

Introduction

The Other Voice

When, in *The Case of Mary Carleton*, the speaker, Mary, admits that “*to deceive the deceiver, is no deceit*,”¹ we should recognize a governing principle in the writings printed in the present edition. Truth in late-seventeenth-century England was a moving target and one that Restoration writers rarely hit. Her 1663 replies to her husband, John, evocatively capture the extent to which gender informs her own moment’s complex truth wars, shaping or at least tacitly maneuvering how knowledge systems came to be and marking when and where they are likely to fall apart. Over the course of these narratives, Mary makes and breaks innumerable promises to tell us what truly transpired between her and her husband, and she is hardly alone in those double dealings. John does the same. While it is easy to say that because both disagree, one of them must be lying (he says she’s a Canterbury fiddler’s daughter; she says her father is a German doctor of civil law), the writings in this volume suggest that the nature or essence of truth is both variable and subject to gender dislocation (the truths that Mary and John know answer to different pressures, which themselves are determined by a host of criteria, paramount among them the fact that in a culture that appears to privilege all things male, one is a woman and one is a man).

Writings by women have long offered the possibility of alternate truths and oppositional narratives, but their legacies have not always been easy to retrieve or, for that matter, benign in content. For example, in England as on the Continent, categories separating right from wrong, reason from fancy, and truth from error have been gendered for millennia. Rooted in Christian tradition, they stem from Eve’s eating of the forbidden fruit, turning women into beings of mistrust in and of themselves, deceitful and prone to inconstancy.² Despite such structural

1. For this proverbial commonplace, see Morris Palmer Tilley, ed., *A Dictionary of the Proverbs in England in the Sixteenth and Seventeenth Centuries: A Collection of Proverbs Found in English Literature and the Dictionaries of the Period* (Ann Arbor: University of Michigan Press, 1959), D182. 1550 marks the first appearance in this collection. Henry Chettle’s play *’Tis No Deceit to Deceive the Deceiver* carries the name; it was apparently performed in September 1598 but never printed. As noted, the comment appears in *The Case of Madam Mary Carleton*, 1663 [hereafter *Case*], 113. All subsequent citations from this and the following Carleton bigamy tracts are from the present edition and will be cited parenthetically by page number: *An Historical Narrative of the German Princess*, 1663 (hereafter *Historical*); *The Replication*, 1663 (hereafter *Replication*); *The Ultimatum Vale*, 1663 (hereafter *Ultimatum*); *Vercingetorixa*, 1663; *A Witty Combat*, 1663 (hereafter *Witty Combat*); and *The Arraignment, Trial, and Examination of Mary Moders*, 1663 (hereafter *Arraignment*).

2. In *Labors of Innocence in Early Modern England*, Joanna Picciotto distinguishes between Adam’s innocent and “productive” experimental curiosity and the carnal curse that eventuates in Eve’s downfall

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impediments, women have struggled to reimagine truth sites that do not simply reconstitute traditional subject-selves but instead operate outside and beyond standard binaries. Rejecting the certainties of those who came before, they have laid claim to their own truth-based concepts—also good, also virtuous, and also reasonable—and have redefined those terms to suit specific “female” needs.

Written in the early years of the English Restoration, the Mary Carleton trial pamphlets offer us a particularly powerful portrait of how truth fragmentation can render visible and productive gender differentiation. That portrait shows us people—ravaged by civil war, broken by political division, and rent by religious schism—desperately looking for capital T truth in a world where the very idea of what that means has been radically shattered. It is up to those same people—and, for the purposes of this volume, to women in particular—to attempt to reimagine that possibility and make it their own.

Winnowing out truth from counter-truth—what women believe versus what men believe—as we pore over the seven pamphlets included here will be a decidedly complicated endeavor. Rather than offering us definitive answers to such questions, these works ask us to think instead about the problem of absolutes in any form and how to retrieve and secure a site from which to speak truly, especially in the aftermath of the English Civil Wars.

The problem of unstable truths is reflected everywhere in the texts included here. Claims to authorship are merely that: *claims*. While Mary and her husband each claim to have authored two of the tracts published in 1663, we are unable to verify that composition. John, for example, insists that Mary’s texts were written by another.³ While *we cannot presume gender*, at least not explicitly, for the purposes of this volume, I am going to assume throughout that the woman Mary Carleton did in fact take up a pen and write. Whether she did or not ultimately does little to diminish the very real power that her *writings had as writings presumed to have been written by Mary Carleton*. And that finally is the only way that they can be read.⁴

(Cambridge, MA: Harvard University Press, 2010).

3. John apologizes in *The Ultimium Vale* for writing in a more passionate style than he had in *The Replication*, a sign perhaps of a change in authorship as much as a change in tone. He also insists midway through that account that Mary’s writings are not her own: “For I can testify,” he assures us, “and shortly may to some purpose produce the unmannerly, base and beggarly detractor [who has written in her stead]” (*Ultimium*, 169).

4. Textual voice earns its power in the pact that is made between the announced speaker and the readers who read what is written. When voice announces its identity in specific ways—“I am learned”; “I am a woman”; “I am defending myself”—its narrative changes accordingly.

Mary Carleton and the Trial

Sometime in the morning of June 4, 1663, Mary faced her accusers at the Old Bailey Courthouse on charges of bigamy.⁵ Principal among them was John, a young law student whom she purportedly duped into a faulty marriage. In his charge against her, John claimed that he was one of many, vowing that Mary had at least two, perhaps three, other husbands before him: a cobbler still living by the name of Thomas Steadman and a surgeon named Thomas Day.⁶ More to the point, he also claimed that she was a serial pretender.⁷ In marrying him, Mary had lied about her past, her prospects, and her parentage.

Mary's punishment, if she had been found guilty, would have been gruesome—to hang by the neck until dead with no possibility of parole. But that sentence was not issued. Instead, she was eventually released, the indictment against her overturned. In early modern England, criminals did not have the benefit of legal assistance to support them. While Mary had been incarcerated in Newgate Prison for several weeks prior to her trial and had been forced repeatedly during that time to parade before a crowd of curious and paying onlookers, she also managed to gather sympathetic witnesses and to arrange for a court observer to record everything that would transpire during her court appearance. Thanks, in part, to Mary's persuasive self-defense and a rather astonishing lack of evidence, the jury ruled in her favor, acquitting her of what was in effect a mortal offense.⁸

Was Mary the pretender that John imagined, or was she in fact what she promised to be—a German lady of means? Which of the many truths that are

5. Central criminal court. It sat about two hundred yards northwest of St. Paul's Cathedral and adjacent to Newgate Prison, where Mary was being housed. See also *Historical*, 73, and *Arraignment*, 317.

6. The final marriage tally according to Carleton's biographers was actually higher. A third husband, a surgeon (Thomas Day) from Dover, is mentioned in *Case*, 136ff., *Ultimum*, 194ff., and *Arraignment*, 328. See also Ernest Bernbaum, *The Mary Carleton Narratives, 1663–1673: A Missing Chapter in the History of the English Novel* (Cambridge: Harvard University Press, 1914), 1 and 14; J. L. Raynor and G. T. Cook, eds., *The New and Complete Newgate Calendar: The Making of Modern Law: Trials, 1600–1926*, vol. 1, *The Complete Newgate Calendar* (London: Navarre Society Limited, 1926), 250, accessed March 28, 2013, Gale 2013, <http://galenet.galegroup.com.libproxy.lib.unc.edu/servlet/MMLT?af=RN&ae=Q4201305001&srcht=a&ste=14>. Kietzman speculates that there may have been at least one additional husband after John Carleton and before Mary Carleton resurfaced in the 70s (*The Self-Fashioning of an Early Modern Englishwoman*, 176). See also Janet Todd, "Carleton [née Moders], Mary [nicknamed the German Princess] (1634x42–1673), impostor," *ODNB*.

7. "[1.a] A person who makes a profession or assertion, esp. falsely or hypocritically; a person who lays claim to an ability, quality, skill, etc. . . . with intent to deceive; a charlatan; a dissembler. . . . [3.a] A person who claims or aspires to a title or position."

8. For a useful overview of how the courts operated in one village, Essex, see Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1987).

promised in the Carleton pamphlets can we trust? Historians have yet to find any concrete evidence linking this young woman to the past to which John and his family had hoped to bind her. But the same goes for the claims she made for herself. Was Mary a Canterbury fiddler's daughter or a German gentlewoman? A bigamist or a first-time married woman? Did she walk away from her trial as a successful con artist or an abandoned and vulnerable wife? Certainly, Mary was not the only pretender in this debate.⁹ What so fascinates about the pamphlets included in this volume is the shifting truth-value that moves within and through them. Indeed, there is so little "fact" on which both parties can seem to agree that much of what we are dealing with comes down to a matter of "pretense." It is our task as scholars to interrogatively winnow out its various meanings.

Here is the shared narrative that both Carletons embrace (more or less): Mary arrived in London toward the end of March in 1663, traveling on a river barge from Gravesend, and stopped at the Exchange Tavern. Apparently harassed by a man (perhaps a fellow cozener), ostensibly a minister, who had journeyed with her, she was "rescued" by the owner of the tavern, Mr. William King, and invited to stay.¹⁰ During their conversation, she said that she was Maria von Wallway, recently from Cologne, Germany. She claimed she was expecting some letters to arrive detailing the managing of her personal affairs. That information, along with her clothing, jewels, and bearing, gave rise to speculation as to her fortune. Mr. King arranged for her to meet his wife's brother, John Carleton, an eligible bachelor. Believing Mary to be the orphaned daughter of a wealthy lord only recently removed from the convent that raised her, John began to woo her in secret. Mary explains the secret thus: John wanted to hide the fact that a private citizen was attempting to wed a foreign peer—something he would have had no business doing.¹¹ Mary either went along with the charade, fanning its flames while professing a lack of familiarity with English customs, or, as she claims, genuinely did not realize what was happening. Eventually, after a period of covert wooing financed in part on the promise of the bride's forthcoming dowry, the two were wed. When the bride's wealth failed to materialize, a letter was discovered claiming that Mary had married several men prior to John and was an "absolute cheat."¹²

9. John deserves equal billing here. Was he a dissatisfied social climber, we may ask, or an abused husband? A wealthy lord-in-hiding or an impoverish law clerk? An aspiring writer or a put-upon civil servant? In charging his would-be wife with deceit, to what extent did John cover up fictions of his own?

10. William married John Carleton's sister, Marie, on November 5, 1657 (Kietzman, *The Self-Fashioning of an Early Modern Englishwoman*, 45).

11. Mary explains that her father was Henry von Wallway, Lord Holmstein, a licentiate and doctor of civil law (*Case*, 99n49 and n50). There is no evidence of such a man to date.

12. "The money or property the wife brings her husband; the portion given with the wife." For additional discussions of dowry and its opposite, dower, a widow's share for life, of her husband's estate, see Amy Louise Erickson, *Women and Property in Early Modern England* (London: Routledge, 1993); Eileen Spring, *Law, Land, and Family: Aristocratic Inheritance in England, 1300 to 1800* (Chapel

The Carletons alleged that John's intended wife was actually Mary Moders, born in Canterbury to a lowly chorister or church musician.¹³ Because they insisted that she had at least one other husband, hence the bigamy charge, the family notified the authorities, demanding her arrest and a dissolution of the marriage to their son. Mary was dragged sometime in mid-to-late May to Newgate Prison,¹⁴ where she managed to secure ardent sympathizers, including such notables as Samuel Pepys, who argued "high in the defence of her wit and spirit."¹⁵ After several weeks under lock and key—weeks during which she was daily paraded before a paying crowd of fascinated Londoners—Mary went to trial on June 4, 1663. Testifying on her own behalf, she eloquently defended her actions, throwing her husband's accusations of deceit and gold-digging right back at him. Her new relatives, in the meanwhile, mismanaged their portion of the testimony, failing to secure adequate witnesses or evidence. As a result of their incompetence and perhaps because of Mary's rhetorical skills, she was ultimately cleared of all charges. The active intervention of high-ranking supporters who sought to undermine the Carletons' efforts and bolster Mary's case may also have played some role in securing her release.

Of course, Mary's story did not end with her acquittal. As we later discover, following a brief stint onstage in 1664 where she played herself, Mary faded from the historical record only to resurface nearly a decade later. Called again before the court, she was tried, a few more times, under a number of different aliases—"Maria Darnton (horse thief), Mary Blacke (shoplifter), Mary Kirton (tankard thief) [and] Maria Lyon (part of a gang who robbed clothing shops)"—the last for stealing silver plate.¹⁶ Apparently, the intervening years had diminished Mary's powers of persuasion. The 1673 decision did not go her way. Sentenced again to

Hill: University of North Carolina Press, 1997); Su Fang Ng, *Literature and the Politics of Family in Seventeenth-Century England* (Cambridge: Cambridge University Press, 2007); and Lawrence Stone, *Family, Sex, and Marriage in England, 1500–1800* (London: Weidenfeld & Nicholson, 1977). The letter is quoted twice: *Case*, 121, and *Ultimum*, 187–88. John's version cites the letter differently, calling her "the greatest cheat."

13. Todd notes some uncertainty about Mary's birth origin but assumes that she is English; she cites records that identify a Mary Moders baptized on January 22, 1642, and another born eight years earlier. In the *Memories of the Life of the Famous Madam Charlton* (London, 1673), we are told that Mary was born in April 1639. While all three avowals lead many scholars to take Mary's English parentage for granted, the name is common and the evidence as yet inconclusive (Todd, "Carleton," *ODNB*).

14. Located on Newgate Street, the prison served as the main holding area for prisoners awaiting trial at the Old Bailey Court.

15. Pepys, "7 June 1663," *The Diary of Samuel Pepys*, ed., Robert Latham and William Matthews, 11 vols. (Berkeley: University of California Press, 2000), 4:177.

16. Kietzman suggests that the arrests under these aliases all took place in the 1670s immediately prior to Mary's execution (*The Self-Fashioning of an Early Modern Englishwoman*, 195). See also Time Line, xiv.

die by hanging, Mary Carleton was executed at Tyburn on January 22, nearly a decade after she first found her way into our historical sights.

We know that Mary “embellished the truth.” Whether she did so at the beginning of her life or at its end, to repair an image or to make another of her own choosing, is another question entirely. She perhaps was a fiddler’s daughter, born with Canterbury Chorister aspirations. Rather less likely, she may instead have been the only child of a wealthy German lawyer who died when she was young. She may also have been married to one, two, or even, according to some of her later detractors, three other husbands besides the one who tried her for bigamy. We cannot know. But of course, it is that uncertainty that keeps us alert, that makes us return again and again to these accounts and the questions they pose.

Whether and to what extent Mary’s accounts of herself are accurate remain a mystery. What is clear is that her predicament struck a chord with English audiences. In the weeks leading up to and following the 1663 trial, sixteen separate pamphlets and broadsheets appeared decrying or defending “*the German princess*”¹⁷ while, for the price of admission, visitors could make their way to where she was incarcerated to glimpse her in the flesh. The enigma of Mary’s past was perhaps almost as potent as the power of her present in drawing adherents to her cause. Her claims to gentle status and foreign birth and the outrage she expressed at the hands of her accusers all fared the better for the uncertainty of her origins. Mary’s ability to fashion for herself a new life and to insist that her marriage to John was the only one that mattered (if, in fact, there had been previous marriages) walked the line between pretended innocence and ironic self-awareness. The space of forward-looking self-forgetting that she was able to create became a locus of surprising power for her audiences, power that could be deployed within a variety of fields and frames. While the stories Mary wove about her life secured her advantage and maneuverability in the marriage market, they offered her readers a perhaps more elusive but still valuable consequence—the power and the promise of improvisation as an aspect of definition itself (in politics, in finance, in religion, etc.). Her narratives evoked possibility, turning their heroine into, to borrow one of our own terms, a “cult sensation” and making her trial a lightning rod for a society that had been struggling, all too recently, to articulate ideas of change and self-determination in an environment without the domestic, religious, or political vocabularies to express such transformations.

The Collapse of Truth

By 1663 and the Mary Carleton bigamy trial, universalist notions of truth had suffered irreparable damage. Church and monarchy could no longer be counted on

17. That number was to jump to at least twenty-five by 1673, the year that Carleton was executed.

to mean the same thing to one and all.¹⁸ People had begun to look elsewhere for answers—to the evidentiary measures premised by new science, to the fact-based correspondences of law, and to themselves and their community and the shared notions of integrity and trust that came to stand in as guarantors of good faith. Using experimentation and an ongoing process of revision, they tried to separate truth from falsehood, right from wrong, and order from disorder, often coming up short.

After nearly a decade of civil war, England had been laid low, many of its foundations shattered. Even the most fundamental of institutions saw radical change in the years following the toppling of the Crown. State, church, and family were to bend, almost to the point of breaking.¹⁹ England was a monarchy; then it was not; then it was. Anglican worship, always unique in that the Church of England's Protestantism developed separately from that of the continent, swung for a time toward a proto-Catholic ceremonialism (communion tables were placed altarwise at the east end of chancels, visually contradicting the idea that salvation comes through faith alone), then pulled back to a sparer Puritanism during the Interregnum, reminding believers that human salvation is not open to material negotiation and things of this world.²⁰ Despite Charles II's attempts to quell religious tension by issuing a *Declaration of Indulgence* that promised to offer relief to papists and sectarians alike, his first Parliament quickly passed a series of laws collectively known as the Clarendon Code that established a centralized and more punitive church government.²¹ The English household, governed by paterfamilias, meanwhile experienced its own mighty reformations in an attempt to consolidate the vocabularies of patriarchy and contract, as men struggled to resecure the

18. Radical reformation within the English church was not altogether unique: its theological gyrations can be pushed back as early as Henry VIII's landmark break with Catholicism if not sooner. The point I am making here is that the English Civil Wars simultaneously dismantled political and religious foundational categories, leaving both temporarily unstable.

19. Historians are divided as to how to define the events at mid-century. While most agree that religion played a key role in the events that shaped England's Civil Wars, scholars remain of several minds as to whether they were the result of full-blown revolution or instead intermittent rebellion. For a general historical overview, see Graham E. Seel, *Regicide and Republic: England, 1603–1660*, Cambridge Perspectives in History (Cambridge: Cambridge University Press, 2001).

20. Laudian additions to church practice were stripped and stained-glass windows, carvings, and sculptures that had been part of the church for hundreds of years were torn down and destroyed.

21. The *Declaration of Indulgence* (1662) was crushed by Parliament vote (John Coffey, *Persecution and Toleration in Protestant England, 1558–1689* [London: Longman, 2000], 182). A series of four legal statutes, the Clarendon Code (1661–1665) reestablished the supremacy of the Anglican Church and ended toleration for dissenters. It excluded nonconformists from office, made reading the *Book of Common Prayer* in service compulsory on pain of forfeiting the ministry, forbade unauthorized worship, and restricted movement for dissenting priests (Mark Kishlansky, *A Monarchy Transformed: Britain, 1603–1714* [London: Penguin, 1996], 235).

definitions of family and women sought to reimagine those boundaries.²² In each of these embattled sites, what was being contested was the *true* form of political government, the *true* shape of religious worship, and the *true* organization of the domestic home.

In 1644, John Milton reminded readers in *Areopagitica* that godly truth “may have more shapes than one.” Arguing for the possibility of a self-censored free press, he insisted that faithful Christians may speak their spiritual truth according to a wide range of different voices and still be talking about the same true God.²³ Milton here was not separating out divisible truths in his understanding but rather speculating on one great truth in its many incarnations. By 1660, however, the idea of that whole and partible (immutable) truth had been badly shaken, if not entirely blasted apart. At the very least, it had become something beyond human ken, like Milton’s God in *Paradise Lost*, “thyself invisible / Amidst the glorious brightness where thou sit’st / Thron’d inaccessible.”²⁴

In contrast, human truths (faulty and incomplete), weighed down by situation and circumstance, had been shattered by years of deprivation and

22. On patriarchy, see esp. Robert Filmer’s *Patriarcha; or, the Natural Power of Kings* (London, 1680). Arguing that the divine right of kings derives from parental authority and that monarchs as God’s regents are subject to no earthly authority, Filmer traces everything from the first father, Adam. Filmer’s *Patriarcha* was published posthumously. For an earlier expression of the family as a microcosm of the state, see also his *Anarchy of a Limited and Mixed Monarchy* (London, 1648). For an excellent overview of Filmer’s vision, see Johan P. Somerville’s introduction to his edition, *Filmer: Patriarcha and Other Writings* (Cambridge: Cambridge University Press, 1991). See also early contract theorists, such as Hugo Grotius (*Commentary on the Law of Prize and Booty [de iure praedae commentarius 1603?]*, prolegomena, chap. 2), who argued that all men possessed natural human rights; Samuel von Pufendorf (*On the Duty of Man and Citizen [de officio hominis et civis 1675]*), who argued that all men voluntarily entered into social contracts to better their lives and maintain sociability; and, of course, John Locke (*Two Treatises of Government* [London, 1689], second treatise), who believed that all men were free as a result of their God-given natural rights to form contracts and to dissolve them if they did not accord with God’s original intent. Locke’s first treatise was a scathing line-by-line rebuttal of Filmer’s *Patriarcha*. For women’s voices in these debates, see Margaret Fell, *Women’s Speaking Justified, Proved and Allowed of by the Scriptures* (London, 1666); Bathshua Makin, *An Essay to Revive the Ancient Education of Gentlewomen, in Religion, Manners, Arts, & Tongues* (London, 1673); and Hannah Woolley, *The Gentlewoman’s Companion; or, a Guide to the Female Sex* (London, 1673).

23. When Parliament abolished Star Chamber in July 1641, it also necessarily ended censorship regulation—at least temporarily. *A New Ordinance for the Regulating of Printing* was instituted on June 14, 1643. It reintroduced many of the most egregious elements of the earlier regulations, including prepublication licensing; registration of all printed work; search, seizure, and destruction of any books the government deemed threatening; arrest and imprisonment of offending writers, printers, and publishers; and, finally, a monopoly for The Stationers’ Company. Milton, *Areopagitica*, in *John Milton: Complete Poems and Major Prose*, ed. Merritt Y. Hughes (Indianapolis, IN: Hackett, 2003), 747. By the time that *Areopagitica* gets written, censorship regulation is already back in place under the new dispensation; Milton laments its return.

24. Milton, *Paradise Lost*, in John Milton, ed. Hughes, 3.375–77.

despondency. Mary Jo Kietzman notes the truth confusion that surrounded questions of identity in the aftermath of war. Within the chaos and confusion of daily and unrelenting conflict, people had become more willing to let things slide. With destitute royals returning to claim lands and titles that had been sequestered from them, a ten-year absence made legal determinations far from easy. It was not simply a matter of who had what rights but, more pointedly, were the claimants truly who they said they were? With no genetic testing to prove lineage once and for all, a decade's time and the losses incurred by war could pave the way for an enterprising nobody to walk into another life.²⁵ And what if the nobody were a woman? We might recall John Ford's presciently ambivalent pre-Civil Wars play *The Chronicle History of Perkin Warbeck* (1634). In that play, another pretender, this one royal, vowed he was Richard IV, one of the young princes supposedly murdered in the Tower of London during the reign of Henry VII. Returning to claim the throne after years of purported exile, Warbeck was eventually captured and made to confess that he was a fraud, but not before Ford had rendered him more sympathetic than the king who sentenced him to death.

While the early modern theater had always been an ideal site for thinking about identity in flux, especially gendered identity,²⁶ it was to be joined, after the wars, by almost every other social and cultural institution and their moral equivalents. Indeed, "pretense" was so epidemic throughout post-Civil War England that it infected not only claims of the flesh (pretending to be other than I am) but also and perhaps equally disturbingly promises of the soul (vowing to believe other than I know). The Carleton narratives, composed in the immediate aftermath of such epic upheavals, express the moral ambivalence of a world where the fallen, failing to heed God, might, according to the Quaker Samuel Fisher, swear "*themselves To and Fro into the Favour of every Form of Government as it stands its time upon the stage*"²⁷—a world teetering between what can be seen and what cannot. It is that world that brought forth these texts; it is that world, that past,

25. Kietzman, *The Self-Fashioning of an Early Modern Englishwoman*, 40. See also Natalie Zemon Davies, *The Return of Martin Guerre* (Cambridge, MA: Harvard University Press, 1983). In Davies's (fictionalized) history, a man returns home from the Hundred Years' War to greet a wife and a village that may or may not be his. While he ends up being better at fulfilling both obligations than the man who left, he is eventually charged with that man's murder. Many sequestered Civil War properties were not returned; they remained with their new owners. Charles II intervened only at his pleasure, as to have remanded all properties would have been too destabilizing to the economy and to his rule.

26. See, for example, Catherine Belsey's *The Subject of Tragedy: Identity and Difference in Renaissance Drama* (1985: repr., New York: Routledge, 2014); and Natasha Korda's *Shakespeare's Domestic Economies: Gender and Property in Early Modern England* (Philadelphia: University of Pennsylvania, 2002). For Restoration studies, see Jean Marsden's *Fatal Desire: Women, Sexuality, and the English Stage, 1660–1720* (Ithaca, NY: Cornell University Press, 2006).

27. Samuel Fisher, *Rusticus ad Academicos* (London, 1660).

and, most especially, the women who were forced to operate at the margins of conventional categories that these works attempt to understand.

An Abandoned Wife

Bigamy was and, indeed, still is a serious offense.²⁸ In early modern England, it warranted the death penalty for the deceiving partner but was rarely prosecuted.²⁹ The circumstances and the proceedings of the Mary Carleton trial were all the more scandalous because the criminal was a woman.³⁰ Her actions went beyond cuckolding her spouse, behaviors generally caricatured as a common female vice in a culture that still had laws on the books regulating the hours when husbands could legally beat their wives.³¹ She had shattered godly covenant and betrayed at least one husband and master,³² both precepts so firmly embedded in the English constitution that to defy them seemed to break with nature.

28. Justice of the peace Michael Dalton produced one of the earliest alphabetized legal handbooks of English Common law in England. *The Country Justice* went through twenty editions between 1618 and 1746. Here is what Dalton has to say about bigamy: “If any Person being married, shall marry a second Husband or Wife, the first Husband being alive, *etc.* it is Felony; (a) except where the Husband or Wife have been absent seven years, and the one not knowing the other to be living within that Time; except also Persons divorced, *etc.* by Sentence in the Ecclesiastical Court; and except Persons marrying within the Age of Consent” (*The Country Justice: Containing the Practice, and Duty, and Power of the Justices of the Peace, as well in as out of Their Sessions*, 5th ed. [London, 1635], 363). Notably *BLD*’s entry on “bigamy” distinguishes between canon law and ecclesiastical offense, which is now obsolete.

29. It was not until 1603 that Parliament officially passed an act proclaiming bigamy a felony, and even here it allowed men accused of bigamy an opportunity to sue for benefit of clergy, rendering their eventual punishment not hanging but instead branding on the thumb. So too an additional clause “exempted from the provisions of the act those who were ‘divorced by sentence of the ecclesiastical court’—meaning those [who had] judicially separated from bed and board” (i.e., those elite few, again invariably male, who had sufficient connections to secure necessary legal approval) (Lawrence Stone, *Road to Divorce: England, 1530–1987* [Oxford: Clarendon, 1990], 306). These qualifications had no bearing on a case like Mary’s. Unable to sue for benefit of clergy and not officially separated from bed and board, she would hang, regardless.

30. The rarity of bigamy trials was in part due to the court’s predilection for focusing only on those very occasional cases where the wife was the offending partner. See Stone, *Uncertain Unions*, 42.

31. Husbands could be legally charged for beating their wives only *after* nine at night in London proper, as at that time they might disturb their neighbors (Sara Heller Mendelson and Patricia M. Crawford, *Women in Early Modern England, 1550–1720* [Oxford: Clarendon, 1998], 128).

32. Fran Dolan identifies a particularly germane set of distinctions here having to do with the case of spousal murder: wives who killed their husbands were termed “petty traitors” and husbands who killed their wives were termed “petty tyrants” (*Dangerous Familiars: Representations of Domestic Crimes in England, 1550–1700* [Ithaca, NY: Cornell University Press, 1994], 13–16). Early modern husbands, then, were legally and metaphorically their wives’ masters and lords—their petty kings.

It is hard to imagine what might have prompted a woman like Mary to risk taking an additional husband, *if in fact that is what she did*. Early modern English wives were largely dependent on the men they married to protect and defend the few rights they had.³³ Literally everything that a wife was, is, or would be had been determined by the largesse of the man that she married. Lawrence Stone puts the case baldly: once a woman was married

[a]ll the income from her real estate was retained by her husband, as well as all future legacies that might come to her. All her personal property, including her future earnings from a trade and her business stock and tools, were liable to seizure by her husband at any moment. She was unable to enter into a legal contract, to use credit to borrow money, or to buy or sell property. All her savings belonged to her husband. And finally, all her children were controlled entirely by their father, who was free to dispose of them as he wished, and to deprive their mother of any opportunity ever to speak to them again.³⁴

To make matters worse, many Restoration husbands were unwilling or unable to fulfill their obligations. Violence in marriage was as much a worry then as it is now.³⁵ Noting the large proportion of abandoned wives on English relief rolls, Stone suggests that desertion was a chronic and troublesome social complication.³⁶ Mary's *presumed* behaviors make better sense when they are placed in context, when we attempt to see them as responding to immediate needs. When or if we posit Mary as an already abandoned wife, desperate to get ahead and left to her own devices to manage that transformation, someone who by fortune can make use of the advantages of an unexpected education, social posturing, and a

33. Debate writers such as Ester Sowernam drive home the importance of the marriage vow for women, reminding readers that only a fully witnessed marriage can ensure both legal and financial security. Because by law husband and wife become one person, a husband can sell his wife's property at will, just as his debts become a charge on her marriage dowry. Without the safety of a binding contract, a wife forfeits autonomy and financial solvency (the end result of any realized marriage) and then remains vulnerable to destitution if a husband were to default (*Ester Hath Hanged Haman* [London, 1616], 7, 23, and 45.) For additional elaboration, see Megan Matchinske, "Legislating 'Middle-Class' Morality in the Marriage Market: Ester Sowernam's *Ester Hath Hang'd Haman*," *English Literary Renaissance* 24 (1994): 1–30. For a wider discussion of these ideas through the lens of the female subject self, see also Megan Matchinske, *Writing, Gender, and State in Early Modern England: Identity Formation and the Female Subject* (Cambridge: Cambridge University Press, 2006).

34. Stone, *Road to Divorce*, 4–5.

35. See Fran Dolan, *Marriage and Violence: The Early Modern Legacy* (Philadelphia: University of Pennsylvania Press, 2008), esp. chap. 1.

36. Stone, *Road to Divorce*, 142.

good story, someone who has seen the wisdom of forgetting a cobbler who has already left to marry a lawyer who is very much present, someone who understands the very real and deadly risks but who also imagines just exactly what might be gained from those efforts, we perhaps understand.

Nor do we have to look all that far to find parallels. If Mary was guilty of the charges laid against her, then she certainly was not alone, in either her propensity for multiple partners or her desire to be rid of them. All she would have had to do was copy her betters. When it became apparent that Queen Catherine was unable to have children, King Charles II began to contemplate avenues for ridding himself of an unwanted wife.³⁷ John Manners, Baron Roos, faced a similar dilemma in 1663, obtaining a “separation from bed and board” from his wife on the grounds of adultery. When Roos attempted to divorce his wife by private bill in 1669 so that he could remarry (“separation from bed and board” merely permitted separation), Charles promoted the case, hoping to use the occasion as precedent.³⁸

Barbara Palmer (née Villiers), the Lady Castlemaine, the most famous of Charles II’s lovers, was already well established at court by the time Mary first faced her accusers. That liaison, brazenly public despite the presence of legitimate spouses on either side, stood in for the perceived moral laxity of the Restoration court.³⁹ Like the much-admired and notorious Castlemaine, Mary gained the attention, for a time, of the English popular imagination. Both women had come from uncertain beginnings into positions of appreciable social standing. Both, too, defied rather than conformed to gender expectation—each was, in her own way, defiant and autonomous, pushing the boundaries above and beyond expected parameters and succeeding by refusing to follow established guidelines. Indeed, it was that atypical defiance that made them so fascinating to their contemporaries.⁴⁰

In Mary’s case, “success” was not without material complications. After her release from prison, two days after her acquittal, Mary was left without means. Apparently, the letters that had promised delivery on Mary’s lucrative “business

37. Stone, *Road to Divorce*, 274.

38. While Charles never sired a child with Catherine, he did father twelve illegitimate children among his fourteen or so mistresses.

39. Derek Wilson, *All the King’s Women: Love, Sex, and Politics in the Life of Charles II* (London: Hutchinson, 2003), 238, quoted in Matchinske, *Women Writing History in Early Modern England*, 107n12.

40. In addition to becoming one of the wealthiest women in court, thanks to the king’s largesse (she was given Nonsuch Palace), Lady Castlemaine also claimed the title of the “Uncrowned Queen,” as she had more political influence at court than almost anyone. See esp. the many mentions within Pepys’s diaries (*The Diary of Samuel Pepys*, ed. Latham and Matthews, e.g., July 13, 1660; July 26, 1662; and May 15, 1663, among others). John Evelyn, in contrast, describes her as “The Duchess of Cleveland, another lady of pleasure, and curse of our nation” (“March 5, 1671,” in *The Diary of John Evelyn*, ed. William Bray, intro. Richard Barnett, [New York: N. W. Dunne, ca. 1901], 2.63). He is speaking of her in reference to Nell Gwen, the actress.

affairs,” the same letters that had so impressed John’s family, failed to produce any material results—no retainers, no money, no goods. Still married to the lawyer, she had been abandoned by the one husband whose coverture completely defined her. His identity was her identity and yet he refused to take responsibility for her. What this meant, in effect, was that she was without repute or recognition; she had figuratively been laid bare.⁴¹

The godly precept invoked at the heart of coverture held that women were in need of protection and covering, a covering that derived initially from the first sin of temptation and continued forward through biblical example: “*Abraham* was to *Sarah* for a *Covering of the Eyes*, that is, her Husband to defend her from injury. *Boaz* was to take *Ruth* into his protection as the hen her chickens under her wings, signified by *spreading his skirt over her*, *Ruth*. 3.9 and 2.12. that she might be safe under the wings of her husband. A man giveth Coverture.”⁴² Mary, lacking her husband’s good grace, had been revealed, her “counterfeits” open to the world.⁴³ And with that revelation came loss—all rights to personal items, inherited goods, income, or property. Children, if the couple had had any, would remain with their father.⁴⁴ Even the clothes on Mary’s back were subject to confiscation: “All Chattels personal, 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, the absolute property therof is vested in the Baron, &

41. Legal state conferred upon women at marriage. Under coverture, a woman was literally subsumed with her husband’s legal identity. See John Dod and Richard Cleaver, *A Godly Form of Household Government, For the Ordering of Private Families, According to the Direction of God’s Word*, 2nd ed. (London, 1630); and William Gouge, *Of Domestical Duties, Eight Treatises*, 2nd ed. (London, 1634); see also *BLD*, s.v. “coverture.” Of the abandoned or rejected wife, Stone again offers a bleak summation: “Unless she was protected by a private deed of separation, she was in practice virtually an outlaw” (*Road to Divorce*, 4–5). See also *Historical*, 78n116 and 80n123, and *Case*, 91n22.

42. Edward Reyner, *Considerations Concerning Marriage, the Honour, Duties, Benefits, Troubles of It* (London, 1657), 13.

43. Mary’s parents were dead. With no living relatives to her name, Mary had nowhere to go and no family willing to claim her. Her former husband, Steadman, apparently refused to testify at the trial and had no intention of allowing her back into his household, nor would this have been permitted, as the trial most decidedly rejected the legitimacy of the earlier claim.

44. Interestingly, though perhaps not surprisingly, Mary’s writing avoids *any* overt discussion of procreation. While her detractors claim that she has given birth to two children, both now dead, fathered by the cobbler, Mary conspicuously avoids any discussion of maternal obligation in her defenses, focusing instead on questions of love and honor. Maternity claims here would only serve to exacerbate the criticism against her by further sexualizing and weakening her position as a chaste gentlewoman. It is not until Mary faces retrial in the 1670s and begins to appreciate the “mortal” nature of her circumstances that she “remembers” motherhood. “Pleading the belly” (pregnant women were allowed reprieve until after delivery and sometimes escaped punishment altogether) in an attempt to escape hanging, she forfeits the right to delay and is sentenced regardless.

though he dye they shal go to his Executors and Administrators.”⁴⁵ Not until the “Married Women’s Property Act of 1870” would women win the right to be legal owners of the money they earned or to inherit property in their own name.⁴⁶

What this meant for Mary was that after the trial she had to fend for herself. For a time, she undoubtedly basked in the notoriety of her own fame, living off the largesse of some of her admirers. We know that she took a turn on the Restoration stage, playing herself in a production of her story. Pepys wrote with disappointment that he went on April 15, 1664,

with . . . [his] wife by coach to the Duke’s house and there saw *The German Princess* acted—by the woman herself. But never was anything, so well done in earnest, worse performed in Jest upon the stages. And indeed, the whole play, abating the drollery of him that acts her husband, is very simple, unless here and there a witty sparkle or two.⁴⁷

As a player, even a lead, in a play that did not last out its second night on the Restoration stage, Mary would have earned nothing. One of the pamphlets tells us that she began to cross-dress at this time, and John explains in *The Ultimium Vale* that she set out to learn the law, but both of those pursuits (if accurate) afforded no long-term success, and we discover little that can be verified historically.⁴⁸

Apparently, Mary was temporarily incarcerated six years after her trial as she tried to make her way from Harwich to Holland, her jewelry seized either as payment for earlier debts or collateral for a bribe. Writing to Secretary of State Sir Henry Bennet, Lord Arlington, on October 30, 1669, she complained of her jail-or.⁴⁹ Her contact with Arlington, the notorious spymaster of the early Restoration, is highly suggestive, as it allowed for the possibility, however slight, that Mary might have been in the employ of Arlington, spying on behalf of the Crown. We

45. Robert Callis, *The Case and Argument Against Sir Ignoramus of Cambridge* (London, 1648), 21.

46. “The Married Women’s Property Act, 1870” (<https://archive.org/details/marriedwomenspr01grifgoog>). Given that women’s property was still forfeited upon marriage, the act did little to ameliorate the problem.

47. Pepys, *The Diary of Samuel Pepys*, ed. Latham and Matthews, 5:124. Francis Kirkman agrees with Pepys’s assessment, though he did not see the production himself. Those who did, Pepys says, report that “although there was a great Confluence of People to behold her, yet she did not perform so well as was expected; many have exceeded her in that particular, and that she acted much better, and more to life, in the wide World than in the Epitome” (*The Counterfeit Lady Unveiled*, 99).

48. See, for instance, *The Female Hector; or, the German Lady Turned Monsieur. With Manner of Her Coming to the White Hart Tavern in Smithfield Like a Young Lord in Man’s Apparel* (London, 1663); and Kirkman, *The Counterfeit Lady Unveiled*, 163ff.

49. Kietzman, *The Self-Fashioning of an Early Modern Englishwoman*, 166–75.