

## Joan Munden c. John Fynke

In this case from the town of Walthamstow in Essex, Joan Munden sued John Fynke to enforce a contract of marriage she claimed he made with her but which he refused to honour. As the testimony indicates, the meaning of gifts and sex in a relationship between an unmarried man and woman were ambiguous. Legally, Munden's case was weak: she needed two witnesses who saw and heard an actual exchange of consent to marry, and at least according to the surviving testimony, she did not have that.

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### Response of John Fynke, defendant, 2 May 1493

Responses personally made by John Fynke, 2 May, by the lord Official in his dwelling house, in my, Richard Grome's, presence.

John Fynke, sworn on the positions, etc. To the first, second, and third positions, he does not believe them. To the fourth and fifth positions, he admits their contents, the carnal intercourse and the procreation of the child. To the sixth position, he does not believe it. To the seventh position, he admits that he fathered and procreated a child from Joan, and he does not believe its other contents. To the eighth position, he does not believe it. To the ninth position, he says that he gave Joan two groats<sup>1</sup> in order to have sex with her and not otherwise, not for the sake of marriage, but because she was a whore she allowed herself to be known carnally by him. To the tenth position, he says that its contents are true. To the eleventh position, he says that it is disputed, but not legitimately. To the twelfth position, he believes what is believed and he denies what has been denied, and he does not believe the fame.

### Testimony of John Munden, witness for plaintiff, 5 Jun. 1493

On behalf of Munden c. Fynke, 5 June, in my, Richard Grome's, presence, in the year etc. [14]93.

John Munden of Walthamstow [Essex], London diocese, where he has lived from the time of his birth and where he was born, literate, of free condition, twenty-two years old as he says. Sworn as a witness, etc., he says that he has known Joan Munden for twelve years and John Fynke for fourteen years. To the first, second, and third articles, he says that on a certain day between the feasts of Easter [22 Apr. 1492] and St. John the Baptist [24 June] a year ago, he was present together with John in a certain field called Cleyes within the said parish, when and where after divers things communicated between them, John told this witness, "*Thou hast a sister tangled*

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<sup>1</sup> A groat was a coin worth 4 pence (*OED*, s.v.).

*with a knave; I would that thou could advise her from him, and I would marry her myself, and if so that thou cannot do it, thou shall not stake for me for none of no good friend of mine."* And otherwise he has nothing to depose concerning its contents. To the fourth and fifth, he says that he heard John after this communication confessing that he knew Joan carnally and conceived a child by her, and that he was supporting her and supports her at present at his own expense. To the sixth article, he says that John and Joan were reputed as man and wife. To the seventh article, he responds as above in the fourth and fifth articles. To the eighth article, he says that he often heard him saying that he had contracted marriage with her and that he would procure solemnization of marriage between them in the face of the church before many people and that he contracted marriage. And voice and fame circulated and circulate that they had contracted. To the ninth article, he says that John gave Joan a pair of hose and he heard that John gave other gifts to Joan but he does not know what, and otherwise he knows nothing to depose concerning its contents. To the tenth and eleventh articles, he says that their contents are true, and that public voice and fame circulated and circulate in the parish of Walthamstow and in other neighbouring parishes and places. Questioned further etc., he says that he is the brother of the party bringing the suit and that he desires her to win in this case if right and justice will allow.

### **Testimony of Richard Munden or Monden, witness for plaintiff, 5 Jun. 1493**

Richard Munden, natural father of Joan Munden, of Walthamstow for thirty-eight years and more, illiterate, of free condition, fifty-eight years old and more, as he says. Sworn as a witness etc., he says that he has known Joan Munden, this witness's natural daughter, from the time of her birth and John Fynke for twenty years. To the first, second, and third articles, he says that he knows nothing to depose except from what he has heard and been told by Hugh Halley, John Munden, and Thomas Munden, because they told this witness that the aforesaid John, if he could have this witness's good will, would take her as his wife and marry her, because she was single without any impediment from William Fulborn and without any contract made between them. And otherwise he knows nothing to depose. To the fourth, fifth, sixth, and seventh articles, he agrees with the first witness, that their contents are true as he has heard. To the eighth article, he says that he knows nothing to depose concerning its contents. To the ninth article he says that as he has heard from Christopher Bokylfeld and his wife, John gave Joan a silver groat and two laces and otherwise he knows nothing to depose. To the tenth and eleventh articles, he says that their contents are true. To the twelfth article, he says that what he said above is true and that public voice and fame circulated and circulate concerning it in the parish of Walthamstow and other neighbouring parishes and places. More<sup>2</sup>

### **Testimony of Richard Chaundeler, witness for plaintiff, 5 Jun. 1493**

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<sup>2</sup> Breaks off with no text apparently following directly after; the page is cut off at the bottom with some possible indications that there was further text at the bottom, but as the page is almost normal length there would not be much more: the other depositions above ended after twelve articles.

Richard Chaundeler of Walthamstow aforesaid, where he has lived for forty years, illiterate, of free condition, fifty-six years old as he says. Sworn as a witness etc., he says that he has known Joan Munden from the time of her birth and John Fynke from the time of his birth. To the first, second, and third article, he says that he knows nothing to depose concerning their contents. To the fourth, fifth, sixth, and seventh articles, he says that their contents are true as he has heard. To the eighth article, he says he knows nothing to depose. To the ninth article, he says [....] on a certain day [....] to [.....]<sup>3</sup>

### **Testimony of Unknown Witness, witness for plaintiff, 5 Jun. 1493**

...<sup>4</sup> To the ninth article, he says that he heard that John Fynke gave Joan certain gifts, that is, two silver groats and two silk laces and a pair of hose, and otherwise he knows nothing to depose. To the tenth and eleventh articles, he says that their contents are true. To the twelfth article, he says that what he said above is true, and that public voice and fame circulated and circulate concerning it in the parish of Walthamstow and in other neighbouring places.

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<sup>3</sup> The rest of the page is torn off.

<sup>4</sup> This does not follow on from the previous deposition; unknown deponent.