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## Chance v. Chance. Researching an abused wife in the early eighteenth century

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**Abstract:** This paper discusses an early eighteenth-century Chancery case involving the extreme physical and mental abuse of a wife by a husband intent on stripping her of all her property, and looks at this in the context of the contemporary legal and social framework and the options for redress available to such a woman. In the process it explores the genealogy of the Catholic Arden family who were located near Bromsgrove in Worcestershire. In the absence of many Catholic records, especially for baptisms and marriages, it explores the use of wills, recusancy records, Chancery records, and correspondence to fill in the gaps and create a family history.

### Introduction

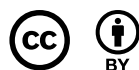
On 10 January 1719/20, a Chancery suit was taken out on behalf of Mary Chance by her brother Caesar Johnson in an attempt to recover the deeds to her real estate, the inheritance due to her daughters from their father, and her money, jewellery, clothes and other possessions. She also petitioned for the control of her three children by her former husband, James Arden, who were being held by her abusive third husband, William Chance.<sup>1</sup> The widowed Mary had been flattered into a precipitate third marriage, and was held captive, physically and mentally abused, while William Chance worked to deprive her of everything she owned. Eventually she escaped, wearing only her shift, nightgown and slippers, hid all day in a hayloft and finally sought refuge in Bromsgrove, Worcestershire. As with many Chancery cases, only the initial complaint and witness statements exist, but it is possible to make some deductions about the eventual outcome using these and other documentary evidence such as wills and two other Chancery cases. All this enables us to reconstruct the family networks that Mary married into, and to shed light on the legal and social position of an early eighteenth-century wife.

### Availability of Catholic records in the early eighteenth century

Following the defeat and flight of Catholic King James II in 1690, there was a steady decline in the numbers of Roman Catholics, estimated by the mid-eighteenth century at about 70,000 or 1 per cent of the population.<sup>2</sup> There were concentrations of Catholic families in certain counties, which included Worcestershire.

Some who were Catholic in secret were prepared to be baptised or married by an Anglican priest in order to avoid legal penalties. Prevented from holding office and otherwise legally disadvantaged, many converted to Protestantism. Some had the eldest son baptised in the Church of England to ensure the family inheritance, and others obtained certification from the local bishop that they had taken communion according to Anglican rites to avoid a charge of recusancy. Before about 1700 Catholic registers of births and marriages were not kept for fear of endangering any priest who did so. After this date Catholic registers increasingly came into existence, usually recorded in Latin. Burials of Catholics, which had to take place in consecrated – and hence Church of England – ground may therefore appear in Anglican registers. Only after the Hardwicke Marriage Act came into effect in 1754 did Catholics legally have to marry in an Anglican church. Occasionally an Anglican priest records a Catholic marriage, such as that of Mary Arden and Anthony Nash in 1705, recorded in the register ‘as I am informed’.<sup>3</sup>

The Jacobite uprising of 1715 caused a resurgence in anti-Catholic feeling, raising the level of public fear, and additional regulations were brought in. After 1715 Catholic wills were required to be enrolled in the Close Rolls, and there was a requirement for the registration of papists’ estates. It was illegal to leave money for ‘superstitious uses’, and so devices such as leaving separate instructions by letter were sometimes used, as discussed below in relation to Thomas Attwood. National Returns of Papists were made in 1705 and 1767, and taxation rather than imprisonment came increasingly to be used as a method of controlling Catholic families.



Hence the context in which Mary Johnson lived her life was one in which considerable suspicion of Roman Catholics existed, mitigated to some extent by her living and marrying in an area with a significant number of long-established Catholic families.

### Mary's first marriage – Peter Child

No baptismal record has been found for Mary Johnson. It seems most likely that she was born in the late 1670s, given the date of her first marriage and the fact that she had her last known child in about 1717. She was referred to in the Chancery suit as being a papist. Her brother Caesar (or Cesar), was recorded as a recusant of Shelfield, in Aston Cantlow, Warwickshire in the Returns of Papists' and Nonjurors' Estates.<sup>4</sup> His property, including houses at Codsell, was valued at £30.<sup>5</sup> Mary's marriages and children are shown in Figure 1.

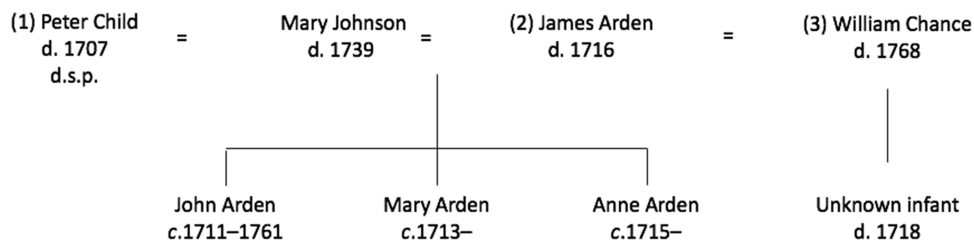


Figure 1. Husbands of Mary Johnson.

According to the Chancery suit, Mary married Peter Child of Mannell Hall, Kings Norton (also called Moneyhull, or Money Hall<sup>6</sup>) in about 1695<sup>7</sup> (see Figure 2). No record of a marriage or marriage licence has been found, which suggests it may have been performed by a Catholic priest. Peter Child may have been very much older than Mary, possibly being baptised at St Helen's, Worcester on 5 July 1646,<sup>8</sup> the son of William Child who is known to have purchased Monyhull from Daniel Sperry (also a Catholic recusant) in about 1650.<sup>9</sup> The marriage seems to have been childless – no baptisms for children have been found, and no mention is made of children in Peter Child's will. Peter Child died sometime between 23 October 1707 (when his will was written) and his burial at Kings Norton on 26 November 1707.<sup>10</sup> His will was proved by Mary at Worcester on 1 April 1708.<sup>11</sup> In it, he left her various properties to be sold to defray his debts. She was to keep any residue, and was also left his goods, chattels and personal estate. Mannell Hall appears to have descended to his nephew Francis Cursen of Great Melton [Great Milton], Oxfordshire, who sold it, and associated land, to Mary's second husband, James Arden of Puddle Wharfe, Bromsgrove (about twelve miles south of Mannell Hall).<sup>12</sup>



Figure 2. Location of Mannell Hall, also called Money Hall.<sup>13</sup>

### Mary's second marriage – James Arden

Thus Mary was already a well-to-do widow when, according to the Chancery suit, she married James Arden in about 1710.<sup>14</sup> No record of the marriage has been found, and again it was probably performed by a Catholic priest. According to the Chancery petition, they had three children: John born c.1711, Mary born c.1713, and Anne born c.1715. No baptisms have been found for these children. James Arden died between 14 January 1715/16, when he wrote his will, and his burial on 23 January 1715/16 at the Arden family church of St Michael, Upton Warren, Worcestershire.<sup>15,16</sup>

By his will James ensured Mary was very well provided for, leaving her all the land and property at Mannell Hall with a specific provision that within a year of his death enough was to be sold to give each of his daughters £300. James also left Mary a leasehold estate at Grafton Park worth £40 a year and land at Upton Warren, as well as 'money plate jewells cattle stock ... to the value of eleaven hundred pounds and upwards'. Part of this, consisting of 'broad pieces of Gold Plate jewells Linnen and rich household stuff', valued at £350, was stored in 'a great strong Chest' at Grafton where his mother Jane was living. His probate inventory valued the estate at £275 9s 7d,<sup>17</sup> equivalent to labour earnings of £572,100 at 2018 values.<sup>18</sup> Mary was made executrix and residuary legatee, and Charles, Duke of Shrewsbury, was named as an overseer of the will. As the only son of the marriage, young John Arden would expect to inherit his father's other leasehold real estate, including property at Upton Warren and Puddle Wharfe, in line of inheritance from his great-grandfather John Arden senior who was then still living. Neither John nor this property were specifically mentioned in James' will, and to understand this we need to explore the Arden family in greater detail (see Figure 3).

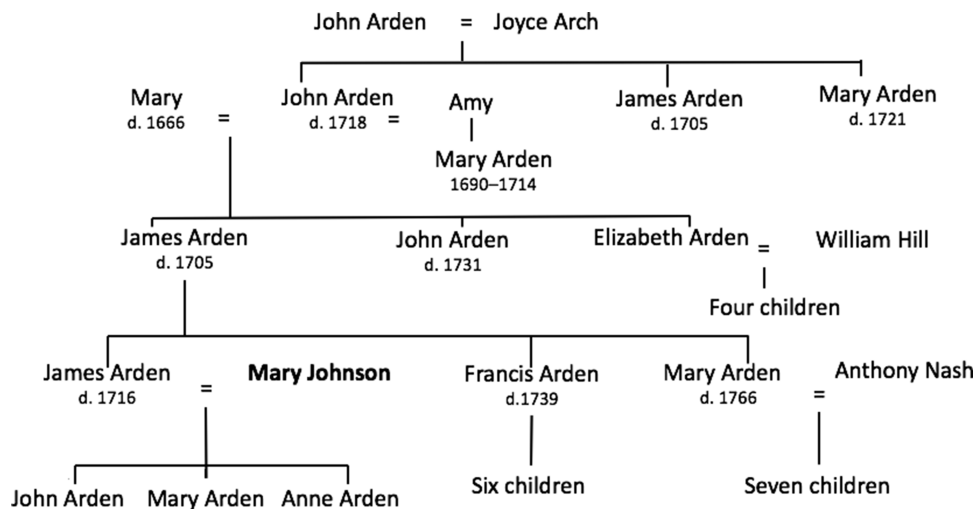


Figure 3. Outline Arden family tree.

### The Arden family

As already mentioned, records of Catholic recusants were compiled in 1715 and these show that John Arden senior, of Upton Warren, was assessed at £35 for property there, and £54 for marshlands at South Walsham in Norfolk. His sister, Mary Arden of Grafton, was assessed at £46 for property at Bromsgrove and Upton Warren<sup>19</sup> (see Figure 4).

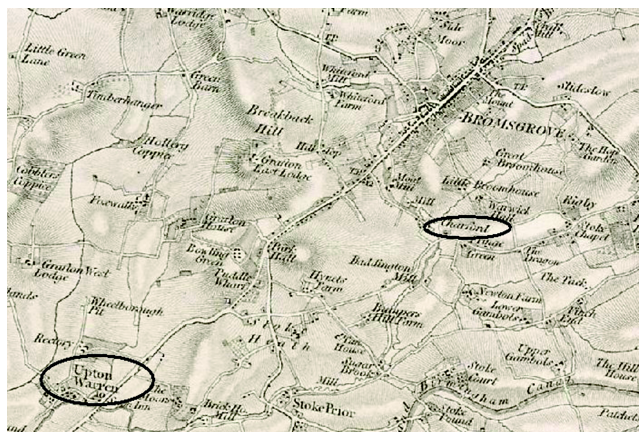


Figure 4. Location map of Upton Warren, Bromsgrove and Charford.<sup>23</sup>

The village of Upton Warren lies about three miles south of the town of Bromsgrove. Grafton Manor, once a principal property of the Catholic Earls of Shrewsbury, lies between them. Grafton Manor Chapel was a centre for the local Catholic families, and a baptism register exists dating from 1723, earlier records either not having been kept or not having survived a serious fire at the Manor in 1710. The Upton Warren Ardens

were a long-established Catholic family, and were probably distantly related to Mary Arden, the mother of William Shakespeare, who in turn was probably descended from the Warwickshire Park Hall Ardens.<sup>20</sup> The line of descent may have been from a younger son of the Catholic martyr Edward Arden (c.1542–1583) of Castle Bromwich, who was executed for his part in a plot to assassinate Elizabeth I, but it has not been possible to establish this with certainty.<sup>21</sup> In the second half of the eighteenth century, at least two Arden women were Benedictine nuns in the English house at Ghent, and latterly at Preston, Lancashire. Clementina Arden and the twelfth abbess, Mary Magdalena Arden, were both recorded as being from Mannell Hall in Worcestershire.<sup>22</sup> (Although Mary Magdalena is recorded in the secondary source cited here as the daughter of James Arden of Mannell Hall, it is more likely that she was the daughter of John Arden who took possession on his majority in about 1732.)

It is likely that John Arden senior was born about 1638 and was baptised at Bromsgrove, the son of John Arden and his wife Joyce.<sup>24</sup> He wrote his will on 16 May 1718, and probate was granted on 25 November the same year.<sup>25</sup> He was buried at Upton Warren on 23 October 1718<sup>26</sup> and, if the baptism has been correctly identified, he was then aged about eighty. At the time of his death he was married to a much younger wife called Amy and, as the Chancery case shows, he had an important position in the local area. He had two unmarried siblings, a brother called James who died in 1705 and a sister, Mary (the recusant mentioned above) who outlived him. Probate was granted on James Arden's will to his sister Mary Arden on 1 July 1708.<sup>27</sup> She was buried at Upton Warren on 1 September 1721,<sup>28</sup> and her will was probated on 18 September 1721 at Worcester.<sup>29</sup> Neither James nor Mary had children and both left bequests to numerous family members, servants and the local poor.

John Arden senior had sons James and John, a daughter called Elizabeth who married William Hill of Pepperhill in Shropshire on 3 July 1683,<sup>30</sup> and a daughter Mary who married Charles Harrington at Huyton By Roby, Lancashire in 1708.<sup>31,32</sup> (Mary was referred to in the marriage licence as 'of Bromsgrove'. That she was the daughter of John Arden of Upton Warren is confirmed by a reference in the Harrington Estate Act of 1713.<sup>33</sup>) As Mary died in 1714, aged twenty-four, it is probable she was the daughter of Amy.<sup>34,35</sup> John outlived his father (apparently unmarried and childless), but James died young, leaving sons James and Francis and daughters Mary and Anne. This youngest James Arden was the second husband of Mary Johnson. The network of family wills that result from the long lives of John Arden senior and his siblings James and Mary Arden, and the early deaths of John's son and grandson (both called James Arden) has left a detailed genealogical trail which, lacking Catholic baptism and marriage records, we would not otherwise have.

A further complication, which had an impact on Mary Johnson and her third marriage, was caused by the remarriage of Amy, the young widow of John Arden senior, and her failure to administer his estate. Correspondence relating to probate was sent to her as 'Mrs Arden' on 9 March 1718/19 'at her house at Puddle Wharfe, near Bromsgrove'.<sup>36</sup> However, she later married Dr Thomas Attwood, a wealthy physician (he had sufficient funds to be able to lend £1000 to the Worcester Corporation in 1737) and very devout Catholic.<sup>37</sup> In 1734 Francis Arden, Mary Johnson's brother-in-law, took a complaint to the Court of Chancery against Thomas Knight who was sole executor of Francis' uncle John Arden, who had died in 1730, in which he claimed that none of the four main legatees had received any account of the estate nor any of the legacies due to them. Thomas Knight lodged his answer to the complaint in 1735, saying that some legacies had been paid out, and counter-claiming that Francis Arden had taken 100 guineas from John Arden's *escritoire* shortly before his death.<sup>38</sup> The will of John Arden senior was left unadministered until after Amy's death in about 1737. Francis Arden died in about January 1738/39.<sup>39</sup>

John Arden (possibly Mary Johnson's grandson, her son having probably died in 1761,<sup>40</sup> referred to as a gentleman from Oscott buried in the chancel) sold Mannell Hall to Girton Peake in 1762/63.<sup>41</sup> John Arden, the youngest son of Francis Arden, converted to Protestantism, joined the Freemasons and was rejected by the family. He became a well-known Enlightenment scientific lecturer, the subject of Joseph Wright of Derby's painting *The Philosopher Lecturing on the Orrery*.<sup>42</sup> His fourth great-grandson was the playwright John Arden (1930–2012).

When Thomas Attwood finally died on 30 September 1765, at the age of eighty-one, the extent of the property he had acquired through his marriage to Amy was largely concealed by a device already referred to and common in Catholic families. In addition to a will leaving property to his second wife Frances, he left private instructions to friends, together with the funds to build a Catholic chapel and presbytery in Worcester. So large were these funds that they were still being administered by the archdiocese of Birmingham in 1936.<sup>43,44</sup> Hence the largest part of the Arden property held by John Arden senior and his siblings had devolved to Thomas Attwood, and it is unclear how much of the legacies due to his grandchildren and great-grandchildren was ever paid out.

### **Mary's third marriage – William Chance**

There was no need for Mary to have remarried as she had been left so well provided for and had friends and relations in the Bromsgrove area. However, according to the Chancery suit, about six months after the death of James Arden she was introduced to William Chance by Paddy Smith, a relative of William. He had told William that Mary was worth £3000–£4000 and her children were provided for, making her an

admirable choice for a wife. Mary was told that William had a small farm at Catshill, just north of Bromsgrove (see Figure 5), and was worth 'six or seven score pounds a year besides five hundred pounds in money at interest' (unless otherwise indicated, all quotations that follow are from the Chancery suit). William 'made great pretences of affection' towards Mary and a marriage was agreed, although William was a Protestant. Moreover, William persuaded Mary that there was no need for a 'joynture', since he said she would be secure because, according to local custom, she would be entitled to half his property in the event of his death. This glossed over the fact that, unlike a single woman, 'feme sole', who could own property in her own right, under her married state of 'coverture' all 'personal property she owned before marriage or acquired during marriage vested absolutely in her husband'.<sup>45</sup> This included, for example, all her household effects and even her clothing, and rested on the legal concept that husband and wife were one person in law, with the wife being under the husband's cover or protection – 'the very being or legal existence of the woman is suspended during the marriage'.<sup>46</sup>



Figure 5. Location of Catshill in relation to Charford.<sup>47</sup>

In referring to a 'joynture', William was ruling out the need for a formal marriage settlement, which would have required the intervention of lawyers on Mary's behalf, and could have given Mary some degree of security over her own property (which now came under William's control) and her children's inheritance. William was also wrong about her entitlement, since under common law a widow was normally entitled during her lifetime to only one-third of the real property (i.e. land and buildings) of which her husband had been legal owner during the marriage.<sup>48</sup> It was possible to bar this right of dower and, as we shall see, this is what later happened to Mary. Meanwhile, possibly at her brother's suggestion, Mary asked William to sign a bond to guarantee the rights of her children on penalty of payment of £1000 to her brother Caesar Johnson. According to Mary, William said at the time that 'he would not meddle with any of them or wrong the children for the world'.

A marriage licence was taken out on 20 September 1716, with Mary's brother-in-law Francis Arden as co-signatory.<sup>49</sup> This suggests that marriage in an Anglican church was contemplated by the Protestant William. However, at Mary's request, they were married in Birmingham by a Catholic priest some time in September. Mary did not know until too late that William was heavily in debt. As he did not even have enough to pay the priest Mary was immediately forced to advance him money. No sooner were they married than William rode away and Mary did not see him for four days. William later claimed that Mary did not want her friends and relations to know about the wedding immediately, but the fact that Francis Arden was a signatory to the marriage licence allegation gives the lie to this.

William soon discovered that Mannell Hall was mortgaged, other Arden property held on leases for three lifetimes was still in the hands of an older generation, legacies due to younger members of the family were yet to be paid, and, as a further impediment, John Arden senior, the great-grandfather of Mary's children, was still living. Within two weeks, William began to badger Mary to surrender the bond. When she refused, he told her 'he would make her suffer for it all her life' and said he had been advised to chain her up or to 'lay her cross a gaypole and smoak her till she surrendered the said bond to him' (a gaypole was the bar above a kitchen fire from which the pots were hung).

There has been much academic discussion about the evolution of 'companionate marriage' in the eighteenth century, suggesting that there was a move away from a husband's role as governor in his household and towards something more approaching a working partnership.<sup>50,51</sup> In addition, the right of a husband to punish or discipline his wife has come under scrutiny, often through studies of court actions taken to protect an abused wife, or cases of murder.<sup>52,53</sup> But whereas under the companionate model marital violence has been viewed as decreasing, some studies have shown power in the relationship still resting firmly with men.<sup>54</sup> From the sixteenth century onwards an increasing quantity of published advice on marital behaviour advocated only mild physical punishment as a very last resort, and most rejected the use of physical force.<sup>55</sup> But none of this seems to have engendered a restrained attitude in William, who now began a reign of terror.

Mary, already pregnant, was beaten, knocked down, and left without money for weeks at a time. In bed he pinched her and punched her in the belly. Riding pillion he ignored her pleas to go gently as she feared a miscarriage. Her only independent income was from several milk cows, and William caused them to dry off so that she was deprived of even that. Meanwhile he was selling off her property. Three days after she gave birth to his child he dismissed the servants, dragged her out of bed by the heels and held her upside down, telling her he loved his bitch better than her. Similar insults were cited in the 1707 separation case of Abigail Moor whose husband was quoted as saying 'I love the Tail of that Dogg better than thy face.'<sup>56</sup> Such violence of language seems to have been commonly cited in court cases and was recognised as a form of marital cruelty even in the absence of physical violence.<sup>57</sup> William then said that if Mary would give him £300, she could keep the child and he would try to get a divorce. No confirmed baptism for this child has been found, and William Chance cared so little for it that, in reporting that it had died by the time of the Chancery case, he did not even refer to it by name. From the information given in the Chancery suit, Mary was married in September 1716 and became pregnant almost at once. This suggests that the baby was probably born about midsummer 1717. By the time of the Chancery suit it had already died and no mention of its name or gender was recorded. (Possibly the child was John Chance, son of William Chance, baptised at Bromsgrove in January 1718<sup>58</sup> and possibly he was buried on 25 December 1719 at St John the Baptist, Bromsgrove.<sup>59</sup> However, the presence of a William Chance and wife Hannah who baptised a son called John in December 1719 at Bromsgrove makes it difficult to be certain.)

Mary agreed to a separation, but on Christmas Eve 1717 William returned after an absence of sixteen weeks, knocked Mary down, attacked her with a whip with a brass hook on the end and 'broke her head in four places to the skull'. He dragged her outside, through a dung heap and across a road. Wet, filthy and bruised, she was chained to a post 'at the stairhead of the cellar in her own house' and left all night on a cold brick floor. 'William Chance would not suffer her servant to give her the least help'. The following morning, he dragged her up to her bedroom and chained her to the bedpost, refusing to allow anyone to come near her. After three days and nights chained up, Mary was dragged downstairs by William and thrown into the back of a wagon. Guarded by three of his men, she was carried against her will to his mother's house at Catshill. The forced detention of married women in their houses, or later in the eighteenth century in private madhouses, has been discussed by Foyster.<sup>60</sup> In 1674 Justice Hale had ruled that, while a husband did not have a legal right to beat his wife, he could chastise her by 'confinement to the house in case of her extravagance'.<sup>61</sup> William may have heard of this judgment as he later used the contrived excuse of Mary's contracted debts to justify his detention of her.

Mary's brother Caesar Johnson came to Catshill and asked to see his sister. William refused, but Mary signalled to her brother from a window. William threatened to kill her and told her to stay away from the window. Undeterred, she went to another window and threw down a note for her brother. As a result William carried her to a room with a brick floor, chained her up and nailed up the shutters, keeping her in darkness for the next nine weeks. During this time he went to Grafton and took away Mary's property from the 'Great Chest'.

Eventually he unchained Mary during the day but continued to keep her chained at night, and when she pleaded that he should free her or 'put an end to her life', he said he would only free her if she would go on her knees before his mother's servants and swear that he was a very honest man and had never done anything 'but what she well deserved of him'. He even drew up an extravagant testimonial to this effect. Desperate for freedom, Mary signed it, but William kept her in chains, now demanding that she should give him all the deeds to her property. When she refused he doubled the weight of the chains and put locks on her legs so that she could not rest at night and developed raw, bleeding sores. Finally, fearing that the wounds would tend to 'mortification', she told him that the deeds were held by a Mr Jinks of Wilford. William unchained Mary so that she could receive the documents, but prevented her from speaking to Jinks alone. However, Mary was resourceful. Using a quill made from a wing used to sweep the hearth and improvised ink made from soot, she was able to slip 'into Mr Jinks his hands severall little papers' on which she told how she was being maltreated.

Although now unchained, Mary was kept under constant guard by William's brother Thomas Chance, their cousin Jacob Wilson and a maid servant, also related to William. However, William soon discovered that simple possession of the documents did not give him title to Mary's property, and so he told her that he would free her if she would sign over all her estates to him and if she refused 'he would confine her for her life'. Mary held out for ten weeks. Meanwhile, her brother Caesar had made an application to the Lord Chief Justice for a warrant against

William for his ill treatment of Mary – possibly a writ of habeas corpus, which was one of the few options available to women to regain their freedom and deny husbands power over their bodies in cases of domestic violence.<sup>62</sup> William now showed Mary a letter that he claimed came from the Lord Chief Justice, giving him an absolute right to ‘keep his wife in confinement as long as he pleased for her amendment’. Convinced that she had no way out, Mary agreed to sign whatever William asked and papers were drawn up by another of William’s relations, Bromsgrove attorney Thomas Vernon. He told Mary that William could legally keep her confined for life, but then discovered that documents signed under compulsion would have no legal force and told a furious William so. ‘William Chance cursed and swore dreadfully’ and told Mary that if she did not say that executing the document was ‘her own act and deed’ then he would ‘confine her for her life and would chain her neck and heels’. When Thomas Vernon arrived for the signing Mary told him that his advice had brought her into danger of being chained up again, but Vernon ‘made slight of it and said it was no business of his’. In the end Mary agreed to say she was signing freely, ‘for fear of her husband who was in the next roome and his said Cozin Wilson being present’.

Under coverture a wife’s real property (land and buildings) was vested in her husband, but although he had rights of possession and occupation he could not legally sell or give it away without her consent. However, it was possible to levy a ‘fine’ at the Court of Common Pleas, effectively a fictitious law suit permitting transfer of the property. Such an arrangement was supposed to be overseen by a judge questioning the wife away from her husband in order to prevent exactly the fraud being perpetrated here.<sup>63,64</sup> Mary signed over her estates at Mannell Hall to Jacob Smith of Alvechurch and William Cookes of Stoke Prior as trustees, and agreed that her rights of dower were barred if William died. Under such a trusteeship legal ownership was vested in the trustees. Unfortunately it has not been possible to discover much about these trustees, nor how closely they were associated with (or indeed related to) William Chance, whose sister Mary was married to a Smith.<sup>65</sup>

William now sent Mary under the control of his mother’s maid back to her own house at Charford, just east of Bromsgrove. It was devoid of furniture, and Mary was forced to act as a servant in her own house. However, by now news had got around locally about William’s behaviour and he complained that ‘he was much blamed’ and said he was sorry that he had set her free, for ‘he was informed that Mr Arden intended to give him trouble’ – presumably meaning John Arden senior. In late summer 1718, in the early hours of one morning, William Chance broke into Mary’s house through a window and accused his wife of infidelity with the local miller, threatening once again to chain her up. When he went to borrow a chain and padlock, Mary finally escaped wearing only her shift, nightgown and slippers. She climbed into a hayloft where she hid until late that night, then she made her way into Bromsgrove, bringing to an end the brutal regime of her husband, but not her suffering at his hands. William was said to be offering large sums of money to anyone who would kidnap Mary while she was away from Bromsgrove, for he ‘did not dare to attempt the same in the said towne of Bromsgrove the inhabitants thereof in general being disposed to rise against him for his said barbarity’. He had recently built a prison at Catshill ‘with great iron barrs whereof is an hundred weight or thereabouts in every window’, and said he would shut Mary up there for life.

In cases of domestic discord, it has been shown that it was frequently friends and relatives who intervened to mediate.<sup>66</sup> Mary was now living on the charity of friends, with no clothes of her own, ‘having fallen under the displeasure of her relations for the said imprudent marriage’. With the loss of the support of her Arden relations, she had only these friends and her brother to support her. William had seized property worth over £1100 (equivalent to labour earnings of about £2.3 million at 2018 prices<sup>67</sup>) and he was receiving £230 a year in rents, plus £90 a year due to Mary’s son John from his inheritance. Worse, William still had control of her children.

On 14 May 1719 Mary filed a case against William and was granted a writ of *securitate pacis* requiring his good behaviour, with a penalty of £4000 if he failed to comply. A *pro forma* for this type of writ had been included in Fitzherbert’s legal manual of procedure in 1672 – ‘if the Wife be in feare, or doubt that her Husband will beat her, or kill her, she may sue a *Supplicavit* in Chancery against her husband, to find Sureties’.<sup>68</sup> Under this writ, William was required to return her clothes and her children, and pay £60 a year to each child. He ignored the writ, and refused to return any of her property or to let her have her children, who were reported as being neglected.

Mary’s options were limited, but she was fortunate that she could be represented by her brother. In January 1719/20 a Bill of Complaint was lodged in the Court of Chancery in the name of Caesar Johnson, acting as her ‘prochain amy’ or ‘next friend’, alleging that she had been forced ‘by menaces threats ill useage and by fraud and force’ to sign the documents transferring her estates to William, and that he had conspired with Thomas Vernon and others against her. Two replies exist, one from William Chance and the other from Thomas Vernon, together with an inventory of the contents of the great chest at Grafton, compiled *after* William had been able to remove items. The inventory listed ‘popish books’ and twenty-four pictures of saints – items not in Mary’s favour only four years after the Jacobite uprising, and of no sale value to William. There was some ‘wearing apparell’, mainly of the late James Arden, household linen, silverware, and eleven old gold rings. There was no other jewellery, no cash, and certainly not the £350 in gold that James Arden had left his daughters.

William evidently decided attack was the best form of defence and counter-claimed that Mary was 'restless and outrageous and intolerably abusive', that she frequently struck him and once threatened him with a pitchfork. He did not deny having beaten Mary but, regarding the attack on Christmas Eve 1717, he claimed he hit her 'only twice' with the lash end of his whip. He denied completely having dragged her through any 'miskin or brought her thorow any dirt that would be avoyded'. Moreover, he claimed she had run him hugely into debt. He provided no evidence for this but, as has been discussed, it was one of the few possible justifications for a man to confine his wife. William said he had intended to publish a declaration in the *London Gazette* repudiating his wife's debts, but implausibly claimed that somehow she or her accomplices had prevented publication. So he said he had put a light chain weighing no more than three pounds on his wife's leg but had immediately taken it off and removed her to Catshill so she could not contract further debts. He told of two escape attempts (interestingly not mentioned by Mary) which were, according to him, the cause of his chaining her up again with 'a small chaine in a warme roome', where he saw that her every need was catered for. He agreed he had denied Caesar Johnson access to his sister, claiming that it was to prevent her receiving further bad advice. He said it was his wife's own idea to transfer all her property to him, and that Mary had signed this 'cheerfully without any complaining or crying' and had then returned freely to her house at Charford. Once there, William claimed he believed she was living loosely and was sleeping with the local miller, which was why he had entered the house.

Thomas Vernon seems to have realised too late that he was party to a fraud and the ill-treatment of Mary Chance. As a local attorney this was likely to be bad for business and he stuck by his story that Mary had signed the documents freely. He claimed that when he first met the couple they were fishing, and were 'in a good and peaceable disposition without any strife or force or confinement of the said Mary'. He remembered that Mary 'made an objection thereto in relation to the said Mr Chances keeping her children', but that after discussion with William she agreed to sign. Just how much Thomas Vernon was complicit in defrauding Mary of her estates is difficult to judge. William had been careful never to let any outsider see Mary in chains. By the time of his statement, Vernon was taking the line that he knew nothing about any ill-treatment of Mary and, although he had heard about 'great variances and strife' between the parties, he said he had seen nothing himself.

There is a hiatus in Mary's story after the submission of the Chancery suit but in 1732, at the majority of her son John Arden, his property at Kings Norton was restored to him, as evidenced by a feet of fines document.<sup>69</sup> Who had been receiving the income from the estates in the interim is unclear. Mary was present at the baptism of her granddaughter Mary Arden in Grafton Manor Chapel on 1 February 1733/34. The godparents were William Attwood (a recusant in 1715 and possibly related to Dr Thomas Attwood)<sup>70</sup> whose place was taken by Thomas Knight senior, and Mary Chance, 'Maria Chance Mater Praedicta Joannis Arden'.<sup>71</sup> Thomas Knight may be the one who was the executor of the will of



Figure 6. Tomb of William Chance, St John the Baptist, Bromsgrove. Photograph © Mike Sharpe 2018, reproduced with permission.

John Arden (died 1731) and who was sued by Francis Arden in 1734. Mary Chance was also godparent to her grandson John Arden in 1738, together with Thomas Attwood.<sup>72</sup> Mary Chance died in 1739 and was buried on 12 November 1739 at St Michael's, Upton Warren.<sup>73</sup>

By the time of his death on 5 February 1768, William Chance was alone and childless. He left most of his property to his nephew William Chance, together with detailed instructions for an elaborate tomb for which 100 guineas was set aside,<sup>74</sup> equivalent to about £13,690 relative to current prices or £189,200 relative to earnings at 2019 values.<sup>75</sup>

A Monument Built with Bromsgrove best Stone about three feet high from the Ground painted and ornamented with the Effigy made with hard stone wad or Alabaster of a person at full length lying on the top of it in a sleeping posture with a plate of guilt Brass the time of my death and place of my abode fixt and riveted thereon enclosed with iron pallisadoes and of about one such square tapered from the bottom to a sharp at top six foot high or more fixed in six green yewtree short posts or anything that is lasting or duration and the Stone and Iron to be painted with [?] and oil or any other paint that may be thought more suitable and durable.<sup>76</sup>

It lies in the churchyard of St John the Baptist at Bromsgrove (Figure 6), William's infamy long since forgotten.

## Conclusion

Chancery documents can provide a very useful resource for the genealogist. In the case of English Roman Catholic families, where baptism and marriage records are often absent before the mid eighteenth century, they may be combined with other documentation such as wills and land records to enable the researcher to flesh out a family tree and tell a more detailed story than is provided by basic vital records. Moreover, as emerged during this family study, they can also provide further rich material for studies of historical domestic violence, and illuminate the lives of otherwise forgotten women.

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