

*Introduction*

EARLY MODERN MARRIAGE  
*and the* CASE of MRS. MARY HAMPSON

One cold night in January 1668, after two days of arguments and beatings, a lawyer named Robert Hampson held a pistol to his wife Mary's throat. The man Mary would later describe as a "monster" appeared to be contemplating a permanent end to their marital problems. This was not the first episode of violence in the Hampson marriage, nor the only time that Mary's life was in danger. But it was certainly one of the most traumatic experiences she underwent. Robert would later claim he intended only to frighten Mary, while she testified in compelling detail that the pistol was charged with powder and shot.

Even after Robert Hampson abandoned Mary in late 1669, Mary was forced to endure frequent episodes of violence at her husband's instigation. These included being forced from her home by an armed gang, thrust into a violent mob by Robert's clerk, and stalked by a nefarious spy. Those men and women brave enough to help her were insulted, at times beaten, and in one case imprisoned. Mary recounts these, and many other, harrowing episodes during her thirty-two-year marriage to Robert Hampson in a pamphlet first published in 1684. In this autobiography Mary attempts to come to terms with the injustice of her marriage, and her society's inability—or unwillingness—to protect her. She justifies her actions and asserts her honor and virtue by framing the conflicts in her marriage in the terms of a struggle between good and evil. In her story she emerges as the heroine of often-terrifying experiences.

When reading Mary's story for the first time, it is difficult to contain one's outrage, so effectively does she present her case. However, her version

is only one of several accounts of the Hampson marriage, and these offer more shocking and conflicting details. The other stories of this marriage, mostly found in legal documents, place Mary's autobiographical account in a much richer context. Here the events of this marriage are shown to be more complicated, and the violence more intense, than Mary recounts in her pamphlet. In these legal documents we also see Robert Hampson defending his actions. Through his defense we are able to form a more complete picture of his character and motivations. We hear the voices of Mary's daughters in their court testimony and learn how their parents' conflicts affected them. The Hampsons also appear in other pamphlets in which Mary is accused of criminal behavior. And in one small corner of a church is a stone engraved with unique evidence of a moment of shared unity between the couple. Through all these sources a more nuanced and complicated portrait of this marriage emerges than is at first evident in Mary Hampson's own retelling.

Marriage in this period was not a private matter, but an institution in which there was heavy social investment. The household, through the marital bond, was seen as a bulwark of social stability. A quiet home was believed to foster a quiet community. Because of the centrality of marriage within society, the arrangement of marriages involved not only family members but often members of the wider community. These neighbors also maintained surveillance on appropriate marital behavior and appear to have been eager to report moral irregularities. Mary Philpott told the authorities that she looked through a chamber window and saw William Atkins "come from the bed of John Knoth's wife." Joan Whitehead saw through a crack in the wall her neighbor Dorothy Buck with another man "when her husband was out of town." George Mathews, who rented a room from the shopkeeper Edmund Alden, reported seeing Alden with another man's wife.<sup>1</sup>

Although these examples seem very like the actions of a peeping Tom, they were part of an understanding of community that included maintaining social harmony. This inevitably meant, in an era of no divorce, policing the activities of married couples. These activities named

and shamed, as well as bringing erring couples into court for further punishment. This served not only to correct offenders but also to warn others to avoid such transgressions. However, along with bringing to light and discouraging sexual misbehavior, the surveillance also policed other activities that disrupted marital harmony—most especially marital violence.

Unfortunately, unlike sexual misbehavior, the definition of marital violence in this period was not so fixed. This is because seventeenth-century English society tolerated a certain degree of household violence. It was believed that from time to time physical chastisement was an essential corrective to a wayward wife, child, or servant. Much of Robert Hampson's justification for his violence toward Mary was based on this belief. However, excessive rather than corrective violence was seen as disruptive and was thus condemned, though the definition of excessive violence was always fluid. It was in cases of what a community collectively defined as excessive violence that interference was considered not simply acceptable but necessary. Violence was considered excessive when it threatened to permanently damage or kill a woman. Thus when George Wilkinson began beating his wife with a cane outside Kennington Church in London, people came out of their houses to intervene. William Bullocke had to face the fury of the crowd he attracted while beating his wife.<sup>2</sup> In another instance, a young gentlewoman named Anne Dighton was supported by a couple when staying at the Earl of Lincoln's house in London. In the middle of the night, Mary Morrante found Anne crying and brought her to her room. Thomas Dighton threatened to beat both Mary and her husband if his wife did not return to their room. Anne, hoping to avoid further humiliation, went with her husband, who commenced beating her. By the end of the night the Earl of Lincoln and some of his household men had to intervene, resulting in a violent altercation among several of them.<sup>3</sup> These examples show the willingness of the community to physically interfere in an effort to restore social order, but they also illustrate what communities sought to avoid with earlier interventions of a less disruptive nature.

There is much evidence of members of a community mediating marital difficulties with advice, chastisement, written agreements, monetary incentives, and social disapproval.

Ironically, one of the social mechanisms designed to encourage marital harmony was often the catalyst for both early marital conflict and long-term personal misery. This was the legal state of coverture into which all English women entered upon marriage. Under coverture, the wife was covered or subsumed within the legal identity of her husband. In the strictest legal definition of coverture, the wife had no separate existence but was conjoined with her husband. Under coverture a woman had no rights to any personal items, to her children, to any income, or to any inherited goods that came to her during the marriage; all belonged to the husband.<sup>4</sup> As Robert Callis explained in 1648, "It is clear that all Chattells personall, as ready Mony, Plate, Jewels, Apparell, Horses, Kine and other goods of like nature, which a woman brings with her in marriage, or which she hath given to her during coverture, is vested in the Baron" or husband.<sup>5</sup> Note that here even a woman's clothes are in this list, and it was not unusual in marital conflicts for a woman to be thrust out of her house with only the clothes on her back. Legally, the husband could demand these as well. He owned all of a woman's personal property in life and could dispose of it as he chose when he died. One of the more bizarre bequests found in wills from the period is that of the husband who leaves a wife her clothes.

In other European countries, the situation for married women was not quite so bleak; a married woman maintained some legal rights to her property after marriage. In seventeenth-century France, a woman could be awarded a separate estate solely for her use, one in which her husband had no rights. Interestingly, women in most European countries, including Scotland, did not take the husband's family name but retained their maiden name. A woman took on the husband's surname in England because again, under coverture, she became one with the husband—her legal rights subsumed as well as her very identity.<sup>6</sup> By the nineteenth century, marriage reformers called the legal practice of coverture civil death.<sup>7</sup>

The Married Women's Property Act of 1870 provided some relief from coverture's worst aspects, though even this legislation was flawed, and many women continued to suffer under restrictions of coverture well into the twentieth century.

Despite its harshness, legal and moral commentary in the sixteenth and seventeenth centuries justified the English practice of coverture by insisting that only through coverture could a healthy marital partnership be maintained. They argued that coverture ensured couples worked together for the common good of their household, rather than for their own, possibly competing, financial and personal interests. The sacrifice of the wife's autonomy was seen as justified for the good of the entire household and ultimately in the woman's best interest. Moralists especially excused the "covering" of the wife by the husband, by insisting this was akin to God's protective coverture that, according to Robert Bruce, "covereth our wickednesse [that] we may stand in his presence, & be defended from the divel and all enemies."<sup>8</sup> Edward Reyner further explains this functioning of coverture, inviting the reader to associate a husband with Christ:

[A husband's] Duty is protection of his wife from wrongs and dangers, to rescue her, if in jeopardy (as David did his wives) and to right her. . . . Boaz was to take Ruth into his protection as the hen her chickens under her wings, signified by spreading his skirt over her, that she might be safe under the wings of her husband. A man giveth Coverture.<sup>9</sup>

Or as Reyner puts it even more succinctly, "The wife is the weaker vessel therefore she must be carefully and gently handled, as a chrystal glass."<sup>10</sup> Thus, through marriage a man and a woman were seen to be rightly conjoined as one male entity, or again as Reyner writes: "Mariage is a moral conjunction of two persons, so as Man and wife are in Law one flesh by Gods Ordinance."<sup>11</sup>

The contradictions emerging from this legal and moral fallacy, which insisted two individuals could blend into one entity of identical interests, was visible throughout the culture—in households, public spaces, and

even the theater. The anxieties and conflicts that shot through society regarding marriage provided rich source material for dramatists. In November 1680 Robert Hampson was treated to a production of John Fletcher's domestic comedy *Rule a Wife and Have a Wife* (first performed in 1624) performed for the lawyers of the Inner Temple, one of the Inns of Court in London where Robert had his chambers. This play was part of a long tradition of marital comedies that drew on established gender roles and the inequity in early modern marriage. In *Rule a Wife and Have a Wife*, as in its much more famous precursor *Taming of the Shrew*, the socially unacceptable behavior of the wife has to be corrected by the husband in the interest of marital harmony and social order. The leading character, Leon, puts this most clearly when he tells his rich new wife, Margarita, that "wives are reckoned in the rank of servants" and that although before marriage she may have owned her own house, after marriage he tells her brutally that now "I am lord of it, I rule it and all that's in it; you have nothing."<sup>12</sup> This is the same lesson Petruchio teaches Kate in *Taming of the Shrew* through starvation and intimidation. Women, she tells her companions, "are bound to serve, love and obey."<sup>13</sup> The schooling of a "shrew" or disobedient wife was a common subject in comedy throughout the period and played on the tensions found in real-life marriages.<sup>14</sup> Robert Hampson no doubt watched the taming of Margarita on that November evening in 1680 with wistful relish, seeing his brutal behavior toward Mary through the lens of comedy. In these comedies, the abuse visited on the wife is emptied of its horror through the dramatic convention of submission and reconciliation.

In reality there was no comedy to be found in the plight of the abused wife, as can be seen in the experience of Cecily Jackman. Her husband, John, threw her out of the house with only ten shillings and "a paier of hose or shoes scarce worth the wearing."<sup>15</sup> In a more famous marital conflict, between Richard Sackville and his wife, Anne Clifford, Richard imprisoned Anne in his country house. In addition he took their daughter away from Anne and placed her in the care of his own relatives. He did this in an attempt to force Anne to sign away her interest in the vast

northern lands of her father in exchange for a large financial settlement. Anne wrote in her autobiography that her husband “used fair means and persuasions and sometimes foul means” to force her obedience.<sup>16</sup> Her second husband, Philip Herbert, was even more abusive. Anne wrote in a letter that she could not come up to London without his permission for fear “he should take that occasion to turn me out of this house as hee did out of Whitehall, [where they had lived] and then I shall not know where to put my head.”<sup>17</sup> Another Anne (Wentworth) so feared her husband that in her autobiography she wrote “*He* has in his barbarous actions towards me, a many times over-done such things, as . . . [would] be one day judged a murdering of [me] . . . I was forced to fly.”<sup>18</sup>

These examples reveal a broad distance between comedy and reality and the real implications for women from the legal practice of coverture, which rather than being the instrument of marital harmony was often the catalyst for marital abuse. This reality was recognized by parents and relatives of soon-to-be-married women. But rather than pursuing a change in the legal status of married women through legislation, instead they sought ways to circumvent the restrictions of coverture through marriage settlements, jointures, and other legal agreements. These agreements set out what financial resources a woman would bring to the marriage and specified the arrangements for a wife’s future financial security should she outlive her husband. Many families went further, providing a separate income for a married woman through the establishment of a trust that provided the wife with a source of income during the marriage. Cuthbert Harrison did just this before the marriage of his daughter Lenox to Lyon Pilkington in 1698. He set up a trust that gave his daughter an income separate from Lyon.<sup>19</sup> Lenox was fortunate that her father did so, because on her father’s death a year later Lyon claimed all of Lenox’s inheritance, as was his legal right under coverture, and then abandoned her leaving her with only the income from the trust set up before the marriage. In her case, at least she had the income from the trust to support her; many other women in similar situations found themselves destitute. For their part, many husbands were often unhappy about these separate trusts,

arguing that this arrangement undermined their authority in the household. Thornton Cage complained that his mother-in-law made a separate trust for his wife, which she refused to share with him. He accused her of using this income to live in London among a disreputable crowd, including her cousin, whom he claimed was her lover as well.<sup>20</sup>

Women and their families also used the complex legal system of England itself, with its various jurisdictions, courts, and particular practices, in an attempt to circumvent the worst repercussions of coverture and often resorted to the courts of equity to air grievances that could not be admitted in the common law courts. Judges in the courts of equity showed a willingness to consider cases involving married women because of cultural concepts of fairness.<sup>21</sup> These courts often recognized the gross inequity and abuse that occurred within some marriages. However, access to the courts of equity was restricted. Women could lodge a suit only if they had the money to pay the court fees and a man who would bring the suit to the court for them. (Technically the judgment would be for or against the man who entered the suit, not the woman for whom the suit was brought.) Tobias Cage complained that an unnamed male friend of his wife's interfered in his marriage by starting a law suit against him on her behalf.<sup>22</sup> Sir Benjamin Tickbourne sued Robert Garth for his daughter, Grace.<sup>23</sup> A male relative of Anne Lloyd filed a suit for her after her husband, Humphrey, "assaulted, beat and wounded [her] moste pyttyfully." She told the court that "for saufegarde of her life" she had to "departe away from him" without any money for herself or her child, whom she also carried away with her.<sup>24</sup> In this unusual case the court restored to Anne all the property she brought to the marriage and it allowed her to retain all the income from her property in her own hands. She was also allowed to live separately from Humphrey. This favorable outcome for Anne was probably influenced by the constant contempt Humphrey showed the court, which eventually landed him in the Fleet Prison.

Women could also seek help from the ecclesiastical or church courts. Here wives could bring a complaint against their husbands in their own



name. This was because these courts dealt with matters related to moral transgressions, and thus the interests of individuals within a marriage were recognized. Matters that came to these courts included accusations of marital cruelty, adultery, and questions regarding the validity of a marriage. The courts were concerned about restoring the moral health of individuals and the reestablishment of social harmony. This sometimes meant allowing a couple to live apart, with the husband providing financial assistance to the wife (though he was not required to return any of her property to her). The Countess of Anglesey brought to the church courts her accusations of being beaten on the breast and thrown down the stairs and was awarded a separate financial maintenance, along with the right to live away from her husband. Angela Cottington complained that her husband, Charles, abandoned her after their marriage in Italy, pretending no marriage had taken place. The church courts agreed the marriage was valid, awarded Angela alimony of £300 per year, and again gave her permission to live apart from her husband.<sup>25</sup> Mary Hampson brought her complaints against Robert Hampson to the church courts and was also allowed to live separately from him, along with being awarded a maintenance of £100 per year. Unfortunately, though the church courts found in Mary's favor, by 1670 they had very little power to enforce their decisions. Many women often had great difficulty collecting their alimony and thus suffered severe financial hardship. In addition a separation could be disastrous for a woman's social standing. Many women in this situation found themselves ostracized from their social networks, adding emotional hardship to their often precarious financial situation. Even worse, children remained with the husband in most of these cases, and a woman was often denied access to them.

The only exception in common law to the legal restrictions of coverture was related to criminal offenses committed by the husband or the wife. The lawyer Robert Brook explained in his treatise on coverture that in the case of criminal behavior and imprisonment of the husband, the property a woman brought to the marriage should not be seized because,

as he put it, “the husband and wife are not one person” and thus she could not be forced to endure the same penalties as her husband.<sup>26</sup> Though of course the seizure of the husband’s property, as was usual on a criminal conviction, would certainly create a hardship for most women, especially if they had brought money rather than property to the marriage. In addition, all of a woman’s contributions to the household of a financial or practical nature would be lost to the state on her husband’s conviction. A husband could also be financially at a loss if his wife was convicted of a criminal offense. In a case where the wife was convicted of a criminal offense, the practice of folding all of the wife’s money and moveable property into the household upon marriage would insulate the husband much more; all he stood to lose was any land she held in her own name, that is, freehold land. And yet, despite the practical nature of Brook’s observation that “the husband and wife are not one person,” he, and society more generally, refused to acknowledge the suffering of women whose livelihoods and even physical safety were often endangered by the restrictions of coverture as practiced in the period.

Women who were abandoned by their husbands, or forced to flee because of abuse, were confronted by the often shocking reality that under coverture their options for redress remained very limited. Their ability to protect themselves and their property was dependent on the financial resources they could draw on, and the support they could expect from their families and friends. It also depended on their willingness to risk the social ostracism and condemnation visited upon most women who separated from their husbands. Thus separation was often the last resort of the abused or abandoned wife. Instead, many women consulted popular advice books of the time. These books set out for women appropriate behavior within marriage, including how to deal with an abusive spouse.<sup>27</sup> The advice in these books was not particularly encouraging in this regard. John Dod and Richard Cleaver’s *A Godly form of Householde Government* (1612) and William Gouge’s *Of Domesticall Duties* (1622) counseled obedience and patience. Thomas Bentley in his *Fifth Lamp of Virginitie* (1582) suggested prayer rather than action. He even provided a specific prayer

for women faced with “a froward and bitter husband” for the purpose of avoiding “the mischief of divorcement and separation:”

O Most wise and provident God . . . if it be thy good pleasure with frowardnes, bitternes, and unkindnesse, yea, the hatred and disdain of my husband, thus to correct me for my fault, I most hartilie thanke thee for it. And I beseech thee, so to order me in all things in thy great mercie, that I never murmur or grudge impatientlie against thee for the same, nor doo anie thing either against thee or my husband . . . but deere God, give mee perfect patience, I beseech thee; and that I for my part may quietly beare the frailtie, infirmities and faults of my husband, with more patience, mildnesse and modestie, than hitherto I have.<sup>28</sup>

Few women in abusive marriages were able to apply this advice in the long run, though there is much evidence to suggest that many were desperate to find a solution to violence and deprivation that would allow them to live peaceably with their husbands. For, as Mary Hampson’s story shows, separation had severe social and financial costs, especially for women. The astrologer-physician Richard Napier treated more than a hundred women for depression brought on by marital abuse between 1598 and 1602. In the 1670s Peter Banks sold remedies to cure cruel husbands. One desperate wife paid him ten shillings and two new shirts for the chance of one year’s happiness.<sup>29</sup> However, most women, finding prayer and supernatural cures ineffective, sought the help of family, friends, neighbors, respected members of their community or social group, and even strangers. These individuals, in their turn, accepted that they had a responsibility to help reestablish marital harmony—or at least to find a way to help the couple live more “quietly” together.

The Hampson marriage shows evidence of heavy social intervention on the part of a surprisingly large and diverse number of people. The many documents connected with this marriage reveal the participation in their marital problems of more than 170 individuals. In the early years of the Hampson marriage, the foremost were Mary’s mother, Elizabeth Wingfield, and her uncle, John Whalley. Elizabeth often provided finan-

cial support, especially during periods when Robert Hampson would not arrange housing or maintenance for Mary. Elizabeth also attempted to convince Mary to leave Robert and live with her, a course that Mary recognized would be socially devastating. John Whalley withheld property promised to the couple in an attempt to force Robert into making reasonable financial arrangements for Mary; Whalley later left the property to Mary and her heirs in his will. This had the effect of securing the income from the property for Mary once Robert died, though Robert had full use of the income during his life. Mary also had a powerful ally in Mary Aubrey Montagu,<sup>30</sup> the wife of William Montagu, a judge and politician, and the second son of Edward 1st Baron Montagu. Mary Montagu brokered reconciliations and constantly supported Mary Hampson both emotionally and practically. She is most likely the friend who encouraged Mary to publish the story of her marriage.

Others who helped Mary, often at great risk to themselves, include John Fiennes, the son of William Fiennes, Viscount Saye and Sele. John was beaten on one occasion when he went to collect Mary's alimony. Another ally, Mary's maid, Katherine Brown, was sent to prison for helping Mary sell some household objects after Robert abandoned Mary. Robert had Katherine charged with theft because under coverture all the possessions in the house were his. Other assistance came from a Mistress Guin, who gave Mary shelter after Robert threatened her with a pistol. The next day she walked Mary back to Robert's chambers and demanded an explanation from him. Mary also wrote of an incident where Robert's clerk threw her into the street and called her a madwoman to incite the crowd. An unknown woman waded into the mob and pulled her to safety.

This support by family, friends, and even strangers is also shown in the autobiography of another abused wife, Margaret Cunningham. In 1608 she wrote an account of her disastrous marriage in order to justify her separation from her husband, though she chose to circulate the manuscript among friends rather than publish it in the press. Margaret's story differs in its particular details from Mary Hampson's, but not in the desperation of her situation. Her husband, Sir James Hamilton, often