then seeks are proposed in the form of movement away from Herefordshire, towards the curative estate of Ludlow. At the end of the petition, Margery asks that 'A *Course* may bee taken for the releeffe of the Peticonr & for punisheing of the offenders', suggesting that the relief she seeks involves literal movement away from the place of the crime, which now also represents the crime (7382). This movement is ultimately north, to Ludlow, and it is there that the case is likely settled with a 'friendly agreement' (7401).

Movement northwards and movement heavenwards are gestures in the same direction. Movement towards Ludlow is almost akin to movement towards heaven. Elizabeth Evans's 1633 petition asking Bridgewater to stay her arrest for debt until the case was resolved concludes with 'And yor poore peticonr shall most humblie peticon the highest for yor longe life increase in honor & eternall glory' (7396). The directional language tends upwards, appealing to the 'highest' and offering 'increase'. Elizabeth's petitionary prayers move heavenwards as her material petition travels away on the earthly plane. Gestures to Ludlow's geographical position affirm its metaphorical position as a locus of virtue.

Moving towards Ludlow would have presented, for many of the masque's attendees and figures in Margery's case, one notable obstacle. The River Severn provided a natural border for Wales and the Marches, and the Teme, a branch of the Severn, flowed through Ludlow itself. The Severn in the early seventeenth century was not, and could not be, yoked to the wills of the men attempting to control it. It still flowed without human disruption. T.S. Willan describes how the

Severn ‘was remarkable as being the only great English river that could be navigated without flashes, floodgates, locks or sluices’.¹⁶⁴ Nonetheless, it remained a disruptor of expected paths. Drayton’s *Poly-Olbion* describes the ‘hideous cry’ of the mouth of the river, which ‘Oreturns the toyling Barge, whose steresman doth not lanch, / And thrusts the furrowing beake into her irefull panch.’¹⁶⁵ The Severn becomes textually formulated as a local symbol of chastity, famed for its resistance to the intervention of men, from navigators to Comus himself.

When Comus is forced to flee by the arrival of the brothers, he is confronted with the river border. He must flee away from the river, back through his tangled wood. The River Severn at Ludlow belongs to the deity, Sabrina, who knows how to navigate it, and those to whom she extends her protection. Symbolically, it is demarcated for the chaste. Marcus describes the figure of Sabrina as ‘a mediator between England and Wales’, citing Drayton’s description of Sabrina in *Poly-Olbion* as a ‘learned Judge’.¹⁶⁶ Sabrina is a figure who pointedly takes on some of the Earl of Bridgewater’s new duties as President of the Council of the Marches. Marcus describes Sabrina as merely an ‘ally’ of the council.¹⁶⁷ But Sabrina’s function, in cleansing and restoring the Lady, is exactly the action which Margery hopes to receive from the Earl himself. Ludlow is a haven for virtue and justice, through the location of its protective deities: both Sabrina and the Earl of Bridgewater.

While *Comus* continues on its textual journey long after Ludlow, the extant Evans corpus ends in November 1633, from which Leah Marcus speculates that there are no more documents because a private settlement was arranged by Bridgewater, the ‘friendly agreamt’ Bridgewater

¹⁶⁴ T. S. Willan, “The River Navigation and Trade of the Severn Valley, 1600-1750,” *The Economic History Review* 8, no. 1 (1937), 68

¹⁶⁵ Michael Drayton, *Poly-Olbion by Michaell Drayton Esqr.* (London, 1612), <https://www.proquest.com/books/poly-olbion-michaell-drayton-esqr/docview/2240870536/se-2>, sig. K3r; quoted in Willan, “Severn Valley,” 68

¹⁶⁶ Marcus, “The Milieu of Milton’s *Comus*,” 320-1, quoting Drayton, *Poly-Olbion*, sig. H2v

¹⁶⁷ Marcus, “The Milieu of Milton’s *Comus*,” 320

‘thought fitt’ that Elizabeth hints at in her petition to plead as a pauper (7401). Marcus suggests that all the key figures in the case came to Ludlow when Bridgewater was in residence, by July 1634.¹⁶⁸ Ludlow becomes a place at which, or by which, the multiplying papers and bodies of a rape accusation may cease. Metaphorically, this proliferation may conclude at Ludlow as a virtuous rural anti-court, or on Ludlow’s side of the Severn as a home of chastity. But it would also have been a physical fact at the moment of the Margery Evans case’s resolution, or of *Comus*’s initial performance. For a moment, at the metaphorical and physical stopping point of Ludlow, Margery and the Lady’s rapes may be entirely contained.

The flight to Ludlow becomes a means of representing rape while maintaining the virtue of the subject at threat of rape, or the victim of it. Margery’s body may visit and revisit Herefordshire but, like the Lady, it ‘canst not touch the freedom of my minde / With all thy charms, although this corporal rinde / Thou haste immanacl’d’ (663-5). The rural estate of Ludlow is deployed in metaphor and movement as a strategy of mitigation against representations of rape that would otherwise be automatically damning for a young woman’s body.

II. Mitigating the spread of the raped body: Collaborative voices

Ludlow’s symbolic status as a home of chastity was one means of mitigating the damaging implications of representing rape. A closely related strategy involved drawing on the protections of a patron-like figure. For both texts, this protective figure is the Earl of Bridgewater. Not only does he have power in protecting the texts and their rape-victim protagonists, his residence at Ludlow strengthens the estate’s protective qualities as well.

¹⁶⁸ Marcus, “The Milieu of Milton’s *Comus*,” 312-13

As discussed at the beginning of this chapter, *Comus* and the Margery Evans case are comparable because of their closely intertwined movements in contemporaneous networks of finance, law and literature. These networks, or their branches local to Wales and the Marches, were largely presided over by the Earl of Bridgewater as the authority for the area, and directly for the women as well. The Earl's connective presence between the texts highlights a significant point of comparison between them.

Comus was written by a male author and sponsored by a family of patrons. The masque was commissioned by the Dowager Countess of Derby, a habitual patron of grand entertainments at prominent junctures in the Egerton-Hastings family's lives. Moreover, when the masque was printed by Lawes in its unauthorised edition, he pointedly introduced the text as giving his 'several friends satisfaction'.¹⁶⁹ Lawes's introduction affords the text 'friends' to whom 'satisfaction' might be given. These friends act as patrons, protecting the printed text in the image of the original patrons of the masque. Milton, *Comus* and the Lady were protected by the collaborative patronage of the powerful 'friend', the Dowager Countess, and by successive 'friends' in her image.

The documents surrounding the Margery Evans case or, indeed, the case itself can't be understood as a literary 'text' with all the structures of authorship and patronage that this might imply. The two single women who initiate the case, however, and who are ultimately responsible for the production of the case's documentary legacy, do make use of some comparable strategies. The Evans texts' collection of male voices, display of collaborative authorship, and the invocation of the patron all strive to give the case the protections of patronage. As *Comus* demonstrates, patronage was a means of mitigating the uncontrolled reproduction of the female

¹⁶⁹ Milton, *A Mask Presented at Ludlow Castle* (1637), sig. A2r-v

voice, and the implications of this proliferation on the rape being represented. And the patronage of the Earl of Bridgewater particularly attributed a local authority to the text.

Both *Comus* and the Evans case draw on the bodies of authority available to protect their speaking voices. *Comus* was a collaboration beginning and ending with the Egerton family, who both commissioned and performed the entertainment. Lawes shared the commission with Milton, composing and performing the songs, and supplying edits to Milton's manuscript drafts. Barbara Lewalski notes that many of the changes in the Bridgewater Manuscript, for example, appear to reflect Milton's increasing awareness, as bestowed by Lawes, as to the resources and spectacles available.¹⁷⁰ The masque begins in the Trinity Manuscript with 'the first scene discovers a wild wood', then 'a guardian spirit, or daemon' is instructed to recite the opening speech. In the Bridgewater Manuscript, 'the first sceane discovers a wild wood, then a guardian spiritt or demon descends or enters'.¹⁷¹ The Bridgewater text being considered the masque's acting copy, the change speaks to developing information about machinery and sets being discovered by Lawes, and accommodated by Milton. As a collaboration in both verse and song between the Egerton family, Milton, and Lawes, voices of power and influence are added to that of Milton's own. The collaborative nature of patronage legitimises the masque, shielding the performing Lady from promiscuous implications.

The effect of Lawes and Milton's multiple authorship of *Comus* was to offer, in the case of the 1637 unauthorised *Comus*, a possible anonymity to Milton. *Comus* was potentially inflammatory for many reasons: the compelling nature of *Comus*'s sexuality, or the masque's anti-court tendencies. In Lawes's publication, the potentially damaging implications of the printing to its author could be separated from Milton to some extent. Lawes's dedicatory epistle

¹⁷⁰ Lewalski, 'Milton's *Comus*,' 306

¹⁷¹ Milton, "Trinity College Manuscript," 398; Milton, "The Bridgewater Manuscript," 303

in the 1637 printing of *Comus* also pins the masque's commissioning on the Egerton-Stanley line, referring to Bridgewater and 'others of [his] noble familie'.¹⁷² In this way, though Lawes is named in the text where Milton was not, through the collaborative process he, too, is exculpated to some extent.

Margery Evans's documents also foreground collaboration. At best, they attempt to bestow legitimacy on Margery's speaking voice and, at worst, to offset the damning implications of Margery's speech. Wherever Margery and Elizabeth can, they speak through the voices of others, particularly male voices. Women's testimony has a particularly lowly place in the archive of extant Evans documents. Beyond Margery and Elizabeth, the two main women featured are Johan Jones and Elizabeth Thomas, a midwife and a party of uncertain relation who visit Margery in prison, and both change their stories between 1632 and 1633. The other women in the testimony include Anne Evans, Margery's sister, who claims to have had an admission of guilt from Burghill, a claim afforded no investigation by any of the parties of the case; and Katherine Lloyd, the wife of an innkeeper and bailiff, who joins her husband in physically assaulting Margery.

Contrast Ann Evans, making strong claims for Burghill's self-incriminating guilt, with Burghill's 'many frends of power both in the English & Welsh pale' who have him 'reputed to be of evill behavior but not of soe highe a straine as felony' (7399). The latter is written in a letter from Tymothy Tourneur, an advisor to Bridgewater, advising him as to Margery's untrustworthiness. Male hearsay comes to possess greater properties of truth than female testimony. Women, in the Evans papers, are not necessarily untrustworthy because they are women but it is nonetheless true that, in the Evans archive, all women are to some degree untrustworthy.

¹⁷² Milton, *A Maske Presented at Ludlow Castle* (1637), sig. A2r

Margery did, in fact, have a male voice present in her documents. Up until an unspecified date when the case was before Bridgewater, Margery and Elizabeth had an ‘Attorney whoe allwaies dealt for yor petionr’ (7404). We know this because Elizabeth petitioned Bridgewater, asking to be allowed to plead ‘in forma pauperis’ and be granted an attorney or counselor after her attorney ‘refuseth to proceede any further therein and yor peticonr beinge a poore woman’ (7404). The attorney would have been able to order examinations of witnesses, which come to be probably the most vital documents in terms of proving both the occurrence of the act as well as the intimidating influence of Burghill’s ‘friends’. Given Margery was illiterate, the attorney or his staff possibly also acted as scribe for their many petitions. All of the case is buffered through the intermediary of a male voice.

The attorney’s presence produces an interestingly theatrical interplay: a woman speaking in the get-up of a man, or a man speaking who is, for all other intents and purposes, a woman. Milton’s *Lady*, played by Alice Egerton, would have been notable for being a young female character played by a young female. Margery’s writing voice is in effect a young female character played on the page by an older man. But as with the stage, such a costume was the norm for a homosocial world in which men interacted with women through other men, whether through cross-dressing in the Globe, or the provision of a dowry to unite one man’s wealth with another man. The hidden but omnipresent attorney in fact makes Margery safer, in the respect of her character’s presentation, than Alice’s *Lady*, by giving her a male voice through which to speak. The presence of the Attorney as far as Elizabeth can retain him, just behind Margery and Elizabeth’s speech, offers a potential offset for the promiscuous implications of the speaking or writing woman.

Beyond the attorney, Margery's 1633 petition to the Privy Council, she represents her case through the actions and decisions of the JPs dealing with it:

And that upon a peticon exhibited to his Matie hee was graciouslie pleased to give order to Edward James, Roger Vaughan, Charles Vaughan and Blanch Parrey Esqrs, Justices of the peace to examine the truth of the cause upon oath wch was done accordinglie And upon the testimony of divers witnesses the said Burghill and Williams were both founde guiltie of the Rape and felonie, and the same was soe certified and returned by his Maties direcons unto Mr Attorney generall by the said Edward Games and Roger Vaughan two of the referrees whereupon Mr Attorney was pleased to wish the piticoner to goe into the Country and prosecute against the said offenders. (7382)

The passive voice does much of the work of this extract of the petition. Margery does not submit the petition, but rather the petition is weightlessly 'exhibited' to the King. Neither does Margery go to Herefordshire to prosecute Burghill, but rather, 'Mr Attorney was pleased to wish' her to do so. The active agents of Margery's petition are the King, Edward James, Roger Vaughan, Charles Vaughan and Blanch Parrey, Esqrs. These are high-status men. Steven Shapin notes that the gentleman in early modern England was 'that culture's paradigm of the type of individual one could trust to speak the truth', given that the capacity for 'free action' was considered to be based on a lack of financial constraints, 'such a man as had no inducement to misrepresent the case'.¹⁷³ Margery's collaborative coterie surrounds her with gentlemen whose word was interchangeable with truth.

Margery's supporting cast of local gentlemen and judicial officials goes beyond vocalising her case in male or elite voices. The Margery documents are suffused with the language and structures of patronage. Helen Payne describes aristocratic women's roles in patronage networks as exercising 'indirect power'. Courtly women could use patronage as an

¹⁷³ Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (University of Chicago Press, 1994), xxvi–xxvii

informal way of furthering family interests, by communicating messages to powerful men and highlighting personal relationships.¹⁷⁴ Payne's formulation of women's uses of patronage aligns exactly with the efforts of Alice Stanley. The Dowager Countess of Derby commissioned *Comus*, among other masques, to highlight the career progressions of the Egerton/Hastings family. It is not new to describe *Comus*'s performance as a celebration of Bridgewater's accession to President of the Council of the Marches. But Vanessa Wilkie argues that Alice Stanley's recent legal battles for the reputation of the family also count as 'career successes': 'winning a thirteen-year inheritance suit, arranging three successful marriages for her daughters, and navigating the horrors of the Castlehaven trials'.¹⁷⁵ Not only is *Comus* an exercise of Alice Stanley's 'indirect power' in patronage, then, it is also a celebration of her wielding of this power. Patronage could therefore provide a space in which women's exercise of power was accepted and even celebrated.

Margery Evans certainly was not an aristocratic patron, nor did she have a patron of her own. Neither did she have political power to exercise, in any direct or indirect way. But even though her petitions and the documents they spawned were not commissioned by a patron of the arts, they have a relationship with 'commission' nonetheless. Margery's case was examined first in a Special Commission of the Peace, after which she was referred to the Herefordshire courts and later to Bridgewater. This Special Commission was requested by Margery herself. She recounts in her petition to Bridgewater that 'upon a peticon exhited to his Matie hee was graciouslie pleased to give order to Edward James, Roger Vaughan, Charles Vaughan and Blanch Parrey Esqrs, Justices of the peace to examine the truth of the cause upon oath' (7383). Despite

¹⁷⁴ Helen Payne, "Aristocratic Women, Power, Patronage and Family Networks at the Jacobean Court, 1603-1625," in *Women and Politics in Early Modern England, 1450-1700*, ed. by James Daybell (Taylor & Francis, 2004), 215; with reference to Sharon Kettering, "The Patronage Power of Early Modern French Noblewomen," *Historical Journal* 32, no. 3 (1989)

¹⁷⁵ Wilkie, "The Context for the Text," 294

all the implications of women, particularly raped women, speaking and writing, the King granted Margery's request for further examination. In commissioning, in effect, her own Special Commission, Margery organised the series of examinations and indictments that a group of male judges, justices and witnesses would create around her case. Margery exercises power akin to the Dowager Countess of Derby, orchestrating the prosecution of her rape through a series of players whose messages would be better received than her own.

When these case materials land with the Earl of Bridgewater, however, John Egerton becomes the ultimate and final patron of Margery's representation of her case. Bridgewater is the commissioning patron of the last third of Margery's case documents: the witnesses examined and re-examined at Ludlow; the analysis of the case with his advisors; and the mechanics of Margery and Elizabeth's prosecutions as their legal and financial aid ran out. Bridgewater commissioned a panel of JPs to examine the case materials in September 1633, as evidenced by a letter from the JPs outlining their progress: 'Accordince to yor Lops ltres of the 26th of August last, wee have endeavoured to finde out the trueth of the matters of complainte conteyned in the peticon thereinclosed' (7387). John Brydgeman, one of the JPs, wrote to Bridgewater that same month informally finding that 'upon pusall [perusal] of the books at the councell I find much more clamour then truth in her complaint wch nevtheles I hublie leave to yr Lops: better iudgemt' (7388). Despite this finding, however, there is the strong indication that Bridgewater declined to accept the ongoing judgements of his delegates, because in November of 1633 Elizabeth Evans reminds him that:

yor honor conceaving that yor petr and her said neece were poore people thought fitt that either some friendly agreeamt might bee ^made^, or otherwise that yor honor would bee pleased at yor lops next retorne unto Ludlowe finally to determyne the same, for the good of all pties therein. (7401)

Bridgewater must have looked past the derogatory claims made about Margery's case – Brydgesman on his first inspection lazily finding 'more clamour than truth', or Tourneur dismissing Margery and Elizabeth because of their 'friendlessness' – and not only commissioned the documents that make her case viable, but protected her from those quick to dismiss, condemn or attack her. Interestingly, then, he plays a similar role in both *Comus* and the Evans case. Bridgewater is simultaneously patron, audience member, honoree and adjudicator. John Egerton's protection is drawn upon by both Milton and Evans to shield their texts, and the vulnerable persons within them and producing them, from injurious interpretations and responses.

Bridgewater is the eventual pivot around which Margery Evans's case files circulate, a point of stillness towards which the documents are ultimately drawn. A large volume of letters is sent to and from Bridgewater, and many of them have records of other documents which travelled with them. Her initial 16th August 1633 petition, for example, was received at Whitehall and recommended for Bridgewater's consideration on the 21st of August, then a second petition was copied on the 26th of August 1633 and sent to the committee designated for its examination under Bridgewater (7382, 7383). Beyond the documents specifically generated for or by Bridgewater, there are other papers which circulated, at first, independently. Elizabeth went down to London to acquire a copy of Burghill's indictment at the Hereford Assizes. And the Hereford Assizes gave rise to a more localised collection of documents, placed within their own legal contexts and network. From the first petition, the Evans documents were already in a position of travelling widely, being known, and being copied.

When Margery's documents start circulating between Bridgewater and the advisor Timothy Tourneur, the incomplete body of documents is painstakingly drawn together. EL 7400 is a draft of a letter from Bridgewater to Tourneur, enclosing a selection of witness examinations from different officials and dates, letters from JPs in response to written instructions from the Council of the Marches, and further instructions:

& wishe & desire yu to lett Margery vs Evan or suche as are to ~~followe~~ prosecute the businesses for her (if shee proceede therein) to have ^ sight thereof & ^ copyes of all or any of them if they are ~~desire~~ seeke or demande the same.

In effect, the separate networks of documents are grouped together under the patronage of Bridgewater, in a similar way to the development of *Comus* within his personal retinue. Margery and Elizabeth's prosecution falls under Bridgewater's 'wishe[s] & desire[s]', actioned through Bridgewater's grouping and sending of, and directive to copy and distribute, the various documents of the case. In his most effective act as patron, Bridgewater becomes a literal stopping point for the proliferations of Margery's case.

Both *Comus* and Margery Evans's case are affected by multiplying bodies and stand-ins for the body, from money to the environment and travel. And both turn to Bridgewater – powerful in his own right and emblematic of the protective powers of the male speaking and writing voice, and the patronage system – to mitigate the raped body's proliferation. Together, *Comus* and the Margery Evans case work out a local model for mitigating, or attempting to contain, the unsavoury connotations that come with representing rape. On the one hand is the presence of protective bodies and communities, particularly Bridgewater; on the other, the restorative site of Ludlow and its curative landscape.

III. Endings: The place of justice

The Attendant Spirit of *Comus* concludes his final oration with a summation of his own next steps, following the events of the masque:

But now my task is smoothly don,
I can fly, or I can run
Quickly to the green earths end,
Where the bow'd welkin slow doth bend,
And from thence can soar as soon
To the corners of the Moon. (1012-17)

This speech makes for an equivocal ending. After the task is declared done, there are multiple transportation options, multiple sites at which to end, and multiple stages in the process of ending. The task following the masque's conclusion seems as arduous a journey as the wanderings of the masque itself. Neither is this the final bit of speech of the masque, as the Spirit goes on to impart his wisdom on 'Vertue'. And this all comes after the dances that would ordinarily have signified the conclusion of a masque.

None of these cases, nor texts, of course, technically 'end'. The Castlehaven libels, as Cynthia Herrup demonstrates, circulated in manuscript and then print. They were, in turn, used to illustrate seventeenth-century tensions within ideas of paternal authority, eighteenth-century concerns about sexuality and class, and nineteenth-century concepts of madness and criminality.¹⁷⁶ The Margery Evans case renewed itself, at Ludlow, in the *Lady of Comus*. *Comus*, as quoted above, was reluctant to declare an endpoint, and was then set into print, where it continues to be read, analysed and even performed. But it is with this in mind that the importance

¹⁷⁶ Herrup, *A House in Gross Disorder*, 143

of a localised stopping point cannot be overstated. Ludlow, the Severn and Bridgewater may not entirely signify relief for their texts nor for literary scholars, but they probably did for the exhausted bodies of Margery Evans and Alice Egerton.

The stopping-point of place allowed a kind of poetic justice for victims, one that was more typically applied to perpetrators in the early modern period. In his article on last-dying speeches, J. A. Sharpe recounts the death of John Marketman, who requested that upon his execution he ‘might be brought to the town where he did perpetrate the wicked act’.¹⁷⁷ There, he gave a speech to the crowd where he had erred, and died in the place he had sinned. This poetic justice was enabled so it might provide a better narrative of repentance and redemption to those who viewed the spectacle of execution.

Richard Madelaine highlights poetic justice as a common spectacle in rape drama.¹⁷⁸ Perhaps the most common example is the stabbing of a rapist. The weaponisation of penetration from the victim’s side let the perpetrator die in the manner he earned his death. Looking at rape drama, Madelaine theorises a recognisable and recurring space in which rape occurs and is then punished: a dark interior private space, recognisable by these qualities rather than any particular whereabouts. The place of rape accords with the idea of sexual sin as ‘a rehearsal for the ultimate performance before a diabolic audience’.¹⁷⁹ That is, rape symbolically occurs in ‘hell’. When it is then punished on or close to the site of the crime, then, it is with the justice of an actual entrance to hell as the perpetrator dies.

¹⁷⁷ *The True Narrative of the Execution of John Marketman, Chyrurgian, of Weslham in Essex, for Committing a Horrible & Bloody Murther* (London, 1680), <https://name.umdl.umich.edu/A63573.0001.001>, 3, quoted in J. A. Sharpe, ““Last-Dying Speeches: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past and Present* 107, no. 1 (1985), 144

¹⁷⁸ Richard Madelaine, ““The Dark and Vicious Place”: The Location of Sexual Transgression and Its Punishment on the Early Modern Stage,” *Parergon* 22, no. 1 (2005), 160, 180-3

¹⁷⁹ Madelaine, ““The Dark and Vicious Place””, 170

These narratives of poetic justice surrounding the act and punishment of a rape afford the imaginative possibility of justice to the rape victim. If the rapist may achieve absolution in the place of his crime and execution, then a connection may be made for the redemption of the victim in her place of justice. For Margery Evans, if Herefordshire, the place of the crime, is hell, Ludlow is a certain heaven, and not just because of the directional aspects identified earlier. If the dark interiority of the dramatised rape on stage evokes hell and punishment, there is room to consider the open multi-scene setting of *Comus*, by the river and the woods, as a kind of forgiveness.

Localised places or even figures of protection and redemption enabled, in their own time, and within their own networks, justice for a woman's story of rape. Rape's 'printless feet' are possible, for a time. There exist specific points of neutralisation at which their ceaseless journeys may come to rest, if not stop entirely. It is when these texts are taken out of context that local sites and figures lose their power. My conclusion will examine the afterlives of these scattered bodies and parts who, robbed of protection or their chance at Christian redemption, come to occupy the texts and networks of critics seeking to find their own justice for the women concerned.

Conclusion: *Field notes from reading rape*

In an essay on the role of emotions in scholarly research about rape, Rebecca Campbell transcribes some of her ‘field notes’ from police reports about rape victims. Campbell works in ecological/community psychology, studying rape narratives in the context of the systems and communities that construct them. In her ‘field notes’, she foregrounds the experience of reading contemporary rape narratives, particularly those written within the criminal justice system. They ring with anguish and mute horror: ‘this silent reading of horrible things’.¹⁸⁰ Campbell advocates for a ‘new approach to trauma research’, recognising that ‘emotional engagement, while hard, was substantively important and personally transformative’.¹⁸¹

For those choosing to study rape specifically as its own field, it becomes apparent there is no way to maintain emotion and research as separate. The path into the field is typically an emotional one. In a recent book on the history of ‘sexual history evidence’ in British courts, Joanne Conaghan and Yvette Russell ‘take Campbell’s reminder well that emotions can and should be a guiding source of feminist research’.¹⁸² Their analyses, however historical, aim ultimately ‘to contribute to a reframing of the current legislative and policy dilemmas, endlessly recycled and seemingly never resolved.’¹⁸³ Conaghan and Russell’s ‘reframing’ approach comes from the field of legal history, but is entirely on par with the field of rape in early modern studies.

¹⁸⁰ Rebecca Campbell, “Revisiting *Emotionally Involved*: The Impact of Researching Rape. Twenty Years (and Thousands of Stories) Later,” in *Rape: Challenging Contemporary Thinking – 10 Years On*, ed. Miranda A. H. Horvath and Jennifer M. Brown (Routledge, 2022), 15

¹⁸¹ Campbell, ‘Revisiting *Emotionally Involved*’, 12

¹⁸² Joanne Conaghan and Yvette Russell, *Sexual History Evidence and the Rape Trial* (Bristol University Press, 2023). 187

¹⁸³ Conaghan and Russell, *Sexual History Evidence*, 6

Literary scholars of rape, as discussed in the Introduction, typically centre their scholarship around various concepts of justice. Jocelyn Catty's seminal study of rape writing in early modern English literature advocates for a 'literal reading' of rape that may restore focus to the violations of the female body even as it is deployed in political metaphors. Reading 'literally' highlights, in Catty's study, 'the power-relationship between the sexes upon which rape is always based and which it enforces', concluding that it is 'the female body that is always the site of contestation at these moments'.¹⁸⁴ Catty's work, updated in 2011 following its initial publication in 1999, does not declare a pursuit of justice in studying rape writing, but constructs one nonetheless. By 'literalising' the telling of rape, Catty describes 'uses of rape narratives for supposedly 'greater' ends [...] as a kind of 'symbolic' rape.'¹⁸⁵ Catty's feminist reading implicitly restores rape to a modern understanding, in which 'a woman's traumatic experience' is at the centre of rape. Around this central trauma, Catty exposes the cultivation of 'exploitative' political narratives.¹⁸⁶

Kim Solga's work on sexual violence aims explicitly to restore the traumatic experience which is supposedly behind early modern representations of rape. Solga takes the vantage point of performance studies. She considers how texts can be reimagined to stage the missing, beaten, broken or violated women that supposedly lurk behind the scenes. Solga is more explicit regarding the emotional dimensions of rape scholarship, drawing on trauma theorists and rape victims as much as she does historians and literary scholars. She defines early modern rape as an 'invisible' crime, both because of its function as a metaphor for 'action, honour, justice and revenge', and because victims 'fold inward, enclose their stories of suffering within their flesh,

¹⁸⁴ Catty, *Writing Rape*, 10

¹⁸⁵ Catty, *Writing Rape*, 21

¹⁸⁶ Catty, *Writing Rape*, 21

bones, hearts, and brains'.¹⁸⁷ Reading Solga, I cannot help but feel that she writes to draw out that 'inner' pain and pass it to the reader, much as she explicitly determines strategies to highlight 'invisible' sexual violence in performance. But again, there is no explicit address of this emotional interchange. Ironically, the shared emotional investment that makes Solga's writing so charged remains invisible.

In the Introduction, I discussed the bodily metaphor with which Solga declares that 'we need to be far more aware of our tendencies as critics, when faced with a crisis body, to suture its epistemological wounds and to ward off the encounter with our own un-knowingness it promises.'¹⁸⁸ In light of the body parts of the travelling texts I have analysed, Solga explicitly enters the network of body parts surrounding representations of rape. The hand of the anatomist, dissecting court favourites' venereal disease to reveal their rotten insides, becomes Solga's hand, or that of other critics. The critical hand 'sutures' the uncomfortable or unknown about rape, while Solga's writing hand encourages scholars to probe further into the discomfort felt while reading rape. Solga takes her own hands, along with the hands of literary scholarship, into the proliferation of raped or violated body parts that this dissertation has tracked throughout England. Solga suggests instead that critics might bear 'critical witness', to attend 'always to the limits of his or her own ability to comprehend'.¹⁸⁹ The sutures, in this case, are psychological, stitching together the critic/audience and victim/character. Solga's suggested critical approach uses the witnessing capacity of the scholar to restore the body, and mind, of the victim they study.

¹⁸⁷ Solga, *Invisible Acts*, 31, 32; citing Amanda Konradi, *Taking the Stand: Rape Survivors and the Prosecution of Rapists* (Praeger, 2007), 21

¹⁸⁸ Solga, *Invisible Acts*, 23

¹⁸⁹ Solga, *Invisible Acts*, 23

An awareness required of scholars, on top of their ‘suturing’ tendencies, is of the way that they add their ‘hands’, minds, and even pain to the representations of the rape victim they study. Arguably the biggest intervention of the rape scholar is the imposition of a trauma-informed reading, often without explanation or justification. In an aside, Catty ‘ponder[s] the impact on modern women of the cultural heritage concerning rape’, given the tendency of early modern raped characters to self-mutilate or suicide.¹⁹⁰ The impact of rape’s ‘cultural heritage’ can be identified in the waves of critics specifically taking it apart. The ‘sutures’ Solga describes meet the networks of representations of, and interventions in, rape narratives this thesis has analysed. Studies of early modern rape become an additional point in the long journey of a rape text.

Margery Evans’s textual journey was picked up and publicised by Leah Marcus in 1983. Marcus, as a predecessor to Catty and Solga, was also tempted to write her an ending. Having been awarded a fellowship from the Huntington Library to work on the Bridgewater Collection, she surmised that the end of the Evans paper trail meant an ‘agreement’ had been reached in the case.¹⁹¹ Marcus doubles down on her ending for Margery in her 1988 paper, ‘Justice for Margery Evans’.¹⁹² Margery becomes a figure deployed as critics attempt to make sense of their ‘cultural heritage’. Reviewing the paper, Ann Baynes Coiro notes that ‘Marcus’ case is weakened by the lack of evidence for the end of Margery Evans’ story’.¹⁹³ But the ‘justice’ of Leah Marcus’s work is not the settlement that is maybe or maybe not agreed by Bridgewater. It is the justice of the rape scholars she draws on and anticipates; the justice of reading Margery Evans at all.

¹⁹⁰ Catty, *Writing Rape*, 232

¹⁹¹ Marcus, “The Milieu of Milton’s *Comus*,” 312-13

¹⁹² Leah Marcus, “Justice for Margery Evans: A ‘Local’ Reading of *Comus*,” in *Milton and the Idea of Woman*, ed. Julia M. Walker (University of Illinois Press, 1988), 66-85

¹⁹³ Ann Baynes Coiro, “Review: Julia M. Walker, ed. *Milton and the Idea of Woman*. Urbana and Chicago: University of Illinois Press, 1988. 262 pp. \$27.50,” *Renaissance Quarterly*. 43, no. 2 (2018), 442

Perhaps it is this conclusion that has proved so continually appealing about Marcus's presentation of the Evans case. From Margery's first appearance in 'The Milieu of Milton's *Comus*', the historical record of the fourteen-year-old produces her as a kind of character herself. The next year, 1984, Margery jumps to Suzanne Gossett's study of the rapist in Jacobean drama, where Gossett acknowledges Marcus for 'alerting' her to the Margery sources.¹⁹⁴ The *Comus* comparison Marcus used to establish Margery in scholarship, however, cannot be shaken thereafter. Over the course of the scholarship, Margery becomes a side player in a Milton text. References to her case almost uniformly operate as a context for Milton's masque, within critical perspectives from feminism, to historicism, to performance studies.¹⁹⁵ Even in the case that Milton, through Bridgewater, had not been made aware of Margery's case, she comes to occupy her own place in Milton studies nonetheless. The networks of her case expand, her papers once more beginning to reproduce, and this time undoubtedly overlapping with those of *Comus*.

This thesis has studied local formulations of rape, and whether similarly local mitigating factors might exist for them. I have looked at the texts circulating around Ludlow in the early 1630s, approaching the Earl of Bridgewater for his attention, commission and resolution. The Castlehaven trial catalysed a series of libels that circulated widely. They spread messages of illicit sexuality across England, and with these messages sent parts of the violated, or violating, bodies of the Earl and the Countess of Castlehaven into circulation. It was then along similar paths of gossip, scandal, law and news that Margery Evans's rape case travelled in the years following her rape in 1631. When Margery's documents were sent between parties in her case, paper and words proliferated, making their original rape victim appear profligate. The act of

¹⁹⁴ Suzanne Gossett, "'Best Men are Molded out of Faults': Marrying the Rapist in Jacobean Drama," *English Literary Renaissance* 14, no. 3 (1984), 313

¹⁹⁵ Julie H. Kim, "The Lady's Unladylike Struggle: Redefining Patriarchal Boundaries in Milton's *Comus*," *Milton Studies* 35, no. 1 (1997); Wilkie, "The Context for the Text"; Neil Forsyth, "*Comus* Performed at the Wanamaker Theater in London: Two Views", *Milton Quarterly* 51, no. 1 (2017), 67-71

prosecuting her rape threatened to enact a series of other rapes, in which Margery's body parts, finances and reputation were systematically stripped from her.

By the time *Comus* was performed in 1634, the Castlehaven libels were presumably circulating more in commonplace books and miscellanies than as news and gossip. Margery Evans's case was speculatively resolved or, at least, fell off the textual record. Yet *Comus* incorporates into its text the fears and hopes of its contemporary rape victims. Its Lady is concerned about the uncontrollable reproduction of her voice and body. These concerns are elaborately realised as her body propagates itself through the air, waterways and textual world, via her features, her family, her voice and the manuscripts of the text itself.

But the Lady's intactness, and chastity, is also restored, at least to some extent. The conventions allowing her rescue from (or after) rape are similar conventions to those mobilised by Margery Evans. The Lady exits her tangled wood and comes into the light of Ludlow, where the Earl of Bridgewater, her father and the masque's patron, awaits. Both *Comus* and the Evans case construct Ludlow as a place of justice and cleansing, rooted particularly, for *Comus*, in the river nymph Sabrina. Both texts also appeal to the Earl as the final audience for, and arbiter of, the issues they present.

Rape is formulated as a crime of profligacy, reproducing itself beyond its original event in increasingly numerous and incriminating tellings. But this crime of excessive movement and reproduction could be offset by conventions of locality. In the early 1630s, around Wales and the border counties, these conventions could be the Earl of Bridgewater and the estate of Ludlow. By appealing to local places and figures of judicial and social authority, Margery and *Comus* codified them as protective entities. That is, in both texts, Ludlow and Bridgewater are both functional judicial sites, and also metaphors for the operation of justice. These sites could then be

drawn upon to appeal to judicial authorities to fulfil their proper roles, and to audiences to put aside, for a moment, the proliferating consequences of any telling of rape.

Because local mitigating factors for the representation of rape were limited to a specific place and time, as these rape texts travel beyond their own contexts, such mitigating factors warp, or lose their effect. Sabrina was configured in *Comus* as a protective deity for both the Lady and the masque. As the virgin nymph of the River Severn, she rescued the Lady from Comus's chair. She also cast her chaste influence over the location of the masque's original performance at Ludlow, set by the Teme, a branch of the Severn. But Sabrina's chastening effect was to be short-lived. When the masque next made it to performance, it was in Paolo Rolli's presentation of *Sabrina, a Masque* in 1737. Despite the promotion of the virginal nymph to the masque's title, Rolli's London Italian-language production entirely transformed *Comus* 'into a love story between two couples,' featuring the meddling of 'Comaspe', a 'Demi-god of a mischievous nature'.¹⁹⁶ Roberta Klimt notes that Rolli's production deleted the original masque's central debate with Comus about chastity, reaching 'no particular conclusion' about virtue or self-control.¹⁹⁷ The performance thoroughly erodes the cleansing powers of its titular nymph.

Chastity was to fare no better in the production's more popular antecedent, which was presented for the first time as *Comus* by John Dalton and Thomas Arne in 1738. Dalton's *Comus* presented the original masque along with new writing, compositions, and several of Milton's other poems.¹⁹⁸ The first *Comus* to be titled as such comprehensively rejected the original

¹⁹⁶ Roberta Klimt, "'Il drama di Giovanni Milton': An Eighteenth-Century Italian Musical Adaptation of Milton's A Maske," *Milton Quarterly* 51, no. 1 (2017), 23; Paolo Rolli, *Sabrina. An opera. For the Theatre Royal in the Hay-Market. By Paul Rolli, F.R.S.* (London, 1737), <https://link.gale.com/apps/doc/CW0110468087/ECCO?u=usyd&sid=bookmark-ECCO&xid=d76fa4c1&pg=1>, sig. A1v

¹⁹⁷ Klimt, "'Il drama,'" 34

¹⁹⁸ John T. Shawcross, "Introduction," in *John Milton, vol. 2, 1732-1801: the Critical Heritage*, ed. by John T. Shawcross (Routledge, 1995); John Milton and John Dalton, *Comus, a mask: (Now adapted to the stage)* (London, 1738), link.gale.com/apps/doc/CB0126082657/ECCO?u=usyd&sid=bookmark-ECCO&xid=c203a1f0&pg=48

masque's various attempts at virginal seclusion and purity. It delighted in an excess of type and material, the likes of which Sabrina was originally positioned to control.

Sabrina's powers of chastity are wrested from her by successive performances of *Comus*. The masque was left to circulate in expanding networks of print, performance, opera and entertainment. In the twentieth and twenty-first centuries, scholars seek to recover not Sabrina's chastity, but to deconstruct the concept of chastity at all. In Lucy Bailey's 2016 production of *Comus* at the Globe Theatre, she endeavoured to frame the Lady as a figure of resistance.¹⁹⁹ The Lady resisted not only *Comus*, but the efforts of the masque and the Earl of Bridgewater to frame Alice Egerton as a symbol of chastity. As Bailey describes in the play's programme, the Alice of the Globe's *Comus* refuses to step into her designated role to 'clean the family's reputation'.²⁰⁰

Bailey describes how 'one of our starting points was imagining what would happen if the girl resisted being used as a political tool, and refused to play the part'.²⁰¹ In a new framing story added to translate the masque to a modern audience, Alice asks, "What if I don't want to be allied, or allotted, or chaste?"²⁰² Chastity is framed in Alice's speech, and then aurally, as a point to be mocked, not imitated. Amanda Eubanks Winkler observes how the Lady's line summoning 'thou unblemish't form of Chastitie' (215) was accompanied by an anachronistic harpsichord tinkle, which led to audience laughter.²⁰³ In the original performance of the masque, in 1634, the Lady's body proliferated largely through her voice, sound and the air. Such modes were then actively drawn on, in 2016, by parties including Alice/the Lady, to emphatically subvert even her declarations of chastity.

¹⁹⁹ *Comus: A Masque in Honour of Chastity*, written by John Milton and Patrick Barclay, dir. Lucy Bailey, Wanamaker Playhouse, London, 2016

²⁰⁰ Cited in Amanda Eubanks Winkler, "Then and Now: Alice Egerton in Milton's *Comus*, 1634/2016," in *Performing Girls and Women: Medieval to Early Modern and Beyond*, ed. Deanne Williams (Amsterdam University Press, 2025), 290

²⁰¹ Cited in Eubanks Winkler, "Then and Now," 290

²⁰² Transcribed by and cited in Eubanks Winkler, "Then and Now," 291

²⁰³ Eubanks Winkler, "Then and Now," 294

Eubanks Winkler analyses the recording of the 2016 performance of *Comus* in order to ‘close the temporal circuit between the two “Ladies”’, the performers of 1634 and 2016.²⁰⁴ But successive performances and publications of the masque do what they always have, and leave the Lady’s body contrarily *open*. Outside of the local mitigating factors clustered in the text’s immediate context, the Lady’s body, its parts and its reproductive tendencies, will never be ‘closed’.

This thesis has attempted to decentre generalist narratives of rape from literary scholars seeking universal conventions of its telling. It has favoured a focus on particular points at which local conventions of representing rape may converge. Considering rape in its immediate context will allow scholars to apply the identification of dramatic conventions, that scholars such as Catty and Solga have done so thoroughly, to develop more specific and accurate formulations for rape’s representation, mitigation, and relation to other rapes.

Considering rape beyond its immediate context – picking it up in relation to the emotional response of the critic to their ‘cultural heritage’ – offers fewer opportunities for microhistorical analysis. But ‘emotional engagement’, as Campbell urges, equally offers scholars the opportunity to examine their own use of narrative conventions. Scholars, even scholars deploying micro-history, help to re-construct the tales of rape they pick up and set in circulation once again. Insights into narratives of rape – and why we are drawn to tell them – can only come with precise attention to both the immediate contexts of the rape narrative, and of the critic as well.

²⁰⁴ Eubanks Winkler, “Then and Now,” 285

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Appendix: *Margery Evans Source Transcriptions*

What follows is my transcription of The Huntington Library's collection of documents pertaining to the case of Margery Evans, including depositions, petitions and the letters of John Egerton, Earl of Bridgewater. By call number, they comprise Ellesmere Collection EL 7381-7404. I am grateful to The Huntington Library archivists for scanning and supplying these materials for my use.

1. *The Information of Joan Verch John, in confirmation of that of Elizabeth Verch Thomas. 20 August 1632. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7381.*

The Information of Elizabeth Verch Thomas of the pishie of Talaughtly in the county of Becon taken upon oathe the twentyeth daye of August 1632

Who upon her oath informeth that shee beinge at Brecon the last day of the faire of Brecon aforesaid beinge in the yeare of our Lord 1631 a Sister of one Margery Evans desired this depont to see her said Sister beinge then in the Gaole of Brecon. and when shee came to her, shee sawe her weepeinge and leaninge her arme upon a table board, And as shee removed from the place shee leaned upon, shee did halt. who then towld this depont. that a strainge man ravished her. and that his servant did helpe to howlde her twice or else shee hadd escaped, and then this depont. gave her fower shillings the which the saud Elizabeth Evans delived back to this depont. sayinge shee should have made neede thereof or of any worldly sustennce. after wth this depont. beinge

awaye the Grandmother of the said Elizabeth Evans desired this deponent. to see in what case this deponent was said Elizabeth was. and then the said Elizabeth shewed her secrett pts to this deponent— whereby this deponent. verely iudged that shee was ravished. for her fleshe abouts those pts, was bruised and torne, but who did it this deponent. knoweth not but by the woords of the said Elizabeth Evans.

Roger Vaughan

The Information of Joan Verch John of the pisse of Gwenthor in the county of Brecon taken upon oath the day and yeare aforesaid

Who deposeth in all points as the the former deponent. Elizabeth Verch Thomas hath done. shee beinge psent wth the said Elizabeth Verch Thomas the tyme when shee sawe the said Elizabeth Verch Margery Evans in the gaole of Brecon and more shee cannot say then what the said Elizabeth Verch Thomas hath deposed herein.

Roger Vaughan

2. *The Petition of Margery Evans to the Privy Council. 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7382.*

To the right honorable the Lords and others of his Maties most ho:ble Privy Councell

The humble peticons off Margery Evans

In most humble manner sheweth unto yo:r Lo:rrs what att midsomer last was 2 yeares yo pet: beeing then about 14ten yeares of Age and travelling out of hereffordshire into Brecknockeshire was by the way overtaken by one Phillip Burghill and John Williams both on horsebacke and the Saide Burghill after some questions would have had the pet.r to ride behinde him, on his horse wch she refused to doe, whereupon the said Burghill used many the threatening words But not prevayleing he Alighted from his horse w:th his sword drawn, and caused the said Williams to alight, and put the petitor-s upon his horse, wheince she removed her selfe to the ground three tymes but in the end she was inforced by the said Burghill to ride about a quarter of a mile where she Alighted and would have escaped then the said Burghill called to Williams to stay her, who caught fast hould on y.e peticoer- and delivered her into the said Burghills handes sayeing [...] doe not let her goe ageane whereupon the said Burghill did there most inhumanlie and unchristianly seize upon y.e peticoer and forceable defloured & ravished her beenig then not above 14:ten yeares of Age as aforesaid & alsoe tooke away frome her A bundle of clothes a purse & iiii s vi e in money renteing & tearing her wascote & apron in peeces and afterwards the said Burghill compelled yo.r pet.r to ride upon the same horse to a village called the Bage aboute a mile & halfe thenc distant and at the townes and left her vowing her death w.th his sword in his hand drawn if she should discover what had passed betweene theme But not withstanding the said

threates the peticoer raysed hue & crie & followed & overtooke theme in the Burrough towne called the haie in the said County of Brecon & charged them both wth rape & felony / They beeing then in the house of one James Lloyd Bayliffe of the said Burrough of whome the Pet.r desired that they might bee putt into safe custody and carryed before one of his Ma.ties Justices of y.e peace to bee pceeded wth according to Justice But for all the Peticoers iust complainte the said Bayliffe & his wife & Katharine the wife of davie James did not onely sore hurte & wound the petico.r & comitt her to prisone where she remained for the space of two dayes & two nights But did allsoe suffer the said fellons w.thout comeing before a Justice of the peace to departe & goe away & delivr.d theme their horses w.ch were seized on by y.e sheriffe of the said countie.

And the Piticonr. further sheweth that the said fellons procured Warrant from Sr. Henry Williams knight & Thomas Price Esqr. o one of theme beeing Justices of the peace of the said countie directed to the cunstable of the said Burrough of Haie who by vertue therof brought the piticonr. before the said ^& hee the said Price^ Mr. Price or Sr. Henry Williams or one of theme Comitted her to the Gaole for thensaid Countie reffuseing to accept of any bayle where she remained for the space of 25 dayes without any examiacone & until the Justices of the Peace discharged her in the open quart. sessions then held for the said countie

And that upon a Peticone exhibited to his Mat.ie he was graciously pleased to give Ordr to Edward James Roger Vaughan Charles Vaughan & Blanch Barry Esq.rs Justices of the Peace to examine the truth of the cause upon oath wch was donne accordingly And upon the Testimony of divers Witnesses the said Burghill & Williams were both found guilty of the rape & fellonie & the same was soe certified & returned by his Ma.ties direc”ons unto Mr. Attorney general by the

said Edward James & Roger Vaughan two of the referrees Whereupon Mr. Attorney was pleased to wish the Petitioner to goe into the Country & Psecute ag the said offenders And albeit yor petitioner Mother had bene formerly slained in the Country nor Course could bee obtained ag.t the offenders, & the petitioner death threatened by the said Burghill & his Adherents yet went she downe according to y.e direction of Mr. Attorney in lent Assizes last And although the Justices of the peace or one of theme who had examined the proofes upon oath did pferr A Bill of Indictmt. ag.t Burghill & Williams for the said offences yet Burghills friends soe prevayled yt the Indictmt. would not bee accepted Wether hath nor cane the Petitioner have any Releife in those parts against the said James Lloyd or the said Justices of the peace by whome she was wrongfully imprisoned by the space of twenty & give dayes as afforesaid ./

The premises therefore considered & for yt the offenders may not escape unpunished for soe greate & horrible facts as rape & felony & that other the Parties afforesd may receive condigne punishmt. & make due satisfacione to the Petitioner for her wrongful imprisonmt. & other losses by her sustainf as alsoe for their willfull refuseing to execute his Maties referrence And for y the petitioner & her poore Ante Elizabeth Evans who psecuts for his Matie on the Petitionrs behalfe As by their affiets appears dare not for feare of their lives repayre into the said Countyes to psecute the said parties. It is therefore humbly prayed that yor Lo:pps would bee pleased to refferr the same wth A speciall recomendacione to the Right hoble the Lord President of the Marches of Wales to examine the truth of ye premises upon oath and to give direction & to take such course for ye punishmt of soe greate & greivous offences as to Justice shall apptaine And the Petitioner as bounden &c.

The peticonr maketh oath yt all the matters contayned in this peticone are in substance true & the pet.r & Elizabeth Evans her Ante make oath yt for feare of their lives or of some bodily hurt to be donne to theme they dare not goe into the Counties of Hereford & Brecon to psecute any further for his Matie agt the said Burghill & Williams in the peticone men^{coed}

Uterqr fur 16 Aug. 1633 Jo: Mychrl:

Att Whitehall the 21th aug 1633

There Lo:pps are pleased to recomend the consideracene of this Peticone to the Lord President of the Councell established for the Marches of Wales Willing his Lo:pp that A Course may bee taken for the releeffe of the Peticonr & for punisheing of the offendo.rs if upon further exa^{iation} of the busines there shall bee found just cause for the same

Ex Will Beener

3. *Copy of The Petition of Margery Evans to the Privy Council. 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7383.*

To the right honourable the Lords and others of his Ma^{ties} most honorable privy Councell

The humble peticon of Margery Evans

In most humble manner sheweth unto yo.^r lops. That at Midsomer last was 2 yeeres yo.^r pet.^r being then about 14. [^]ten yeeres of age and travailing out of Hereford shire into Brecknocke shire was by the way overtaken by one Phillipp Burghill, and John Williams both on horsbacke, and the said Burghill after some questions would have had the pat.^r to ride behinde him, on his horse wch shee refused to doe, whereupon the said Burghill used many threatening words But not prevauling hee alighted from his hose wth his sworde drawne, and caused the said Williams to alight, and put the peticon.^r upon his horse, where sheeremoved her selfe to the grounde three tymes by in the ende shee was inforced by the said Burghill to ride about a quarter of a mile, where shee alighted and would have escaped, Then the said Burghill called to Williams to staie her who caught fast holde on the peticon.^r and delivered her into the said Burghill's hands saieing Mr doe not lett her goe againe, whereupon the said Burghill did there most inhumanlie and unchristianly seize upon the peticoner and forceable defloured and ravished her being then not above 14[^]teene yeeres of age as aforesaid and alsoe tooke awaie from her a bundle of clothes a purse and iiiis vid in money renting and tearing her wascoate and apron in peeces and afterwarde the said Burghill compelled yo.^r pet.^r to ride upon the same horse to a village called the Bage aboute one mile and a halfe thence distante and at the townes ende left her vowing her

death w.th his sword in his hand drawne if shee should discover what had passed betweene them
But notwithstanding the said threates the peticon.r raised a Hue and Cry and followed and
overtooke them in the Burrough towne called the Haie in the said county of Brecon and charged
them both wth Rape and felonie They being then in the house of one James Lloyd, Bailiffe of the
said Burrough of whome the pet.r desired that they might bee put into safe custody and carried
before one of his Mat.ies justices of the peace to bee proceeded wth according to iustice, But for
all the peticoners iust complainte the said Bailiffe and his wife and Katheryne the wife of davie
James did not onlie sore hurte and wounde the peticonr and commit her to prison where shee
remained by the space of two daies and two nights But did alsoe suffer the said felons without
comeing before a Justice of the peace to departe and goe awaie and delivered them their horses
wch were seized on by the sheriffe of the said County.

And the peticonr further sheweth that the said felons procured a warrt. from Sr. Henry Williams
knight and Thomas Price esqrs or one of them being Justices of the peace of the said county
directed to the Constable of the said Burrough of Haie who by vertue thereof brought the petr
before the said Mr Price and hee the said Mr Price or Sr Henry Williams or one of them
Comitted her to the Gaole for the said Countie Refusing to accept of anie baile where shee
remained for the space of 25 daies without any examinacon and untill the Justices of the peace
disharged her in the open quarter sessions then held for the said County.

And that upon a peticon exhited to his Matie hee was graciouslie pleased to give order to Edward
James, Roger Vaughan, Charles Vaughan and Blanch Parrey Esqrs, Justices of the peace to
examine the truth of the cause upon oath wch was done accordinglie And upon the testimony of

divers witnesses the said Burghill and Williams were both founde guiltie of the Rape and felonie, and the same was soe certified and returned by his Maties direcons unto Mr Attorney generall by the said Edward Games and Roger Vaughan two of the referrees whereupon Mr Attorney was pleased to wish the piticoner to goe into the Country and prosecute against the said offenders. And albeit yor peticonrs mother had beene formerly slaine in the Countrie noe course could bee obtained against the offenders, and the peticonrs death threatened by the said Burghill and his Adherents yet went shee downe accordning to the direcon of Mr Attorney in Lent assizes laste And although the Justices of the peace or one of them who had examined the proofes upon oath did prferr a Bill of indictment against Burghill and Williams for the said offences yet Burghills frende soe prevailed that the Indictment would not bee accepted Neither hath nor can the peticonr have any releife in those parts against the said James Lloyd or the said Justices of the peace by whome shee was wrongfullie imprisoned by the space of twenty and five daies as aforesaid

The primsses therefore considered, and for that the offenders may not escape unpunished for soe freate and horrible facts as Rape and felony and that other the parties aforesaid may receive condigne punishment and make due satisfaccon to the petr for her wrongfull imprisonmt and other losses by her sustained as alsoe for their willfull refusing to execute his Maties reference, And for that the petr and her poore Aunte Elizabeth Evans who prosecute for his Matie on the peticonrs behalfe (As by their affid^{ts} appeared) dare not for feare of their lives repaire into the said counties to prosecute the said parties. It is therefore humblie prayed that yor Lopps would bee pleased to referr the same wh a speciall recomendacon to the right honoble the Lord Prsident of the Marches

of Wales to examine the truth of the prmisses upon oath and to give direccon and take such course for the punishmt of soe greate and grevius offences as to Justice shall appertaine / And the peticonr as bounden [...].

The peticonr maketh oath that all the matters Conteyned in this peticon are in substance true And the petr and Elizabeth Evans her Aunte make oath that for feare of their lives or of some bodilie hurte to bee done to them they dare not goe into the Counties of Hereford and Brecon to prosecute anie further for his Matie against the said Burghill and Williams in the peticon menconed./

26 Aug 1633

Jo Mychell

At Whytehall the 21st of August

1633

Theire Lopps are pleased to recomend the consideracon of this Peticon to the Lo. President of the Councell oft ably hed for the Marches of Wales, Willing his Lo:pp that a Course may be taken for the Releafe of the Pet:r and for the punishing of the offenders if upon further Examinacon of the Busines there shall be found iust cause for the same./

Ex Will Becker

4. *The Information of John Harry, James Gittos, Thomas Dennoyre and Roger Francis. 20 September 1632. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7384.*

heref: B

The Informacon of John Harry of the pish of Clifford in the said County yeoman taken upon oath before Roger Vaughan Esquire Xr the fower and twentyth day of September 1632 concerninge the supposed robbinge and ravishinge of one Margery Evans by one Philbert Burghill.

Who upon his ^{oathe} informeth that the said Margery Evans made hue and crye at the hardwick complaininge that shee hadd lost her purse but named noe man that tooke it from her nor of anyother offenss done against her and this was about Midsomer last was twelvemoneth

(signed) Roger Vaughan

The Informacon of James Gittos of the hardwick in the said County Tanner taken before Roger Vaughan Esqr the day and yeere above written/

Who upon his oathe Informeth that upon notice that one Margery Evans went howleinge and cryinge by his fathers howse aboute Midsommer day was twelvemoneth hee came after her and overtooke her who then towlde this depont that two men who were rodd a little before hadd

robbed her whom shee did hope to overtake at the haye and thereupon this depont ran to the Haye where seeinge the said two men hee this this depont returned to seeke the said Margery Evans, and then brought her to the place where those two men were and there left her with them and knoweth not what further passed betweene them.

Roger Vaughan

The Information of Thomas Dennoyre of the Moore in the said County gen taken before Roger Vaughan Esqr xr the day and yeere above written xr.

Who upon his oathe informeth that upon Midsomer Eve last was twelvemonth hee did see Margery Evans runninge alonge the highway within a myle of the haye a markt town in the County of Brecon who then complained to this depont that two men who were ridd before towarde the haye hadd robbed her of her purse and hadd taken from her fower shillings and two pence wch was therein and desiredd this depont to ride the there after them and there to apprehend them, the wch hee did and founde them at the haye aforesaid at a Smythes shopp shoeinge one of their horses, whom when this depont sawe hee towlde them that the said Margery Evans hadd complained to him that they had taken her purse from her wth fower shillings and two pence therein on the high way therefore hee required them to stayer till the said Margery Evans came thether who presently came to the haye aforesaid and founde the said psons at James Lloyds howse of the haye beinge Bayliff of the said Towne, where the said Margery Evans then charged one of the said psons who is named Burghill for robbinge her on the high way in takeinge her purse from her and fower shillinge and two pence therein, and in doeinge

her a worse turne, useinge her owne words But named not pticuler fact and saith that the said James Lloyde used the said Margeru Evans very roughly whom hee sawe pushinge the said Margery Evans before him towards the Servante howse where the ward for the towne was.

(signed) Roger Vaughan

The Informacon of Roger Franncis of the Hardwick in the said County Tanner, taken before Roger Vaughan Esqr xr the day and yeere before written.

Who upon his oathe informeth that hee sawe the said Margery Evans as shee went alonge the waye towards the haye cryinge and complaining that two men whose names were unknowne unto her hadd robbed her of her purse and fower shillings and two pence therein, and that they were gone a little before towards the haye, where shee towlde him that hee should overtake them, for that one of them hadd lost one of his horses shooes, and that shee thought they would stayer there to put it on, whither this depont went on foote and then tooke one James Gittos horse, and rodd backk to meete the said Margery Evans, and meetinge her, hee tooke her upp behinde him and brought her to the Hay to James Lloydes howse, whom hee sawe a little after leadinge her by the arme towards the towne prison and soe this depont depses homewards./

(signed) Roger Vaughan

5. *Deposition of Evan John William of Llanville. 4 Sept 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7385.*

The exaiacon of Evan Jn William

[...]

Evan John William of ye pish of Llanvillo in ye Com of Brecon father of ye Pr Margery Evans a witnes exaied on his Mats behalfe before ye kinges Mats counsell in ye Marches of Wales in ye office of his Mats Solicitor attending ye same Councell.

This deponent saith yt Margery Evans this depts daughter was dwelling as a servant wth one Alice Hadnocke widdowe at Shelwick wthin a mile of heref: above one neare & upon or abouts midsomr was two yeares was brought by two Constables to this depts howse wthin two dayes after she had bin ravished & robbed as this dept beleeveth & thenne to Mr Price of Brecon & thenne she was brought to Gaole upon Mr Price comittmt & there psently fell sicke & wthin a day or two after this dept & another of his daughters being sister to Margery paied women to serch hir whether she had bin ravished vizt Elizabeth verch Thomas, Anne verch Evans this depts daughter & a this woman being a midwife whose name this dept doth not knowe, & further saith yt upon ye serch it appeared she had bin deflowred & further saith yt all this while Burghill was kept in Mr Price's house at ye Priory for a weeke of ye time yt ye Pr Margery was ymprisoned, & yt at ye then next quarter sessions ye Pr Margery was delived & enlarged out of prison /

6. *Letter from Timothy Tourneur to Lord Bridgewater. 8 Sept 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7386.*

My very good Lord

As concerninge the Peticon and reference to & by yor Lo.p there could be nothings effected to give satisfacon of the truth of it in soe short a tyme first because the Peticonr prtended to be ravised came not hither to lay downe hir depopsicon, secondlye because for the present here was noe witnes pduced but the peticonrs father whoe knoweth nothings but by his daughters relation / and that he deposeth he pcured three woemen to serch hir wthin two or three daies after the prtence of the fact and that they tould him it apped hir virginitie had bin forced by a man, Now my Lord I am suspicious the yonge wench is put on by hir Aunt one Elizabeth Evans named in the peticon a woman I heare of light convsacon hir husband by hir owne confession lately hanged for felony. And in the peticon itself, and maynteyned by this Elizabeth Evans in hir discourse of the history of the busynes to me there is a notable circumstance of ymprobabilitie of the fact wch is that prsently after the fact Burghill put the wench on his mans horse and sent his man before on foote two mile of the Comon roade way and that Burghill compelled the wench to ride wth him that Comon way on the mans horse two mile from the place of the fact to a vilage called the Bache and assoone as he had brought her through that village did set her downe and let hir goe Now touchinge the former examinacon taken by Justices of peace upon the kings reference tis alledged in the peticon they were certified and by his Mats direction delived to Mr Attorney generall & yet this Councell to shew their dilligence & desire to discov the truth hath sent forth [...] under the signet of this Corte to those Justics of Peace to certifie them further

touchinge their examinacon, Those hath bin asinte [since] brought here in wch some of the
Councell tell me these are some passages of this busines wch I was not acquainted wth And this
they say was dismissed for [...] pseucon wth Mr Justice tould me should be sent to yor Lop. And
this is all I can yet advise yor Lop of this matter

at yor lops commend

Tym. Tourneur

Ludlow this viiith of September 1633

7. *Letter from Jo. Brydgeman, N. Overbury, M. Lloyd and Edw. Waties to Lord Bridgewater. 10 Sept 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7387.*

Right hono:ble

Accordince to yor Lops ltrcs of the 26th of August last, wee have endeavoured to finde out the trueth of the matters of complainte conteyned in the peticon thereinclosed And for that purpose, first wee called before us, the peticoners Aunte Elizabeth Evans, whoe psecuteth for her & wished her to name to his Mats Solicitor here such and soe many witnesses as she could, for pffe of her complaybts & directed the Solicitor carefully to examine them, whereupon she pduced onely the peticonrs father, whose examinacon wee have sent to yr Lop hereinclosed; wee allsoe fynde that in November in the seaventh yeare of his Mats reigne the peticoner exhibited her bill of compleynte before this Councell, against Thomas Price esqr, James Lloyd and diverse others, thereby complayninge for the same matters in effect (exceptinge the Rape & felonye), conteyned in this peticon to wch bill the deffts [defendants] answered upon oath & were examined upon Interrogatories, & thereby denied all the materiall matters of the bill, whereupon the parties descendinge to yssue, & upon the peticoners Promise that she could have noe indifferencie wth commissioners in the Countrey, wee appoynted one Jasper George a sworn examiner of this courte to ioyne wth the other Commissioners, wch was done & twelve witnesses examined on the peticoners behalfe, after wch in Aprill in the eighth yeare of his Mats raigne publicacon was grannted and the cause readye for hearinge. Sithence wch tyme the ptt hath noe further pceeded in her sute; Wee have sent to the Justices of the peace (beinge referrees from his Matie for

examinacon of the felonie) for the examinacons taken by them, but wee have not as yet received any answer from them, neither doe wee conceive it materiall, for that it is alleadyed by the the peticon that these exainacons were certified & returned to Mr Attorney generall And therefore wee beinge ready to departe from this appance have thought good to make this shorte advertisement & to send to yr Lop the bookes of the suite before specified whereby it will best appe to yr Lop what pffe the petr hath made therein; wee have allsoe returned hereinclosed the peticon; And soe wee humbly take or Leave restinge:

Ludlow Castle the xth of September 1633

[...]

At yr Lord Comandmet

Jo: Brydgeman

N: Overbury

M: Lloyds

Edw James

8. *Letter from Sir John Brydgeman to Lord Bridgewater. 20 Sept 1633. The Huntington Library, San Marino, California. Ellesmere Collection, 7388.*

Right ho:ble

I have received yr Lops sevall lres of the 13th & 14th of this monthe and am very gladde that yr Lop: hath so well effected the busines yr Lop: was pleased to write of, And I hope before this tyme lres of advisemt to yr Lop: considering the matters explyned of by Margerie Evans are come to yr Lops: hands whereby and especiallie by her complaint at the councell & the pceedings thereupon I conceive yr Lop: may receive good satisfaction in the busines wherein I must needs say that upon pusall of the books at the councell I find much more clamour then truth in her complaint wch nevtheles I hublie leave to yr Lops: better iudgemt, alwayes resting

At yor Lops comandmt.

Jo Brydgeman

9. *Letter from Timothy Tourneur to Lord. Bridgewater. 3 Nov 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7389.*

My verie good Lord

I receaved yr lops lres of the 26th of October the last weeke at the towne of Poole in Monntgomy shire [Montgomeryshire] in the great sesss [sessions] and came to ludlow Late yesternight and my deputie hath not yet bin wth me to give me attempt of any businesse of my office wch was dispatched this last [...]. Soe that I cannot at the present give yor lop a pticuler accompt of the late depositions & exam taken concining the rape memoed in the peticon sent hither by yor lop the last appame: But mr. Justice waties who hath seene all tells me he finds in it litle or nothing of weight As concining the metter in yor lops lres I sawe but two of the opposite faction wrthy the naming at the election videlt Mr Barker of Haughmond (Shrewsbury) and Mr Thomas Owen the first a verie discreet hone [honorable] gent; the second hath two much of the furie wth a winde mill ever turninge in the top of his sconce but how seen he is for the most pte ad nutum Sr RM for whose sake he came thither for there could not have bin a man chosen to whome he stands more in opposition then he doth to Ch: B. Sr RL thoughe he had whie would not be present to see the death of the childe / Sr JC was at Chester wayting on my Lo: of kilmorreys office where Sr Andrew Corbet was (as I heare a Commisson his last gent I named I am pswaded is propense to yor lops phe yf neede should require and onlie my lo: I am of opinion that those whome yor lop hath most cause to think opposite would be glad to come into the sunneshine of yor favor. but yf they should doe their worste as the pties & factions now stand they can carry nothing. Mr Edwards a Justice of peace psent at the election a votarie of my lord yor father an

honest & discreete gent to him I shall adventure to [...] and to some few of the better sort of freeholders as I shall meete them here is one Mr Arthur Chambers the sonne of M Arthur Chambers of Hotton deceased crept into the Comiss's of the peace a man of two pownd land a yeare [...] having noe further to write I shall heare humbly take my leave of yor lop and ev remaine

yor lops v honor & serve ye

Tym Tourneur

Ludlow this 3d of November 1633

10. Letter from Timothy Tourneur to Lord Bridgewater. 10 Nov 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7390.

My verie good Lord

Concerninge the rape and felony I have sithence my last lre to yoe lop read the deposicons of the witnesses taken this last vacaced by Mr Justice waties and finde nothing to touch the ptended offenders but the pss [proofs] of a yong woman who is the sister of the peticoner who deposeth that Burghill did confesse the rape to hir and that John Williams his servant confessed to hir also that he caught the peticonr and brought hir to his mr. The peticonr himself hath not bin heere to charge them upon hir oath. I have for this first weeke of the terme forborne to put the councell heere in mynde to make a c.tificat to yor lop, because I expected to have spoken wh the psequntor to know whether she hath any more witnesses to examine / but she came not to me as yet; but this weeke insuing I shall remember the councell of his busynesse And there upon I suppose they will send to yor lop a formall certificat of all And soe I kisse yor lops hand & remaine

At yor lops service

Tym Tourneur

Ludlow this 10th of November 1633

*11. Petition of Margery Evans to have copies of the indictment examinations delivered to her.
13 September 1633. The Huntington Library, San Marino, California. Ellesmere
Collection, EL 7391.*

To the right honorable John Earle of Bridgwater Lord Presidente of his Maties Councell in the
Marches of Wales and one of his Maties most honorable Privy counsell //

The humble peticon of Margery Evans and of Elizabeth Evans her Aunt

Most humblie Sheweinge that the poore peticoner Margerie was about two yeares and five
monethes past inhumanely ravished by Philberte Burghill, assisted by John Williams, present and
accessorye, was also robbed by them, and when shee complained was beaten and imprisoned, by
James Lloyd Bayliffe of the Borrough of the Hay in the Countie of Brecon, and [...] his wife, and
by Katheryne the wife of Davie Jones, and by Sr Henry Williams knight and Thomas Price Esqr,
Sibill Lloyd, nowe the wife of William Watkin, Elinor Lloyd Spinster, Thomas Everett, and
Joane his wife; that uppon complt to his Matie shee obteyned a deference, to Edward James,
Roger Vaughan, Charles Vaughan, and Blanch Parrey, Esqrs, to examyn the truth upon oath,
wch was done accordinglye, and the said rape and felonye found but certefied onely by the said
Edward James and Roger Vaughan, whereuppon inditemte were prffered, in the Countye of
Hereford, at the last lente Assizes, and the peticonr Elizabeth bound to psecute whoe was hindred
by sicknes and thereuppon nothinge done upon the inditmte soe farr as the peticonr cann learne,
but yor peticonr Elizabeth her bond certefied unto the Councell of the Marches and [...]

The peticonr uppon theire humble peticon unto the Lord of his Matie in August last obteyned a deference unto yor Lopp to examyne the truth and to insact due punishmt,

The peticonr by yor Lopp order repaired to the councell in the Marches had divse witnesses examined, but cann have noe veiwe or sight of theire examinacons, neither cann have a coppie of the Inditemte, preferred at Hereford wch are in the hands of one Mr Gravell of Clifforde Inn, whoe is either clarke or deputie clarke of assizesfor that countie.

Their humble peticon to yor Lopp is to be pleased to give order that coppies of the said Inditemte examinacons and all the pceedinge, may be delived to yor peticonr, to pduce before yor Llopp, that yor lopp haveing found out the truth may inflict due punishmt unto each offendor, And that noe pceedinge may be had, agt her uppon her bond, beinge hindred onely by sicknes, as aforesaid And as in duty bound the peticonr will pray for yor Lopps Honor and encrease of true hapines.

These allegacons for ought apparent to me may be as well false as true. Yet I have given order to have the clerke of the assizes (if he be in towne) to come unto me; that I maye the bettr enforme my self of the latter parte of this petition

J Bridgewater

15.9.1633

*12. Letter from Roger Holland to Lord Bridgewater. 16 Nov 1633. The Huntington Library,
San Marino, California. Ellesmere Collection, EL 7392.*

My good Lord.

The Clerke of the assizes his man hath search as appeares by his Certificate here [...] he saith there was a Rumor of an Inditmt for a Rape upon the bodie of this Margerie Evans but nothinge done that he could take notice of, onlie this terme there come an old woman to him that he conceites is her mothr that was verie inquisitive after the pceedings and whether or no there was any Indictmt for a Rape. If yor Lopp shall be pleased to give direcns for anie othr or further search or that the Clerke shall attend you after this eny (wherenoe he hath some speciall busines) he will readie Concrninge the booke of freeholders that is wth the sheriffe, he hath the names of such onlie his are returnd for this or the [...] partie & partie and noe more. I am to attend about a [...] for the Lo: Herberte of Castle [...] soe desire yor pardon that I attend not but Leave this unperfected lettr restinge

Yor Lopps most humble servant

Roger Holland

16 Nov 1633

13. Statement on oath by Elizabeth Evans. 29 Nov 1633. The Huntington Library, San Marino, California. Ellesmere Collection, 7393.

The peticoner Elizabeth Evans maketh oath That all the matters conleciced in the peticons are true And both the peticoner Elizabeth and Margery Evans make oathe they are not worth in lands and goods five pounds their debte paid And the peticoner Elizabeth further deposeth that shee was bounde by Rgr Vaughann esqr one of the Justices of the peace in the Countie of Hereforde to prosecute again if the said Burghill and Williams in the peticon named, wch shee was noe waie able to performe at lente Assizes last helde for the said countie of hereforde by reason of her tedious sicknes whereof shee then and for manie monthes after languished.

29 Nov: 1633

Jo Mychell

14. Letter from Timothy Tourneur to Lord Bridgewater. 22 September 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7394.

My verie good Lord

Sithence my last lre I put the councell here in mynde of th ematter of the rape and they were all of opinion that it was needlesse to make anny ctificat of the witnesses lastlie exaied and they all thought yor lop was sufficientlie informed of the canage of the matter & of the time state of the cause by their found ctificat. And truly my lord for myne owne iudgmt of it I thinke there is noe ground to make it rape or felony but by all likelihood Burghill had carnall knowledge of hir and afterwards she complayned because he left hir behinde him & would carry hir noe further Then she came after to the hay to his Inne where he staid and there charged him wth rape. upon wch the host being bailieff here comytted hir to prison and afterward the Justice of peace loaded hir wth another comyttmt for false accusing his cosin Burghill or his verie familiar frend at leastfor I finde none there willing to examine a rape against Burghill. the man (as I heare is reputed to be of evill behavior but not of soe highe a straine as felony unlesse he may come somewhat neere a rape This my good lo because I have expience of yor lops favour to allow me some lynes to set downe my opinion I have made bold in this submitting it to yor lops higher Judgmt And soe doe humbly take my leave & remaine

At yor lops service

Tym Tourneur

15. *Examinations of Anne Evans, Elizabeth Thomas, Johan Jones, Thomas Dennoyre, James Gittos, William Lewis, Robert Roberts, William Bevan, Evan Hugh, Aysham Lewis, James Hughes and David Hughes. 9 October 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7395.*

Justice ministred on his Mats behalfe for ye examinacons of witnesses against Philbert Burghill & John Williams touching the ravishing & robbing of Margery Evans.

1. doe you know the said pties, & how long have you knowne them.
2. doe you know yt ye said Philbert upon or abouts xxiiith day of June last past was 2 yeares did ravish or carnally know the boddy of the said Margery Evans agaynst her will at or neere a place called Arthur Stone in ye County of Hereff
3. Whether did ye said John W:ms ayde or assist ye said Philbert Burghill to ravish the said Margery, or did they or either of them take the purse or mony off ye said Margery from her the same tyme wth force & where & how shew ye truth what you know or can say touching ye said rape & robbing & ye circumstances thereof at large /

Apud Ludlow nono die Octobrir Anno [...] Caroli Anglie &c Nono

The exaiacons of certayne wittnesses taken ye day yeare & place above said before the right honorable ye kings Mats Councell in the Marches of Wales upon ye Inters annexed & iminstred on his Mats behalfe agst Philbert Burghill & John Wms as followeth.

Anne vz Evn of Llanvillo in the Coun of Brecon Spinster aged abouts 28 yeares sworne & exaied on his Mats behalfe upon ye said Justerr deposeth & sayeth as followeth /

To ye first Interr ye said dept sayeth yt she knoweth Margery Evans & sayeth yt she is ye depts sister; & this dept: hath seene Philbert Burghill & John Wms & now knoweth them But did not know them before they weere charged wth ye rape & robbery layd to their charge.

To ye second & third Interr ye said dept sayeth after the said Philbert Burghill was charged wth ye said rape ye said Philbert Burghill at ye Cort neere the dwelling house of Tho Price esqr of ye Priory in ye Con of Brecon upon conference had beetweene ye dept & ye said Philbert, he ye said Philbert confessed to this dept yt he had ravished ye said Margery & sayed yt if hee had seene some of her friends sooner he would have made her amends for her wrong. And sayeth ye said John Wms ye same tyme did confesse yt hee had caught ye said Margery in ye way & brought her to the said Philbert being his Mr And sayeth farther yt ye staid Mr Price having Comitted ye said Margery to ye gaole of the Com of Brecon. The dept the morrow after yt ye said rape was alleadged to bee comitted went to her said sister Margery to ye said Gaole & ye dept & othrs upon search made found ye smocke & other cloathes of the said Margery bloody & the dept was forced to provide her cleane linnens.

The mke of Anne vz Evn

Edw Waties

Elizabeth vz Thomas the wife of Evan John vz Tenn of Gwenthier in ye Com of Breck: aged about 40 yeares likewise sworne & exaied on his Mats behalfe deposeth & sayeth as followeth.

To ye first Interr: ye said dept: sayeth yt she knoweth Margery Evans in yt interr named but doth not know Philbert Burghill & John Wms in yt interr named.

To ye second & third interrs ye said dept: sayeth yt when the said Margery Evans remayned in ye gaole of the Com of Brecon after ye said Philbert Burghill was charged wth ye said supposed rape this dept: went to see her & yt the said Margery seemed to bee lame & hurt & bruised. And upon searching of her the smocke of ye said Margery was bloody & she was hurt in her boddy & yt said Margery then alleaged that Philbert Burghill had ravished her / And farther doth not depose /

The mke of Elizabeth Thomas

Edw: Waties

Johan Jones of Gwenthier in ye Com of Brecon spinster aged about xxvi yeares likewise sworne & exaied on his Mats behalfe deposeth & sayeth as followeth.

To ye first Interr this dept sayeth yt she knoweth Margery Evans in yt Interr named. But doth not know Philbert Burghill & John Wms therein named.

To ye second & third Interr ye said dept: sayeth yt at such tyme as ye said Margery Evans remayned in the gaole of ye Com Brecon ye dept went into ye said gaole in ye company of the 2 former depts Anne vs Jenn & Elizabeth vz Thomas & there saw ye said Margery in ye said gaole But did not see any hurts or woundes upon her. And then ye said Margery alleaged yt she was ravished & her mony taken from her. But this dept: doth not now remember whome ye said Margery then charged wth ye same offence.

The mke of Johan Jones

Edw Waties

Apud Ludlow decimo die Octobris Anno RS Caroli Anglie Xc Nono

Thomas Penoyer of ye parish of Clifford in ye Com of Herefs gent aged xxxiii yeares or thereabout a wittnes sworne & exaied before ye right honorable ye Kings Mats Councell in ye Marches of Wales upon ye Interr annexed ministred on his Mats behalfe agaynst Philbert Burghill & John Wms deposeth as followeth:

To the first Interr this dept sayeth yt he doth know two men who were alleaged to be named by the names of Philbert Burghill & John Wms.

To ye second & third Interr ye dept sayeth yt upon Midsomer Eve last past was two yeares this dept: being in certayne of his grounds neere his Mats highway leading through ye parish of

Clifford aforesaid at a place called the Combe bath he did heare a cry at a place called Hardwicke in ye said Com abouts a quarter of a mile from ye said place where ye dept was as aforesd upon wth one James Gittoes coming from Harwick aforesd did tell ye dept that a younge girle had made greate moane yt two men had robbed her on ye high way & had taken her pouch & mony from her wch he alleadged was ye party yt made the cry in ye Hardwicke aforesaid in pursuite after ye parties yt shee alleadged had so robbed her. And suddenly thereupon a young girle whome after named her selfe Margery Evans (being as he taketh that Margery Evans named in ye Interr) did come running along ye highway neere to ye place where ye depont & ye said James Gittoes stood talking as aforesd upon wch ye said Gittoes tould this dept: yt that was ye partie yt alleadged had lost her ~~purse~~ pouch whereupon ye dept tooke occasion to question wth he said girle. And then she tould the dept yt two men had robbed her as she was coming on the highway from Herefs at a place betweene the batch & Arthurstone in ye county of Heref & yt they had taken from her a pouch & iiis iid in mony in it & shewed ye [...] two broken strings hanging at her girdle & descryed ye persons yt she alleadged to have robbed her to be horsemen & descried their cloathes & their horses alleadging yt one of ye said pties when they robbed her as aforesd affirmed yt he would stay in ye Hay in the Com of Brecon to shooe his horse upon wch this exam called to mind yt he had seene two such men ride along ye same highway towards ye Hay not long before hee heard ye said cry at Hardwick as aforesaid. And thereupon upon ye said girles intreaty ye dept & ye said Gittoes and others did follow after ye said persons to ye Hay aforesaid (the said Girle alleadging yt she would come thither after them) And coming into ye Hay ye said tyme he ye dept: found two such men & two such horses as ye said dept had described unto ye dept: standing at a smithes shopp in ye said towne of ye Hay whereupon this dept tooke occasion to conferr wth them whether they knew such an one as ye said Girle was &

one of them sayed yt he had seene her on ye way. And upon ye same ye dept: tould them yt the said partie was coming after them alleadging they had robbed her & tould them yt they might doe well to stay till ye said party came to know what she would oliert to their charge whereupon by fayre meanes they went into ye house of one James Lloyd ye Bayliff of ye Hay aforesd who kept an Inne & then shortly after ye said Girle who alleadged her selfe to bee robbed came unto the Hay & into ye said Bayliffs house where ye said two persons were in company of divers other persons upon wch this deponent asked ye said girle if any one in ye said house in yt company were ye party yt robbed her, & thereupon ye said Girle did amongst all ye company goe unto ye Elder of ye said two men *whome aftward he heard was named Philbert Burghill) & did take hold on his arme, alleadging yt he had taken from her on ye highway her pouch & iis iid in it, & sayed unto him yt hee had don a worse deed unto her then yt was, but what she meant by ye wordes (worse deed) he doth not know, Whereupon this dept left ye said Girle & the said two persons in ye said Bayliff prsence in the said house, & ye dept went homewards, & what after was donn he knoweth not And more deposeth not.

Tho: Peneyer

Edw: Waties

James Gittoes of Hardwicke in ye parish of Clifford in the county of Herefs Tanner aged xxxty yeares or thereabouts an other wittnesse also sworne & exaied before ye said councell one his Mats behalfe agst Philbert Burghill & John Wms deposeth as followeth.

To ye first Interr this dept sayeth yt he doth know ye said John Wms & doth partly know ye said Philbert Burghill

To ye second & third interr this dept sayeth yt ~~he doth know the said Jo~~ upon or neere abouts Midsommr Eve last past was two yeares there came a younge girle ^who named^ her selfe Margery Evans along ye way neere ye depts house in Hardwicke aforesd & did make greivous moane yt two men had yt day robbed her on ye way betweene a place called ye Batch & Arthur stone in ye Com of Heref & had taken from her iiis iid in mony. And wthall ye said girle did descry unto ye dept ye apparrell of ye said persons & ye collr of their horses, alleadging yt one of ye said parties yt soe robbed her affirmed he would stay at ye Hay in ye Com of Brecon to sett a shooe on his horse & then ye said girle entreated this dept to follow after ye said persons to ye Hay & to endeavor to have them stayed there, & yt shee would come as fast as she could after them, wherupon ye dept & one Tho: penoyer gent & othrs by ye girdes intreaty went after ye said persons to ye towne of ye Hay aforesaid where they found two such persons & two such horses as ye girle had descryed unto them standing at a Smiths shopp in ye said Towne & thereupon this dept returned back & mett the said Girle on ye way whereby this dept did hasten her to come to ye said Towne acquainting her yt there were two such persons in ye same towne as she had alleadged had robbed her & th wall this dept brought ye said Girle to ye said Towne & directed her where ye said persons weere, & then this dept returned home=ward. And what was after don he knoweth not And more deposeth not.

James Gittoes

Edw Waties

William ap Jenn Lewis of ye Hay in the Com of Brecon yeoman aged about 50ly yeares likewise sworne & exaied on his Mats behalfe deposeth & sayeth as followeth.

To ye first interr ye said dept sayeth yt he knoweth ye said Margery Evans & John Wms in yt Interr named, but doth not know Philbert Burghill in yt Interr named.

To ye second & third Interr ye said dept sayeth yt at Midsommer Eve was ii yeares this dept being then one of ye servants at Mace of ye Towne ~~of the towne~~ of Hay, one James Lloyd gent being then Bayliff of ye said Towne brought ye said Margery Evans to this dept & charged him to keepe her safely untill ye next morning alleadging she had reared an outcry after ye said Philbert Burghill & John Wms & yt she alleadged that they had cutt her purse & taken her mony from her. And this dept tooke ye said Margery into his custody & yt night this dept questioned wth ye said Margery touching ye said matter & asked her what wrong ye said Burghill had don to her & she then alleadged yt the said Burghill had taken her purse & iiis iid in mony from her by ye highway & had throwne her downe & endeavored to ravish her. And farther doth not depose.

The mke of Wm ap Enam Lewis X

Edw Waties

Robert ap Robert of ye Hay in ye county of Brecon yeoman aged about 40ty yeares likewise sworne and exaied on his Mats behalfe deposeth & sayeth as follos

To ye first Interr ye said dept sayeth yt he knoweth Margery Evans & John Wms But doth not know Philbert Burghill. in yt interr named.

To ye second & third Interr ye dept sayeth yt he upon Midsommr day was 2 yeares being petty Constable of ye Towne of Hay recd a warrant under ye hand of Sr Hen: Wms kt on of his Mats Justices of peace of ye said com of Brecon requiring the said dept to bring ye said Margery Evans before him & this dept brought ye said Margery to ye house of Thomas Price esq in Brecon where it was alleadged yt ye said Sr Hen Wms then was. And this dept fayted to find either ye said Sr Hen Wms or ye said Mr Price there. But one Hugh Meredith servant to ye said Mr Price delivered this dept a Mittimus under ye hand of ye said Sr Hen Wms as was alleadged to bring ye said Margery to ye gaole of ye said County wch this dept did And ye said Margery then alleadged yt shee had lost her purse & iiii iid in it, & yt ye said Mr Burghill had ravished her further cannot depose.

The mke of Robert ap Robert X

Edw: Waties

Wm Bevan of ye Hay in ye county of Brecon aged about xvii yeares likewise sworne & exaied on his Mats behalfe & sayeth as followeth

To ye first & all ye rest of the interr ye sayd dept sayeth that he knoweth Jo: Wm & Margery Evans. But doth not know Philbert Burghill in ye interr named And sayeth that at such tyme as

ye said Margery remayned in ye house of Wm ap Jenn this depts father, being there comitted by James Lloyd then ye Bayliff of ye Hay aforesd the said Margery then alleadged yt ye said Burghillhadd don his best to ravish her & had taken her purse & mony from her And farther doth not depose.

The mke of Wm Bevan XX

Edw Waties

Evan Hugh of the Hay in ye com of Brecon mcer aged 50 yeares or thereabouts sworne & exaied upon ye interr annexed on his Mats behalfe deposeth & sayeth as followeth.

To the first interr this dept sayeth that he knoweth the parties in ye interr named.

To ye second & third Interr this dept cannot materially depose any thing of his knowledge touching ye rape or felony in the third interr named but this dept sayeth yt after ye said Margery Evans was comitted by ye Bayliff of ye said Towne of Hay to ye gaole of ye said Towne. this dept going to ye said gaole, to know ye cause of her Imprissomt did heare ye said Margery say yt she was ravished & robbed by Philbert Burghilll & John Wms & shewed ye stringe of ye purse yt remayned hanging at her girdle & she being then demanded how much mony she had lost she sayed it was iiis & iid And farther this dept: cannot depose

Evan Hughes.

Eds: Waties

Aysham Lewis of ye Hay in ye Com of Brecon aged 40 yeares or thereabouts a wittness likewise sworne & exaied before ye Kings Mats counsell in ye Marches upon ye Interr annexed on his Mats behalfe agaynst Filbert Burghill & John Wms touching ye ravishing & robbing of Margery Evans.

To ye first Interr he sayeth yt he hath seene ye said pties but did not know them untill after ye supposed fact of ravishing of ye said Margery Evans saing yt he had seene ye said Jo: Wms before.

To ye second Interr he sayeth yt in ye said Interr mencoed the said Margery Evans came ryding into ye towne of Hay aforesd behind one Roger Francis & upon her coming to ye said Towne did report to this deponnt & other yt ye said Philbert Burghill had robbed her & taken away her purse & fower shillings & two pence in mony from her And being demanded about halfe an hower after in the howse of Wm Bevan if he did any thinge to her for yt he did his best to ravish her.

To ye third Interr this dept sayeth yt he can say no more but what he hath sayed allready to ye second interr out of yt month of ye said Margery Evans & sayeth yt he did not heare ye Margery report or say yt ye said Jo: Wms had don her any wrong & more cannot depose.

Aysham Lewis

Edw: Waties

James Hughes of ye Hay in ye Com of Brecon aged xix yeares or thereabouts sworne & exaied upon ye interr annexed on hir Mats behalfe deposeth & sayth as followeth.

To ye first interr this dept sayeth yt he knoweth ye parties

To ye second & third interr this dept cannot say any thing of his knowledge more then yt hee did see Philbert Burghill John Wms & Margery Evans ye tyme in ye second Interr mencoed in ye said Towne of Hay And farther cannot depose.

James Hughes

Edw: Waties

David Hughes of ye Hay in ye Com of Brecon afed 20tie yeares or thereabouts a wittness likewise sworne & exaied upon yt Interr annexed on his Mats behalf agst Philbert Burghill & Jo: Wms touching yt ravishing & robbing of Margery Evans

To ye first interr he sayeth yt he did never know the said Philbert Burghill nor ye said Margery Evans untill their coming to ye Hay after ye supposed fact was comitted but had seene ye said Jo: Wm before

To ye second & third Interr this dept sayeth yt he knoweth nothing touching ye mattr in yt said
Interr encoed saying yt it was reported yt ye said Margery Evans did give out in speeches yt she
was ravished & robbed by ye said Philbert Burghill & Jo: Wms And more cannot depose

David Hughes

Ed: Waties

*16. Petition of Elizabeth Evans to Lord Bridgewater. 6 Jan 1633. The Huntington Library,
San Marino, California. Ellesmere Collection, EL 7396.*

To the right honorable John Earle Bridgewater Lord President of the Marches of Wales

The humble peticon of Elizabeth Evans widdowe

Humble sheweth that whereas yor peticonr hath for a longe tyme psecuted against Phillipp Burghill and John Williams for Rape and felonie by them Comitted as to sufficientlie proved, wherein of late shee hath humblie besought yor lops ayde and lawfull favor.

Yor said peticonr hath in prosecucon of the said sute spent almost her whole estate and borrowed much money of severall persons for that purpose wch for the prsent shee is noe wayes able to satisfie and her Creditors are soe eager and violent against her that they will noe longer forbear her insomuch that shee hath of late beene 3 tymes arrested and is in danger of further trouble for other debts, and to bee cast in prison and soe to bee prented from further prorsecucon whereby the said notorious malefactors are like to escape unpunished and (wthout yor honor favor ~~exted~~ extended) yor petr to [...] in prison & bee bitterly undone.

Nowe forasmuch as yor honoro poore peticonr is willing to her uttermost power to satisfie all her creditors yf shee might obtaine respite of tyme till the said sute shal bee ended.

Her humble peticon is that yr hobor wilbee pleased for Gods [...] soe forr propitions she to reflect on her distressed condicon wth respect to the witnes of her cause of pseucon against the said offenders, as that still may goe under yor honoro protecion free from danger of arrest till her said sute shalbee ended and to take such other course for her redresse herein as to yor hobor shalbee thought meete. And yor poore peticonr shall most humblie peticon the highest for yor longe life increase in honor & eternall glory /

17. Letter from Timothy Tourneur to Lord Bridgewater. 28 Jan 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7399.

My verie good Lord

I observe in yor lops last lres to me this 5 pts 1 yor lops opinion of the cause conteyned in Mgerly Evans peticon 2 yor lops imposicon of secrecie 3 yor lops request to me 4 the peticons importunitie 5 yor lops conclusion upon the whole To all wch pts I shall humblie and trulie psent my opinion and answe As to the first I doe highlie suspect the offense to be morbus {and as yor lop notes crimplicatus) and for that or some other reason hard to become explicatus. i in regard of the name of the offense a rape (as it is complayned) wherein the ptte of the act of copulation is but secondary and the disagreemt of the woman at the tyme of the act is primarie soe that the issue is not upon the xternall act whether it was done or not but whether it was in the patient voluntary or compulsory in the act / 2 difficnes in respect of the inequalitye of the pseuator & defendt, the first a woman poore and frendlesse. The second though a man famed to be wicked, yet having many frends of power both in the English & Welsh pale whereabouts the fact was ppetrated The strength of the womans evidence stands upon hir owne pffe and hir sister and some other circa stancs unsinge upon the fresh sute for the ptiallitie of the Justices of peace [...] that is noe cirmstance to pue in the maine As touchinge yor lops second pte I apphend it not as enjoyed me ont of any dowbt yor lop hath of me; but that yor lop notes yor intent that ye would not have it discovered till yor lop may have cause to doe it yor self wherein I shall observe yor commands As to yor lops 3 pte I assure yor lop I can make no further discourse then is allreadie made by the form exaiacons taken wherein all the witnesss named as yet to me by Anne Evans

(whoe psequuted for the peticon) have bin pdmed & yor lop hath seene all there exam. As to yor lops 4th pt, the importunitie of the pet to avoyd this yor lop may be pleased to make yor report to the lords & then their lops will referr hir to a triall at heref assses; or yor lop may doe it wthout report to the lords but wch way soever it is it wilbe good to annex to it a caveat of circmspexion to the Judges. And yf she will pceed to a triall she must gett the Judge warrt to arrest Burghill of the felony that he may be ready to be tryed. Also the xaicons yor lop hath must be sent to me wth speed to be sent to the assises. M Roger Vaughan Ire wch I now send to yor lop will give yor lop some more light that the falt is in the psequotor wch hath neglected it soe long. As to yor lops last pte menconinge in genall some Informacone in this [...] and other occurrences here to this I take boldnes to write thus It is true men are apt to talke when they see JS fined (in his absence from the hearing) 40t for ingrossing 400 strike of barley in 3 yeaes and JD who was present at the hearing of his cause was fined but in 10t for ingrossing 1000 strike of barley in 3 yeaes and at Pencon at the table for qualificacon when both were psent then both their fines were qualified to 4 mks apeice; Now some by standers are soe bold as to give a reason why the man wch did the lesse offense was fined in court fower tymes as mych as hee that offended above twice so much And why againe at the table the 40t was qualified to 4 mke videlt as low as his that in court was fined 10t / They say the 40t was imposed because he did not appe and solicite his cause well at hearing And againe that his qualificacon upon his peticon was even wth his that was fined 10t; then say was because he solicited his peticon in pson where as first he was absent Thes case happened the last terme in [...] in the first Mr att there informed against one Lawe; in the second against one Bruge of Brugwrth These cases appe in the clarke of the fines booke. [...] These are misteries wch simple honest men know not what to thinke of but hope all is well I will wade noe further in to this gulf for feare of drowning yor lopp sees by this I put my self into yor hands And

humbly pray that of yor lop wch yor lop hath enioyned me, but how soon I have Record for the
one & his onne hand & the Record to warrt the other yf yor lop thinke I have bin too bold I will
crave pdon & doe soe noe more And soe I humbly take my leave & remayne

yor lops most bounden servant

Tym: Tourneur

Shrewsbury this 28th

of January

18. Draft letter from Lord Bridgewater to Timothy Tourneur. 28 Feb 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7400.

Attch my very hartly commendacons

I have, since I recd yr lettr of the 28th of the last, beene so full of businesse, (& wtr all a little touched wth my ould infirmity,) that I coulde not untill nowe gett leasure to write nto yu; but nowe I sende yu those examina-tions wch weere taken by Mr waties, & by yu sent unto me, & likewise that lettr of Mr Charles Vaughan & mr Blaynch Parry ^ dated 20.06.1633; & that of ^ Mr Roger Vaughan ^ dated 28.7.1633 ^ wch weere written in answere of the lettr sent from the Counsell in the Marches dat 4.7.9 Caroli R besides these I sende yu also herewth the Examinacon of Evan John Willm taken by Sr John Bridgeman 4.7.9 Caroli R & wishe & desire yu to lett Margery vs Evan or suche as are to ~~followe~~ prosequite the businesses for her (if shee proceede therein) to have ^ sight thereof & ^ copyes of all or any of them if they are ~~desire~~ seeke or demande the same. I coulde & woulde write more both of this Particuler, & some other matters, but that the same reason wch heretofore caused my silence, doth nowe cause my Brevity, so wth my good wishes unto yu I bidde yu farewell & rest

yr very loving frend

28 feb 1633

19. Petition of Elizabeth Evans to Lord Bridgewater. n.d. [19 Nov 1633?]. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7401.

To the Right honorable John Earle of Bridgewater, Lord President of his maties Councell in the mches of wales

The humble peticon of Elizabeth Evans a poore oppssed widow

Humblie sheweth unto yor honor: that a long and tedious sute (wherein yor poore petr was inforced to bee toe much troublesome to yor honor) having heretofore depended before yor honor, and others his Mats Councell aforesaid, wherein your petr on the behalfe of Mgerie Evans her neece was p.lt agt Tho Price esqr, James lloyd and others defts.

yor honor conceaving that yor petr and her said neece were poore people thought fitt that either some friendly agreamt might bee ^made^, or otherwise that yor honor would bee pleased at yor lops next retorne unto Ludlowe finally to determyne the same, for the good of all pties therein.

The defts, have procured divrs lres to bee written unto her, and her frinds thereby prtending, that they have much desired a finall end. But in the meane tyme (before yor honor hath, or could determyne the said matter) one Philbert Burghill the originall and graund Malefactor hath most uniustlie by their incitacon, or by the procuremt of some of their friendes pferred a bill into his Mats cort of star chamber against yor petr, and her saidneece and others (the said Burghill having allready by his vile and wicked lewdnes caused yor petr to wast her whole estate. And now

thinketh that yor petr and her said neece will neither bee able to answere his malicious sute nor to prosecute for the unsufferable and palpable wrongs suffered in the matters aforesaid

humble beesecheth yor honor to bee pleased to certifie unto the Right honorable the Lord
^keeper^ yor honorable opinion touching the said matter, to the end yor petr, and her said neece
maie bee admitted to answere the said sute most uniuistly, and contrary to yor honors appoyntmt
commenced in starchamber in forma paup And maie further bee relieved, as the Justice of their
cause shall demerite.

And yor petr will daily pray for yor honors eternall happines./

20. *Note of an indictment brought by Margery Evans against Philbert Burghill at the Hereford Assizes. 23 March 1633. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7402.*

Att th assise houlden att Hereff on Munday the five and twentieth day of March in the eight yeare of the kinge Maties raigne that nowe is. An Indictmt was pferred by Margery Evans and other pssecutors agt Filbert Burghill late of dorston in the Countie of Heref for a Robberie upon the highway wh indictmnt was fownd Ignoramus /

x me Ric: Gravell

21. *Petition of Elizabeth Evans to Lord Bridgewater. n.d. [1633-4?]. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7403.*

To the right honorable John Earle of Bridgewater Lord President of the Marches of Wales

The humble peticon of Elizabeth Evans in the behalfe of herself and Margery her sisters daughter

humblie sheweth

That at the last assizes at Hereford Philbert Burghill gent and one Williams his man were indicted for a rape and felonie comitted upon the said Margery and the said Burghill appeared was arraigned and the Bill found and the matter appeared soe odious to Baron Trevor Judg there that he caused Burghill to bee taken from the barr to the Gaole and in open Assizes said hee should not come thence till hee came to bee hanged yet Nevertheless the Jury upon life and death acquitted him to the admiracon of the [^]Judg[^] and the whole court

That sithence yor peticonr comeing to london by humble peticon besought Baron Trevor to have direcon to the clarke of the peace for a coppie of the indictment wherunto shee hath received noe annswere neither Cann gett a coppie of the indictment

That the petr hath a sute depending in the Marches against Sr Henry Williams knight Mr Price and divers others for the false imprisonment and divers other abuses suffered by the said

Margery and the petr and by reason of their power dares not attend the psecucon of the same for feare of imprisonmt and other opressions

That one Lloyd since yor petr comeing to London hath writt her a letter that shee shall have satisfaccon from Sr Henry Williams Mr Price and the rest and wished her speedilie to come downe and not to psecute them as by the said letter annexed may appeare

Yor petrs humble sute is that yor honor wilbee pleased for Gods cause to assist her in theis her lamentable and heavy suites that by yor honors meanes shee maye have the coppie of the said indictment, and may alsoe psecute against the said Sr Henry Williams Mr Price and the rest in the Marches without imprisonmt or other damage by their power in those parts And shee as in duty bounde shall pray for yor honor

22. *Petition of Elizabeth Evans to Lord Bridgewater. n.d. [1633-4?]. The Huntington Library, San Marino, California. Ellesmere Collection, EL 7404.*

To the Right Honble John Earle of Bridgewater Lord President and others the kinges Mats
Councill in the mrches of wales

The humble peticon of Elizabeth Evans - widdowe /

Sheweinge unto yor lopps that yor poore peticonrs sisters daughter heretofore hadd a matter
dependinge before yor lopps for a Rape and Robery and there was diverse wittnesses herein
examined by the kinges solicitor attendinge yor lopps and another sute for wrongfull imprisonmt
which last menconed suite yor peticonr hath many wittnesses to examine herein and nowe yor
peticonrs Attorney whoe allwaies dealt for yor petionr refuseth to proceede any further therein
and yor peticonr beinge a poore woman not able to followe the said suites as by the oath annexed
appeth beinge quite decayed in her estate /

Prayinge that yor lopps will pmitt yor peticonr in forma pauperis and to grannt and assigne her
any Attorney and Counciller and that yor poore peticonr might have Comission to examine those
wittnesses that are unexamined And yor poore peticonr as in duety shee is bound wilbe en bound
to pray for yor lopps health and prosperyty with much increase of honor