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Women's Public Lives: Navigating the East India Company, Parliament and Courts in Early Modern England

Aske Laursen Brock  and Misha Ewen 

On 7 November 1677, the East India Company (EIC) decided that it would no longer pay dividends to Rebecka Duteil whilst there was a case against her in Chancery.¹ She had hoped to receive money left by her brother Thomas Lever, an EIC employee, fifteen years earlier, but of late she faced a new challenge for the inheritance. Her sister, Mary Goodal, also sought to gain control of the legacy and sued both her sister and the company to get her hands on it.² This was, by no means, the first or last time that a woman connected to the varied social networks that constituted trading companies challenged the EIC.³ From the very beginning of its existence the EIC had to interact with women, but the relationship was not always smooth: women often had cause to challenge the company, including the wives and widows who petitioned the company for charitable relief and unpaid wages. Women were a constituency that the EIC frequently had to negotiate, and even collaborate, with in order to expand its multifaceted business, and yet there has been very little examination of what happened when relations between the company and its women constituents completely broke down.⁴

This paper explores how three seventeenth-century women – Elizabeth Dale, Rebecka Duteil and Mary Goodal – challenged the company and navigated Parliament and the courts in London, with the ultimate aim of claiming property they believed was rightfully theirs. During the period under investigation, the three women interacted with Chancery Court, Court of Arches and petitioned Parliament as well as the Navy Commissioners and Navy Board. The study examines the different strategies these women deployed and the resources upon which they drew in order to secure their inheritance. In doing so, it brings into focus women's interactions with the EIC as adversaries, as well as traders and investors, during the first decades of the company's development. Elizabeth Dale was active in both the early colonisation of Virginia and in the commercial expansion of the EIC as a wife and then widow. It was following the death of her husband in 1619 that she set about challenging the EIC, using Parliament and the courts, to claim her inheritance. Sisters Rebecka Duteil and Mary Goodal were members of an active commercial family, whose kin traded in the Caribbean and

were employed by the EIC. Over a twenty-year period, from c.1662 to 1680, they fought the company and each other in the Court of Chancery, each hoping to receive the lion's share of their late brother's estate. As their examples show, throughout the seventeenth century women took advantage of new opportunities to generate wealth and expand their networks through the growth of global commercial markets. Yet, these developments also presented new challenges, as personal wealth and networks were increasingly dispersed across vast distances. This paper pays attention to how women operated, and sometimes thrived, in this changing world. Its significance lies in illuminating the range of strategies that women used to navigate markets, companies, Parliament and the courts within new environments, and thus nuancing how we understand Early Modern women's public lives.

By focusing on how women simultaneously operated in various public spaces, as traders, investors, petitioners and litigants, this study offers a fresh perspective on the public lives of women in Early Modern England. Although women were, in many ways, legally and socially disadvantaged, not least by the laws of coverture, this did not imply their exclusion from public roles.⁵ Instead, as Eleanor Hubbard has noted, women in Early Modern London led 'intensely public lives'.⁶ The rich seam of sources concerning women's lives in Early Modern England has helped scholars to appreciate the full spectrum of women's agency. Some of this work has focused on women's political engagement, including petitioning Parliament and mass protests, whilst others have studied women's roles in neighbourhood politics, including slander, reconciliation and their roles as litigants and witnesses in the ecclesiastical courts. Another focus has been on women's work activities, marriage and household management. Yet, historians have also suggested the difficulty of disentangling the public and private aspects of women's lives, as the two so frequently overlapped.⁷ Indeed, we know more about Dale, Duteil and Goodal because of their activity in public spaces, rather than because of what they did in private or at home. Their entry into public spaces was driven by the need to access credit, which itself was understood as a familial and public, not an individual and private, matter.⁸ Drawing on the growing body of research on Early Modern women's agency, Allyson M. Poska has recently discussed the ways in which they were expected to 'act independently, achieve success, and exert power and authority in many aspects of their lives'.⁹ Women's activities in Early Modern trading companies, a subject which has received relatively little scholarly attention until recently, is particularly illustrative of this. Women were involved with trading companies through a range of economic activities, including lending money on bond, managing overseas trade and even defrauding lotteries.¹⁰ Whilst historians have traditionally understood trading companies as exclusive, male entities, recent research has shown that corporations such as the EIC were much more socially inclusive than previously appreciated.¹¹ Corporations were characterised by individuals beyond their leadership and were responsive to a broad base of individuals that included women.¹² Women such as Dale, Duteil and Goodal were an important constituency in trading companies that could not be ignored.

Examining the ways that Dale, Duteil and Goodal navigated public spaces and demonstrated agency also suggests how women were empowered to challenge patriarchy in Early Modern England. Despite the fact that Early Modern households and communities were traditionally under patriarchal authority, as Susan Amussen has argued, there were 'always spaces of female authority and (relative) autonomy'.

However, the exercise of patriarchal authority was inherently contradictory and always contingent. Early Modern women's experiences demonstrate that they were subject to, and oppressed by, patriarchy, even as they worked with and against it.¹³ Arguably, Dale's, Duteil's and Goodal's ability to manage conflict with the EIC and exert authority in public spaces was very much dependent upon their access to resources, whether that was personal experience, kinship ties, social capital or wealth. Each woman began by petitioning the EIC to claim their inheritance, but when that failed, they were able to seek redress in Parliament and the courts, opportunities that were not afforded all women. This provokes the question of how representative are the women under investigation in this study. The rich accounts provided by scholars, discussed above, demonstrate that women from all social backgrounds were significant agents in public life; therefore, the specificities of these case studies are useful for other reasons. The sources available here make it possible to examine how women exerted authority in different public spaces that have not always been the focus of historians, and also enable one to pinpoint the exact moment when 'agency is forced upon women by circumstance': in their cases, the death of relatives and subsequent need to lay claim to inheritance.¹⁴

This paper first examines the kinship networks of Elizabeth Dale, Rebecca Duteil and Mary Goodal, before turning to their participation in global commercial markets. This context is important in order to appreciate how they acquired the resources and networks that enabled them to navigate the EIC, Parliament and the courts in London. The final section explores the various strategies they used, across different public spaces, to challenge the EIC for their inheritance. Poska suggests that in order to move historical debates on women's authority forward, we need to avoid the 'juxtaposition of patriarchal impediments and exceptional female successes', and instead 'consider the range of possible behaviours and responses' that such women's agency 'promoted'.¹⁵ That is exactly what this paper seeks to do, by focusing the lens on the strategies that women deployed, within different public spaces, and within local and global commercial environments. Yet, this is not a triumphal story, as ultimately the three women enjoyed limited success, in spite of their agency and resilience over prolonged periods of time.

Acquiring social capital

The familial networks, life experience and knowledge of the three women show how they were able to engage in overseas commercial activity and challenge others in the company, Parliament and the courts. Elizabeth Dale (d. 1640) engaged with overseas trade and colonisation in multiple ways. As well as selling crops of Virginian tobacco, she traded in silk from the East Indies, managed a plantation and assisted the colonisation efforts of her kin.¹⁶ Her will shows that she maintained shares in the EIC and property in Virginia, which she divided amongst several of her kin, including her niece Dorothy Throckmorton who received 500 acres of land in Virginia.¹⁷ Elizabeth Dale hailed from a Gloucestershire gentry family with deep roots in the region and, in 1611, she married Thomas Dale, a soldier who had served in the Netherlands, Ireland and France.¹⁸ Sir Edward Conway, husband of Elizabeth Throckmorton's first cousin, Dorothy Tracy, suggested they had played a part in brokering the match.¹⁹ From March 1611 until around June 1616, Dale's husband was absent in the Virginia colony, where

he served intermittently as governor, and there is no evidence that she ever joined him.²⁰ Thomas Dale then exercised his patronage with the crown to secure £1000 in wages from the Dutch army and re-joined his Dutch regiment, before departing for the East Indies in April 1618 as commander of an English EIC fleet.²¹ At the outset, the EIC pooled interests and resources to fund single voyages, before later gaining permission to trade over set periods. Yet, whilst some early EIC voyages were extremely lucrative, by the early 1620s, the company had suffered several unprofitable voyages, which undoubtedly strained its relationship with its employees.²² Thomas Dale's new venture in the EIC was intrinsically connected to his previous service in the Virginia colony and networks within the Virginia Company. Sir Thomas Smythe, for example, was the treasurer of both companies and also an overseer of Dale's will.²³ It was their shared networks that stood Elizabeth Dale in good stead when she required assistance following her husband's death.

Elizabeth Dale's social background furnished her with the tools not only to engage in overseas trade and colonisation but also to go to the lengths of challenging the EIC, petitioning Parliament and suing others in court. As a gentlewoman, Dale would have received some education, not least in household management.²⁴ It is also likely that she had at least some familiarity with other sorts of enterprise, as few individuals below the level of courtiers were 'completely divorced from the business world'.²⁵ She was clearly also cognisant of how Parliament, the courts and companies worked, and either she was able to write herself or elicited help from others who could. Dale's status, and resources, first as a wife and then as a widow, helped determine her actions. Little more than a year into his command, Thomas Dale died at Masulipatam (now Machilipatnam) on the east coast of India in August 1619, an event that initiated Elizabeth Dale's battle to secure her inheritance.²⁶ His death apparently left her with little income and threatened to undo her financially. Yet, her first recorded interaction with the EIC was as a wife, not a widow. Dale petitioned the company for financial assistance, showing that she understood how to navigate and put pressure on the EIC. In early February 1618, Thomas Dale was still with his regiment in the Netherlands, but had instructed his wife 'to make certain provisions ready for him, against his coming over, and to send them aboard' the ship. However, Elizabeth Dale was 'destitute and disappointed of some money at present' and could not supply her husband for his impending voyage to the East Indies. She appealed to the EIC for a loan of £50 until her husband's return, which caused obvious embarrassment to her brother, William Throckmorton, an EIC investor. News of her petition reached him and before the next company meeting he visited the treasurer, Thomas Smythe, to offer his thanks, but confirmed that he would 'furnish' his sister, as 'he would not have her trouble the company for such a matter'.²⁷ Elizabeth Dale clearly understood the EIC's capacity to help a woman such as her, as a relation of one of its employees, in financial distress.²⁸ At the same time, her strategy of petitioning the EIC may have been intended to put pressure on her brother, and forcing his hand may have been the outcome she desired.

Since his return from Virginia in 1616, and perhaps before, Thomas Dale had come to rely on his wife to help him conduct his affairs. However, his financial difficulties were made plain in his will, penned in February 1618, in which he testified:

for the disposing of such worldly substance. [...] I do find the same to be scarcely sufficient for the convenient maintenance and stay of living of my dear and loving wife Dame Elizabeth Dale I

do therefore give and bequeath all my plate money household-stuff goods and chattels whatsoever unto my said dear and loving wife [...].

He also made his wife the sole executor of his will, which suggests that she was sufficiently knowledgeable and competent to settle his estate.²⁹ Whilst she had adopted the role of a sea officer's wife, her brother's insistence on providing the financial support that she needed, rather than have her beg the company, underlines her social and economic status as a gentlewoman, as well as a close kinship tie within the company. Her kinship networks, education and even her stage in life should be kept in mind in order to understand how she navigated the company, parliament and the courts.

Unlike Elizabeth Dale, whose involvement in the world of overseas commerce intensified when she married, the sisters Rebecka Duteil (d. 1692) and Mary Goodal (d. 1680), *née* Lever, were born into it. They participated in English commercial expansion overseas in the latter part of the seventeenth century as members of a commercially active family network.³⁰ They petitioned the EIC separately to obtain a sizable inheritance of around £12,000, which had been left to the family by their brother Thomas Lever (d. 1660), who was employed by the EIC. Part of the inheritance was in cash and gold, but the majority was in goods, which indicates some level of market participation. Moreover, Duteil herself held shares in the company and received tokens from some of the overseas company employees. Ultimately, the two sisters struggled against the company and each other in company and Chancery courtrooms for their share of Lever's wealth, but in doing so, they demonstrated high levels of political know-how and social capital, as well as a sustained interest in commerce.

The Lever family was an early example of a family confronted with what Emma Rothschild has referred to as abstract questions about global commerce and institutions, as well as laws and regulations.³¹ Of the nine Lever children who were living when Thomas Lever the elder died in 1655, four either were, or would travel, overseas. Thomas Lever the younger was employed by the EIC in Jambi on the east coast of the island of Sumatra; John Lever (d. 1668) was a plantation owner in Barbados; and later Samuel Lever (d. 1671) died on his way to Barbados. Finally, one of the daughters, Elizabeth Lever, was married to Thomas Delaval (d. 1682), who became the second mayor of New York. Rebecka Duteil and Mary Goodal held different roles within this network during their lifetime, which, in turn, influenced their activities and agendas. They were daughters, sisters, wives and, in Duteil's case, twice widowed.³² The urgency with which the two sisters petitioned the EIC and sued each other indicates the financial importance of the case to both of them.

As in the case of Elizabeth Dale, most of what we know about Rebecka Ashe (later Duteil)'s life occurred during her widowhoods. However, her position in both familial and commercial networks was primarily determined by her first marriage to the merchant and Draper Jonathan Ashe (b. 1621, d. 1665).³³ Whereas the Lever family was interested in the Caribbean and the East Indies, the Ashe family were leading West Country industrialists and members of the Merchant Adventurers' Company, who mainly exported cloth to Northern Europe. Jonathan Ashe's brother, Joseph, would eventually become a director and later a governor of the EIC.³⁴ With the marriage of Rebecka and Ashe, the family's business became even more global. As will be

discussed below, she used her role as a wife under coverture during her marriage to Ashe as part of her defence in a suit against her in Chancery, but in a later lawsuit she demonstrated detailed knowledge of his business dealings. As with Elizabeth Dale, her status as a widow (twice over) threatened her financial security and led to a lengthy struggle for inheritance and withheld wages.

Most of what we know about Mary Goodal happened not whilst she was a widow, but rather during a separation from her husband Richard Goodal.³⁵ In the mother Elizabeth Lever's will (1668), the later court cases and in Goodal's own will, it was specified that Richard Goodal should receive nothing. In a memorandum to the will, Elizabeth Lever went as far as to declare that 'if the said Richard Goodall shall go about or attempt to receive the said five hundred pounds or to intermeddle therewith [. . .] the devise of the said five hundred pounds to my daughter Mary shall cease and be void'.³⁶ Only Mary Goodal was allowed to hold the money. Her separation might have been expected to disrupt her business dealings in overseas trade and her ability to manoeuvre in courtrooms and boardrooms. However, instead she sued in Chancery court through her *prochein amy* and also actively pursued her interests through EIC channels. She freed herself from her husband and created a network of her own to achieve her ends.

The genesis of the family's trouble came when the second oldest son, Thomas Lever, then the EIC's chief factor in Jambi, died abroad around July 1660.³⁷ In his will, Thomas left £700 as well as the annual interest of £1000 to his mother Elizabeth Lever, the matriarch in the family.³⁸ Thomas Lever the younger left another £700 to his three brothers, John, Samuel and William, and £100 to each of his sisters, Elizabeth, Rebecka and Mary, who were to receive the £1000 after their mother's demise. Rebecka's then husband, Jonathan Ashe, received £50 (as did his and Rebecka's children) and was named executor alongside the EIC committee member William Love, who later renounced his executorship.³⁹ Mary Goodal's children also received £50 each, but there was no mention of her estranged husband.⁴⁰ The company owed Thomas wages at the time of his death, had custody of various exotic goods belonging to him and had to repay the security of £1000, which was paid into the company before personnel were sent abroad. As Amy Erickson has pointed out, the single most important component of wealth was inheritance and this understanding undoubtedly helped precipitate the falling out within the Lever family.⁴¹ The large sums of money involved and the lethargic response of the EIC ultimately led to conflict within the family and numerous lawsuits.

There was a further change in the family dynamic as the mother of Rebecka and Mary and three remaining brothers passed away over a five-year period, between 1667 and 1671, leaving the two adult daughters as the most senior members of the family.⁴² As Goodal was a married woman – though hoping to separate from her husband – she did not legally own chattels: all cash and other movables would fall to him under the laws of coverture.⁴³ However, the money was still in the hands of the EIC and as her sister Duteil was the executrix of Jonathan Ashe and, as a result, also executrix of Thomas Lever the younger, Rebecka was first in line to receive and distribute the money. The trust placed in both Rebecka and Mary by their deceased spouse and mother respectively, and their ability to take on the EIC (and hold off a greedy estranged husband), show that they were economic agents in their own right in this familial network.

‘[A] merchant to the company’: Participating in trade

Participating in trade was a strategy that women adopted to increase familial wealth. Exploring the commercial enterprise of Elizabeth Dale, Rebecka Ashe (later Duteil) and Mary Goodal suggests that, across the seventeenth century, women were active in the formal and informal EIC economy, whether it was the trade in company shares, precious gems or luxury cloth. Following Thomas Dale’s departure to the East Indies, Elizabeth Dale soon adopted a more involved role in overseas trade and colonisation. This required the development of a repertoire of skills to manage assets in different locations and understand the fluctuating value of goods.⁴⁴ Dale imported and exported goods that show she was managing trade in Virginia and England as well as the East Indies. On 14 February 1620, Dale petitioned the EIC in person to have ‘500 weight’ of silk that had been sent home and consigned to her by her husband. Thomas Dale had apparently purchased the silk ‘for many dollars’ and his wish was for ‘his lady to become a merchant to the company [and] to have it freight free’. Although the company had ‘formerly resolved to have it [the silk] stayed’, Dale wanted his wife to have the customary right to receive the silk on his behalf during his absence. The company resolved not to ‘give any distaste’, considering that offending Dale whilst he remained in the East Indies might cause him ‘to stay there if he please’ and ‘prejudice the company if he will’. The EIC was sufficiently reassured that as Elizabeth Dale had his company ‘stock and wages in her hand’, they retained the ‘means to call him in question at his return’. The issue was that the EIC governor Thomas Smythe claimed to have specifically instructed Thomas Dale ‘to be very careful to forbear all private trade’. On the contrary, Dale said he had received ‘a promise from Mr Governor, that he might send home a tonne weight of goods by each ship’. On this occasion, the company was ‘contented [...] to let her Lady have the silk away, without urging freight unto her, or showing any cause of distaste’, but Dale’s breach of the company’s rules would later haunt his wife when she sued the EIC for her husband’s property.⁴⁵

Elizabeth Dale also successfully wove profitable connections between ventures in Virginia and the East Indies whilst her husband was overseas. On 3 September 1623, a servant of hers approached the EIC to demand £16 in recompense for tobacco, probably from the Dales’ own Virginia plantations, that she had sent to her husband, but which had not reached him before he died. She claimed that some company employees had instead received and sold the tobacco, and upon proof of receipts she succeeded in receiving compensation from the EIC.⁴⁶ This was not the only time that Dale sent goods to the East Indies. In the Court of Chancery in 1626, as she sued the EIC for the recovery of her husband’s estate, Dale described how she had sent several ‘tokens’ to her husband. They included one case of bottles full of ‘strong water’, which cost her £46, men’s apparel costing £50 and 100 weight of tobacco, to be sold for £30. Dale also told the court that she had been expecting calico ‘extraordinary fine and of great value’ from her husband, and before she knew of his death, she had also ‘caused to be put aboard’ the *Royal Exchange* ‘one extraordinary fine cloth [...] to be dyed into a pure and perfect scarlet’ and sold in the East Indies for £100.⁴⁷ Through cooperation with her husband, then, she was both supplying provisions, including strong water and apparel, as well as engaging in the trade of luxury goods, such as calico, silk and tobacco. To achieve this, she not only needed access to global commercial markets, which she gained through her membership of the

Virginia Company and networks in the EIC, but an understanding of how they worked in practice.

The absence of male relations was a key factor in the renewed economic agency of Goodal and Duteil during the later seventeenth century. Goodal and Duteil's commercial activity is much more visible following the deaths of their brother Thomas Lever in 1660 and Jonathan Ashe, Duteil's first husband, in 1665. The latter event meant that Duteil petitioned the EIC alone for the first time.⁴⁸ There are hints of market participation when the sisters appeared in court as well as through their interactions with the EIC, indicating that there was more than the question of inheritance at stake. The goods left by their brother Thomas Lever in Indonesia contained three boxes: one wooden and two silver. These in turn contained a wealth of exotic and valuable materials: diamonds, emeralds, gold sand, 'several large bezoar stones, a great quantity of rubies a silver basin, two physical horns and a great quantity of pearls'.⁴⁹ Rhinoceros horns and bezoar stones, a concretion found in the stomach of some animals, were much sought after as medical remedies.⁵⁰ Though some of the objects named in the various suits undoubtedly were for personal use, they also suggest that Goodal and Duteil were connected to networks that could convert the goods into capital.⁵¹ The quantity and varied nature of the goods in the boxes makes it doubtful that they were for private consumption.⁵² For most of the seventeenth century, the EIC placed no restrictions on trade in diamonds and other gems, making it an ideal market for private trading networks. It is likely that the goods would be sold in the London markets through one of the city's many goldsmiths.⁵³ Rebecka Duteil might have been more prominent in the informal market than her sister was. She received tokens from trading partners in India on at least two separate occasions. In 1666, she received 'sundry tokens' as did her former brother-in-law, Sir Joseph Ashe, from Surat; then in 1671 she received two pieces of silk from Gerald Aungier, the company president in Bombay and Surat.⁵⁴ The tokens themselves were probably not of great value – the company would have demanded mulct (extra money for freight and import) if that had been the case – but they indicate that Rebecka held influence in one of the private trade networks. As a widow or a separated wife, it was still possible to be involved in the expansion of the market taking place in the latter part of the seventeenth century.

Finally, like Elizabeth Dale, Rebecka held stock in the EIC until 1672 when she sold her shares to William Jolliffe.⁵⁵ She had probably inherited the stock from her first husband Jonathan Ashe, but for at least seven years she was a stockowner in her own right. It could be expected that it was easier to obtain goods and money from the EIC when also investing in the company. However, Duteil's interactions with the EIC committee of committees does not suggest special treatment. For Dale, Duteil and Goodal, kinship and business closely intertwined. Their introduction to market participation and business more widely occurred through intimate family connections or marriage, but when facing widowhood or separation, their individual commercial prowess became visible. Their engagement in commerce emphasises the importance of women in the company, even if the EIC and contemporary legal practice made it difficult for women to participate on an equal footing with men. Although women primarily dealt in imported luxuries on a small scale, they constituted a part of the larger commercial community, and as members of it, they learned to navigate multiple institutions.

Navigating courts and Parliament

The previous sections have discussed the backgrounds and experience of Elizabeth Dale, Rebecka Duteil and Mary Goodal in order to appreciate more fully how they were able to navigate the EIC effectively as well as Parliament and the courts. Property was at the crux of their actions and the strategies they pursued. Over the course of two decades, from c.1621 until her death in 1640, Elizabeth Dale battled to wrest her husband's property from the hands of the EIC; for the same length of time, between 1665 and 1684, Mary Goodal and Rebecka Duteil engaged in a struggle against the EIC, as well as each other, for their inheritance.

The EIC faced very different internal and external pressures during the periods that the three women interacted with it. Between 1620 and 1640 the company suffered failing returns on its voyages, was accused of undermining the domestic economy by exporting bullion and also faced stark competition from the Dutch.⁵⁶ In other words, Elizabeth Dale faced a company under strain, which was still developing its business model and its relationship with company constituents. The company that the Lever family interacted with encountered other difficulties. In 1653, during Oliver Cromwell's reign, the EIC monopoly expired, but after several years of upheaval, it received a new charter in 1657, this time for a permanent joint stock – the year before it employed Thomas Lever. In 1660 the EIC had its charter confirmed by Charles II and became more commercially successful, by increasingly abandoning the spice trade and instead focusing on the cotton trade in India.⁵⁷ However, following some initial success, the period culminated in crisis for the company, exemplified by its waging of an unsuccessful war against the Mughal Empire between 1686 and 1690.⁵⁸ Yet, in spite of the changing climate in which the company operated, its commercial activity in Asia remained largely unchanged throughout the seventeenth century, meaning that the companies that Dale, Duteil and Goodal encountered were alike both commercially and also in terms of the corporate mechanisms it drew upon.⁵⁹

Against this backdrop of change and continuity, each woman demonstrated that she was resourceful and had competencies within several spheres of public life. Dale's conflict with the EIC was initially born of her request on 19 October 1621 for her (now dead) husband's wages 'and other reckonings'. Whilst the company agreed to pay her £100, it would give nothing more, as 'there was much to be charged upon Sir Thomas Dale', for 'certain *reals* of eight [Spanish currency] taken out of the fort at Jakarta', which the Dutch wanted compensation for, plus outstanding payments for the new joint stock.⁶⁰ In the days that followed, intelligence about her husband's finances at the time of his death was presented to the EIC, which made it very difficult for his wife to recover her inheritance. At the time of his death it was said that he had 'lost all in the *Sun*', a ship that sunk, and that goods that he had sent home to his wife, including the silk, had in fact been purchased with EIC money.⁶¹ Yet, Dale believed that her husband had died with goods worth £20,000 in his possession, goods that had been wrongfully seized by EIC employees and shared between themselves and the company.⁶² What unfolded over the following years underlines the difficulties that individuals such as Dale faced when trying to recover property and manage business in an expanded, global context.

Dale tried to have the matter settled by appealing to influence in high places, as well as by unsuccessfully suing several company agents in Admiralty Court in early

1622.⁶³ She activated her connections at court, including her kinsman, Secretary of State Sir Edward Conway. With his help she petitioned King James directly, pleading to have her husband's estate restored to her, which was referred by him to the Commissioners of the Navy. The EIC records are missing for the period between July 1622 and July 1623, so it is unclear how matters progressed, but on 30 May 1623, Sir Thomas Coventry, the Attorney General, referred to the matter in a letter to Secretary Conway. Already by this time an 'engrossed bill [...] hath passed his majesty's hand'.⁶⁴ This bill does not appear to have survived, but we can assume it gave the Commissioners authority to investigate. On 1 July 1623, in a letter to his father, Secretary Conway, Capt. Thomas Conway reveals that Dale found that the Commissioners did not conduct its investigation to her satisfaction, instead complaining of its 'alacrity [in] proceeding; which she finds most slack (by the absence of Mr [John] Coke whom she most (builded) [*sic*] on)'. Dale feared that the Commissioners' apparent 'impatience in not hearing patiently her witnesses [...] might be prejudicial to her cause'.⁶⁵ Now she appealed to Secretary Conway once again, via his son, for help. That same day, Secretary Conway wrote to the Commissioners seeking assistance for Dale, his 'special good friend and a good and worthy lady'. His request was simple, he asked only that the Commissioners 'hear and examine every branch and pertinent circumstance of her cause', and then, he wrote, 'I appeal to nothing but your justice'.⁶⁶ Dale's persistence made the EIC regret its previous decision to help her, not least by letting her have the silk that Thomas Dale had sent home.⁶⁷ Yet, whilst the Commissioners considered the circumstances, Dale was apparently impatient to have the business resolved.

In May 1624 Dale intensified her conflict with the EIC by directly petitioning Parliament [see figure 1]. Amanda Jane Whiting has argued that women's use of petitions 'implicated them in transgressing the formal patriarchal injunctions to silence'. Such a move was also, as Jason Peacey suggests, an escalation of political tactics and indicates that Dale had allies in parliament who could assist with the production and dissemination of the petition, not least by helping her to navigate parliamentary process.⁶⁸ Indeed, when members of parliament were assigned to the committee, the EIC lamented that 'many [...] are allied unto the Lady Dale'.⁶⁹ Secretary Conway, who had already petitioned the crown and the Commissioners of the Navy on her behalf, now interceded with Sir Edward Coke, literally begging him: 'to favour Lady Dale by hastening the report on her case, which was referred to a committee of the house. Her late husband was a man of great courage and reputation, and, in his last voyage, lost his life and a quantity of goods which his lady now claims'.⁷⁰

However, the EIC instructed its representatives to remind the committee of the investigation pending with the Commissioners of the Navy, as well as its own determination 'not to waive that course'.⁷¹ Whilst petitioning Parliament was not an unfamiliar strategy as far as the EIC and its investors were concerned, Dale's case had particular resonance. Rupali Mishra believes that her apparent success, at least publicly, may have influenced another EIC adversary, Robert Rich, Earl of Warwick, to pursue similar action against the company in Parliament.⁷² As well as underlining her political agency and influence, Dale's petition highlights some of the practical difficulties of pursuing litigation in the context of global trade and expansion. She complained that 'her witnesses (of the wrongs done her beyond Seas) being sea-faring men, are not to be



A brieve of the Lady Dales petition to the Parliament.

Sir Tho. Dale impleyed to the East-Indies by the Company, death, leaving a great estate there in his ship belonging to the petitioner as his Executrix.

This estate there after his death shew'd by the Copiees follow'd and his own servant, and shared between the Governor, Treasurer, and Committee of the Company, & his share being taken and suppress'd by them.

The Governor, Treasurer, and Committee praeside further to defraude her of all her estate at home, lying in their hands.

She seek remedy in the Court of Admiralty for her wrongs beyond Sea, but obtained no justice there according to her proof.

All the while, she was detain'd from her, not able to maintain her, nor to be had at all times, their depictions already taken, not serving in any other Court.

Praying this high Court to consider of her cause, to call the parties, to view the state-book, and the profits already made, and thereupon to take order for her relief.

Shewing,
That Sir Thomas Dale her husband being employed (in the year 1617) by the East India Company as chief Commander of their Fleet into the East Indies, and there dying (in the year 1619) leaving a great estate there in money and other things (in his Ship called the *Moone*, then floating at Sea) to the value of 20000 pounds, all which after his death belonged to the Petitioner as sole Executrix of his last Will made before his going in that Voyage.

Shortly after his death, one Thomas Jones a Factor for the Company there, and Robert Owen a Servant of the said Sir Thomas, by confederacie with George Hall, William Atchbold and Augustine Spaulding Factors likewise for the said Company (according to the usual customes of those Factors in case of any mans death there, by a forehand private direction from the Gouverners, Treasurers and Committees of that Company, to seize upon all his goods for the use of the Company, and so to swal ow vp all his estate) got aboard the said Ship in the absence both of the Master and Purser of the same, and there unlawfully broke into Sir Thomas his Cabin and store-room, and tooke and carried from thence all his money, goods and estate there whatsoever, together with diuers written bookes and memorials of the particulars of his estate there, which bookes and memorials they have suppress'd and concealed, and have shared all the said estate between themselves; and the said Gouverners, Treasurers and Committees of the said Company giving no part thereof, nor the sight of the said bookes and memorials to the Petitioner ever since.

The said Gouverners, Treasurers and Committees not herewith content, have since praesided to defraude the Petitioner of all her estate at home (lying all in their hands) being a matter of 2000 pounds or neare therabouts, adventured by her said husband in both the ioynt stocks of that Company, besides the profits thereof and some other moneys owing by the Company to her husband, causing an officer of theirs to charge her for that purpose with supposed debts of her husbands to the Company, to the value of 2600 pounds; which upon examination of another of their officers in her cause, hath been since confessed by him upon oath to be an vnjust charge, and excused as a mistaken by the Company.

That the Petitioner hath sought remedy for the former of these wrongs (done in the Indies) by a suite in the Admiraltie Court against the said Jones and Owen, being the principall actors of the said wrongs and spoile there, where notwithstanding that good proofe was made, as well of their said vnlawfull fact, as of diuers particulars of the said estate (to a great value) so vnlawfully taken away by them, besides a much greater estate concealed by their taking and suppressing of the said bookes and memorials, yet through the greatnesse and potencie of the said Gouverners, Treasurers and Committees bearing those fellows out in that suite against the Petitioner, she could not there obtaine recompence of the said wrongs, according to her proofe made thereof.

So the said Gouverners, Treasurers and Committees, and those others before mentioned, detaining from the Petitioner all the havy, and the said Gouverners, Treasurers and Committees not only denying to yeild her any part of her moneys in their hands, either for the righting of her selfe by suite, or for her necessary maintenance, but refusing also very scornfully to receive her petitions, or her requests, or her prayers, or her supplications, but refusing the depictions already taken in her cause, will not auail her in any other ordinary Court; and her wifenes (of the wrongs done her beyond Seas) being sea-faring men, are not to be produced at all times to serue her turne, some of them (who have been examined already in her cause) being since gone againe to Sea.

Humbly therefore prayeth this honorable Court to take her cause into their considerations, to call the parties aboue mentioned (or such of them as are neare at hand) to appeare forthwith before them, commanding them to bring the said bookes and memorials into the Court, and vpon view thereof, together with such proofes as are already made in the cause, without further trouble or other examinations, to take such order for her reliefe and satisfaction for the said severall wrongs, as their wisedomes shall finde agreeable to iustice and equitie,

Figure 1: A brieve of the Lady Dales petition to the Parliament (London, 1624) (Houghton Library, Harvard University, pSTC 6195.5).

produced at all times to serve her turn, some of them (who have been examined already in her cause) being since gone againe to Sea'. There had been limited time to prove her case in Admiralty Court, and that opportunity had long since passed. Dale suggested that it was the EIC's undue influence in this court, its 'greatness and potency', which

had impeded her ability to 'obtain recompense of the said wrongs, according to her proof made thereof'.⁷³

Dale's business moved slowly in Parliament with much bitterness between the EIC and the Commons' committee.⁷⁴ Yet, in the midst the proceedings, on 30 June 1624, the EIC made one concession and agreed to pay £15 to Dale out of her husband's 'adventure'.⁷⁵ On 13 December, the Commissioners, at the request of the EIC, then summoned both parties to 'do their best to persuade an end as friends', with the EIC calculating that if Dale did not consent 'the company may make use of such her refusal'.⁷⁶ Evidently reconciliation was impossible. Dale once again sought the influence of Parliament, this time submitting a private bill in 1626. Her bill, *An act for restoring of certain monies to Dame Elizabeth Dale, widow, taken from Sir Thomas Dale in an adventure in the East Indies*, was first read on 19 April and committed on 1 May 1626.⁷⁷ Again, the EIC reported that they were subjected to abuses by the MPs, complaining that 'some of the committee were very violent and bitter against the company [...] and in their passion had given them incivil [*sic*] language'. Even then, by the end of May 1626 'nothing was concluded'.⁷⁸

In 1626, Dale was battling the EIC on more than one front. Although the compensation she sought was not immediately forthcoming, through her successful activation of her kinship networks and persistent litigation Dale was succeeding in forcing the EIC to respond to her claims. This very public conflict was, no doubt, embarrassing to the company, hence its eagerness to 'end as friends'.⁷⁹ By 15 December, she had sued the company in Chancery and the company was preparing its response.⁸⁰ In her bill, Dale alleged that not only had her husband taken with him goods to the value of £36,000 that he intended to use for private trade – diamonds, plate, ambergris, bezoar stones, musk, velvet, damask, taffeta, silk, calico and porcelain – but he had received his share of the spoils of a captured China junk too, 'as is the custom of sea-faring'. Yet, she alleged that all of the goods had been conveyed to the EIC, 'as if they had properly belonged' to the company.⁸¹ The EIC had earlier refuted the claims she made in her petition, stating that if Thomas Dale was so richly furnished when he voyaged to the East Indies, why had he needed £100 from the company on top of his salary? Moreover, any property taken from the China junk surely belonged, by right, to the company. And finally, her husband had been expressly forbidden to engage in private trade.⁸²

It seems that the case progressed slowly in Chancery. In November 1628, Dale's solicitor requested her 'ninth division' from the joint stock, which amounted to £150, but the company refused whilst 'business depending in controversy is not yet settled'.⁸³ In an apparent attempt to bolster her claims, in April 1629 Dale demanded copies of Thomas Dale's commissions from December and February 1618. It is likely that she thought it could help to determine whether or not Thomas Dale had received permission to engage in private trade, such as he had claimed. The company agreed that it would not 'conceal anything from the lady that is material in the cause', although unfortunately the bond does not survive today.⁸⁴ Patching together what happened next is made difficult by the loss of EIC court minutes for the periods July 1629–July 1630 and July 1631–July 1632. Dale did continue to manage her shares in the EIC, however, and there is some evidence that relations between her and the company mellowed. In 1635 she transferred shares to her nephew, Baynham Throckmorton, without attending the company court (as was custom), but the EIC allowed it nonetheless.⁸⁵ Although the

EIC records are incomplete, it seems that the matter was not settled before her death in 1640. On 9 August 1643, her executor, Mr Shrimpton, who had been her solicitor, demanded her shares that remained in the EIC's hands and also sought interest. On 11 August, he received £685 out of her shares plus £200 for its 'forbearance' the past twelve years.⁸⁶ The company recorded that she had been offered the money a long time ago and could have had the money in her lifetime, if she pleased. The suggestion was that she could have had satisfaction, had she not taken such an adversarial path.⁸⁷

Rebecka Duteil's and Mary Goodal's actions were similarly shaped by the need to recover their inheritance. During the 1670s they fought each other and the EIC in different courts, demonstrating that they were able to navigate court rooms and exercise their agency effectively. After Thomas Lever the younger's death in 1660, the EIC informed his mother Elizabeth in August 1662 that jewels belonging to her son would remain untouched in their hands until further notice.⁸⁸ However, at a meeting two weeks later, in September 1662, Jonathan Ashe, Duteil's husband and the executor of Thomas' will, desired to have the belongings delivered.⁸⁹ After working for two years to obtain Thomas Lever's goods, Jonathan Ashe finally received some of the estate in 1664, when he appeared in front of the company desiring that they sell the jewels and gold sand to cover the legacies in Thomas Lever's will. Initially the consensus amongst the committees was to investigate the claim further, but a month later, the committees decided to deliver 'certain parcels' to Ashe.⁹⁰ However, Jonathan Ashe died before he received everything the company owed the Lever family. In his will, he left one third of his estate to Rebecka, his wife and sole executrix, and two-thirds to his six daughters.⁹¹ Though Rebecka would later claim in Chancery that she was young and knew nothing of her late husband's business, the fact that he made her sole executrix indicates that she was no novice in economic matters.

Following her husband's death in 1665, Rebecka Ashe attempted to achieve what her late husband had failed to do: to get money out of the EIC. She appeared at the Court of Committees on 14 February 1666, desiring to have Thomas Lever's account settled. She appeared not as Lever's sister, but as the widow and sole executrix of Jonathan Ashe. The EIC put her petition to a subcommittee asking certain committees to report on Lever's account.⁹² However, nothing appears to have happened in her case for several years. Around 1668, before the EIC had come to a decision, she married the French-born navy officer John Baptiste Bardon Duteil.⁹³

Her case was ultimately decided by arbitrators, who awarded Rebecka and John Baptiste Duteil £164 15s. 9d.⁹⁴ When John Baptiste died in Tangiers in 1676, he left all the estate to Rebecka with the caveat that half should go to their daughter Jane, once she was of an age to marry.⁹⁵ The estate cannot have been sizable, as in the same year Rebecka appeared before the Navy Board, professing her poverty and requesting a report to be made 'about moneys due to her', after her late husband had purchased victuals for the navy on his own account.⁹⁶ Familiar with the system of petitioning an institution, Duteil knew how to address the Royal Navy as well, which more women found themselves doing in the seventeenth century.⁹⁷

In 1676, Mary Goodal appeared as plaintiff in a Chancery Court case against her sister Rebecka Duteil and others regarding the legacies of their mother Elizabeth and brother Thomas. She appeared alongside a *prochein amy*, James Best, who sued on her behalf because she was still married to her husband. She was, however, separated 'bed and board' from him by virtue of a sentence from the Court of Arches.⁹⁸ The

relationship between Goodal and her husband had not improved since its fractured nature was highlighted in Elizabeth Lever's will from 1668. The crux of Goodal's suit against Duteil was the remaining estate held by the EIC as well as goods that Goodal was convinced had been delivered to Jonathan Ashe. According to Goodal, Duteil had access to a 'considerable estate' in her role as the sole executrix for their brother Thomas Lever.⁹⁹ In her defence, Duteil admitted that her husband as well as her parents received gold, pearls and jewels from Thomas Lever in Jambi, but this was on separate accounts and she was convinced that her late husband had distributed everything fairly. Moreover, she argued that at the time she was 'then young and under coverture and the same not in the least concerning her'. She also conceded that she and John Baptiste did receive £164 from the EIC, but as the family owed her money, it was only fair that she receive this sum. Finally, she denied knowing anything about the bezoar stones, rubies, rhinoceros horns or other goods.¹⁰⁰

To hedge her bets, Goodal included the EIC in the same suit as they were still holding more than £350 originally belonging to Thomas Lever and subsequently Elizabeth Lever. The company's answer to her suit has not survived in either company records or Chancery Court records, but during a meeting at East India House in April 1677, the committees made its answer official by fixing the company's seal to it, which would be displayed in Chancery Court.¹⁰¹ Later, the company used the suit as an occasion to stop paying interest to Duteil on the money that had belonged to her brother Thomas. At a board meeting 'Some dispute arising touching the moneys' claimed by both Goodal and Duteil led to the decision that no further money should be paid until the case was settled.¹⁰²

Deprived of her income, Duteil launched a counter-suit in 1678, claiming that her sister Goodal and sister-in-law Anne Lever, her brother Samuel's widow, owed her large sums of money. She presented herself as a twice-widowed guardian of three girls under the age of twenty-one, who was living in St Martin-in-the-Fields. Her claim was that, more than twenty years before, her father, Thomas Lever the elder, borrowed money from Jonathan Ashe to purchase houses in Barking, east of London. As a condition of the loan it had to be paid back quickly or the leases would be passed on to Ashe. Moreover, according to Duteil, almost every family member had borrowed money from her first husband, a total of £600, and they withheld from her goods sent from Thomas while he was in Jambi.¹⁰³ Two years prior, she had claimed to have been too young, under coverture, and wholly ignorant of business, but this had evidently changed. As a defendant, coverture was convenient, but as plaintiff it was more important to demonstrate intricate knowledge of her late husband's business.

Now a defendant, Goodal argued that Thomas the younger, for whom Rebecka Ashe, now Duteil, was executrix following Ashe's death, had borrowed money from Thomas the elder. These loans should have been covered by the goods that were sent back from Jambi, but Ashe never delivered them to the Lever family.¹⁰⁴ That Duteil was knowledgeable and active in her husband's business was implicit in the accusation. Goodal, like Anne Lever, refused knowledge of debts to Rebecka's deceased husband Jonathan Ashe, and was quick to turn it around and claim money and goods from the estate. She claimed that Jonathan Ashe had deposited 'sand gold' from Jambi to the value of £1743 with the goldsmith and banker Edward Backwell – undoubtedly the same sand gold that Ashe received from the company in 1665. Aside

from cash, Goodal also sought her share of diamonds, emerald rings and other goods. The total value of these items was said to be £11,190 10s. Ultimately, the court decided on 29 May 1679 that the estate of Thomas Lever should be distributed amongst all of his relicts, meaning Duteil was obliged to share the money and goods with her sister.¹⁰⁵ The EIC submitted themselves to the court and agreed to pay the interest on the money they held for Duteil on the condition that she presented a security to ensure that the company did not pay her interest twice.¹⁰⁶ Petitioning and challenging the EIC at East India House was no small feat and taking the company to court was an even more monumental task. Nonetheless, as the examples of Dale, Duteil and Goodal demonstrate, pursuing conflict could ultimately result in some economic success, even if they did not all live to reap the benefits of their perseverance.

Conclusions

Women's ability to navigate court rooms and trading companies and seek redress in Parliament, in addition to their ability to call upon influential individuals in their kinship networks for assistance, were strategies and resources that they had at their disposal in order to claim rights to property and inheritance. Beginning in 1619, Elizabeth Dale first tried petitioning the company as the wife, then widow, of Thomas Dale in order to secure her wealth. When the company obstructed her in the High Court of Admiralty, she sued it in Chancery and turned to her kinship network, activating connections at the Jacobean court, to pursue the EIC through the office of the Navy Commissioners and Parliament. Although she never recouped the riches she alleged had been stolen from her, at the end of her life she left legacies to her heirs, including her niece, that reflected England's early colonial ambitions and global commercial interests.¹⁰⁷ Similarly, throughout the various stages of petitioning and court cases, Rebecka Duteil's and Mary Goodal's individual agency remained visible. Their family background allowed them to develop an acute understanding of emerging markets as well as providing them with the necessary tools to navigate trading companies and courts. However, ultimately, it was to little avail. After a seventeen-year struggle against the company, Duteil received the final sums from her brother's estate in 1684. Yet, by the time of her death in 1692, Duteil was destitute and had to rely on her daughters and the kindness of friends. Goodal left money to her eponymous daughter, the mercer Edward Rigby and her friend Capt. Timothy Wright in her final will from 1680.¹⁰⁸ Although Duteil and Goodal managed to recoup a part of their family's global legacy from the EIC, little of it remained at the end of their lives.

The detailed and well-documented examples of Elizabeth Dale, Rebecka Duteil and Mary Goodal enrich histories of Early Modern trading companies by enhancing understandings of women's interactions with corporations, especially in their role as adversaries. Focusing on women's interactions with the EIC during an earlier phase of the company's development than is most frequently studied also elucidates how the expansion of commercial opportunities benefitted those who were able to grasp them. The women under examination here had the networks and knowledge to take advantage of such possibilities and increase their wealth. Yet, their entanglement in global commercial networks also presented them with new challenges to overcome, forcing them to adapt their strategies and behaviours. The ability to conduct business effectively, not least prolonged litigation, was seriously hindered by the reliance on

networks that stretched across the globe. Not only did it make it difficult to draw upon the help of others, including, as Dale found out, essential witnesses in court cases, it made it hard to trust the conduct of the EIC and its employees in distant places. Depending on the circumstances, the vagaries of long-distance trade could work both for, and against, one's interests.

Yet, the personal histories of Dale, Duteil and Goodal also illuminate wider issues, concerning women's agency and their ability to navigate public spaces in seventeenth-century England. It was personal impulse, in this case the need for economic resources, that prompted women to exercise agency and actively seek to navigate various public spaces, including Parliament, company and court, during what were periods of acute crisis. The reconfiguration of their closest networks as a result of the severing of kinship ties, distance, death and marital separation, made it necessary for these women to act independently and draw on wider networks of influence. Still, whilst we might accept that they acted, in the first instance, out of necessity, this does not wholly explain why they demonstrated agency in multiple, overlapping, spheres of influence, for such prolonged periods of time. Instead, we might turn once again to Poska's theory of 'agentic gender norms', the idea that Early Modern women were expected to, and understood themselves that they should, assert power and authority.¹⁰⁹ If we take this as a starting point, that women's agency was not necessarily reactive, transgressive or adaptive, then we might normalise women's agency and instead attend to the contexts, and also the ways, in which women exerted considerable agency across time.¹¹⁰ The ability of Dale, Duteil and Goodal to act in such a way was contingent upon their embeddedness within social and familial networks that stretched across the globe. They drew upon different resources, including social capital, skill and experience, to try to overcome obstacles and secure wealth. The same resources enabled them to participate in long-distance trade, engage in prolonged litigation in court and submit multiple petitions to Parliament. Whilst women in Early Modern England might have been expected to act independently, Dale, Duteil and Goodal navigated spaces and challenges that, in the context of global commercial expansion, had only recently emerged.

Notes

1. British Library (BL), London, India Office Records (IOR), B/34, 7 November 1677.
2. BL, IOR/B/34, 6 April 1677.
3. Emily Erikson, *Between Monopoly and Free Trade: The English East India Company, 1600–1757* (Princeton: Princeton University Press, 2014), pp. 2–3.
4. For early encounters between the EIC and women, see Amrita Sen, 'Traveling Companions: Women, Trade, and the Early East India Company', *Genre* 48 (2015), pp. 193–214; see also Margaret R. Hunt, 'Women and the Fiscal–Imperial State in Late Seventeenth and Early Eighteenth Centuries', in Kathleen Wilson (ed.), *A New Imperial History: Culture, Identity and Modernity in Britain and the Empire, 1660–1840* (Cambridge: Cambridge University Press, 2004), pp. 29–47; Joan Mickelson-Gaughan, *The 'Incumberances': British Women in India, 1615–1856* (Delhi: Oxford University Press, 2013); and Pamela Sharpe, 'Gender at Sea: Women and the East India Company in Seventeenth Century London', in Penelope Lane, Neil Raven and K. D. M. Snell (eds), *Women, Work and Wages in England, 1600–1850* (Woodbridge: Boydell & Brewer, 2004), pp. 47–67.
5. On coverture, see Amy Louise Erickson, *Women and Property in Early Modern England* (London: Routledge, 1993), pp. 24–6; and Amy Louise Erickson, 'Coverture and Capitalism', *History Workshop Journal* 59 (2005), pp. 1–16. For women hitting the ceiling when it came to building business, see Margaret R. Hunt, *The Middling Sort: Commerce, Gender, and the Family in England, 1680–1780* (Berkeley: University of California Press, 1996), pp. 140–2.

6. Eleanor Hubbard, *City Women: Money, Sex, and the Social Order in Early Modern London* (Oxford: Oxford University Press, 2012), p. 148.
7. Amanda Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal* 36 (1993), pp. 383–414; see also Amanda Whiting, "'Some Women can Shift it Well Enough": A Legal Context for Understanding the Women Petitioners of the Seventeenth-Century English Revolution', *Australian Feminist Law Journal* 21 (2004), pp. 77–100; Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1996); Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003); and Linda Levy Peck, *Women of Fortune: Money, Marriage, and Murder in Early Modern England* (Cambridge: Cambridge University Press, 2018).
8. Phil Withington, 'Public Discourse, Corporate Citizenship, and State Formation in Early Modern England', *American Historical Review* 112 (2007), pp. 1016–1038.
9. Allyson M. Poska, 'The Case for Agentic Gender Norms for Women in Early Modern Europe', *Gender & History* 30 (2018), pp. 354–365.
10. Misha Ewen, 'Women Investors and the Virginia Company in the Early Seventeenth Century', *The Historical Journal* 62 (2019), pp. 853–74; Amy M. Froide, *Silent Partners: Women as Public Investors during Britain's Financial Revolution, 1690–1750* (Oxford: Oxford University Press, 2017), pp. 175–7.
11. Nicola Phillips has pointed out the importance of cooperation between men and women from the beginning of the eighteenth century, casting a doubt over clean-cut masculine and feminine spheres; Nicola Phillips, *Women in Business, 1700–1850* (Woodbridge: Boydell & Brewer, 2006), pp. 1–14.
12. Erikson, *Monopoly and Free Trade*, p. 27.
13. Susan Amussen, 'The Contradictions of Patriarchy in Early Modern England', *Gender & History* 30 (2018), pp. 343–353, 350–1.
14. Poska, 'Case for Agentic Gender Norms', pp. 359–60.
15. Poska, 'Case for Agentic Gender Norms', p. 361.
16. For Elizabeth Dale's investment in the Virginia Company, management of her property and interactions with investors, see Susan Myra Kingsbury (ed.), *The Records of the Virginia Company* (Washington, DC: Library of Congress, 1906–35), vol. 1: *The Court Book, 1619–1622*, p. 483; vol. 2: *The Court Book, 1622–1624*, p. 14; vol. 3: *Records of the Virginia Company of London*, pp. 291, 293.
17. Will of Dame Elizabeth Dale, Widow, 2 December 1640, The National Archives (TNA), Kew, PROB 11/184/486.
18. Her father was Sir Thomas Throckmorton of Tortworth (d. 1607), and her mother was Ellen Berkeley of Stoke Gifford; Will of Sir Thomas Throgmorton of Tortworth, Gloucestershire, 17 December 1607, TNA, PROB 11/111/302; Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560–1660* (Oxford: Oxford University Press, 2008), p. 4; Sir Thomas Dale to Dudley Carleton, 18 October 1617, Woolwich, TNA, State papers, 84/79, f. 180.
19. [Sir Edward Conway] to Navy Commissioners, 1 July 1623, Oatlands, TNA, State papers, 14/148, f. 10. The marriage was solemnised when Dale returned from Virginia; Parish registers for Tortworth, St Leonard, 20 August 1616, Gloucestershire, P338 IN 1/1.
20. For Dale's arrival at the port of Southampton, see The Port of Southampton, 17 June 1616, TNA, E 190/820/9.
21. Sir Thomas Dale to Dudley Carleton, 18 October 1617, Woolwich, TNA, State papers, 84/79, f. 180; Sir Dudley Carleton to Sir Thomas Lake, 3 March 1618, The Hague, TNA, State papers, 84/83, ff. 1^v–2^r; see also Games, *Web of Empire*, p. 153.
22. William Robert Scott, *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720*, vol. 2 (Cambridge: Cambridge University Press, 1910), pp. 95–105; Kirti Chaudhuri, *The English East India Company: The Study of an Early Joint-Stock Company, 1600–1640* (London: Routledge, 1965).
23. Will of Sir Thomas Dale of London, 20 February 1618, TNA, PROB 11/137/60.
24. Hunt, *Middling Sort*, pp. 58–9; Alexandra Shepard, 'Crediting Women in the Early Modern English Economy', *History Workshop Journal* 79 (2015), pp. 1–24; Alexandra Shepard, 'Minding their Own Business: Married Women and Credit in Early Eighteenth-Century London', *Transactions of the Royal Historical Society* 25 (2015), pp. 53–74; Alexandra Shepard, *Accounting for Oneself: Worth, Status, and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), p. 229.
25. Richard Grassby, *The Business Community of Seventeenth-Century England* (Cambridge: Cambridge University Press, 1995), p. 9.
26. Basil Morgan, 'Dale, Sir Thomas (d. 1619)', in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004). s.v. <https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-7017>. If we estimate that she was born around the

- same time as her brother, in 1579, then she may have been aged around forty years old when her husband died. For a detailed overview of widows' roles in the economy, see Beatrice Moring and Richard Wall, *Widows in European Economy and Society, 1600–1920* (Rochester: Boydell & Brewer, 2017), ch. 5.
27. BL, IOR/B/6, 3 February 1618; BL, IOR/B/6, 7 February 1618. For William Throckmorton's investments, see Theodore K. Rabb, *Enterprise and Empire: Merchant and Gentry Investment in the Expansion of England: 1575–1630* (Cambridge, MA: Harvard University Press, 1967), p. 389.
 28. Hunt, 'Women and the Fiscal–Imperial State', pp. 31–2; Sharpe, 'Gender at Sea', pp. 56, 59. For a wider discussion of Early Modern corporate responsibility, see Edmond J. Smith, 'Socially Responsible and Responsive Business in Seventeenth-Century England', in William A. Pettigrew and David Chan Smith (eds), *A History of Socially Responsible Business, c. 1600–1950* (Basingstoke: Palgrave Macmillan, 2017), pp. 65–93.
 29. Will of Sir Thomas Dale of London, 20 February 1618, TNA, PROB 11/137/60. For wives who were made sole executrix, see Richard Grassby, *Kinship and Capitalism: Marriage, Family, and Business in the English Speaking World, 1580–1720* (Cambridge: Cambridge University Press, 2001), p. 132; and Erickson, *Women and Property*, pp. 130–3.
 30. Women primarily traded in light luxury goods, mainly imports, and contributed to the consumer revolution; Hunt, *Middling Sort*, pp. 126–7.
 31. Emma Rothschild, *The Inner Life of Empires: An Eighteenth-Century History* (Princeton: Princeton University Press, 2011), p. 1.
 32. There is no indication that either Duteil or Goodal were particularly active in trade in their roles as daughters or sisters, but it was not uncommon that offspring or siblings worked as agents for merchants and sailors; Grassby, *Kinship and Capitalism*, p. 322. For women's multiple roles in maritime communities, see also Sheryllynne Haggerty, "'Miss Fan Can Tun Her Han!'" Female Traders in Eighteenth-Century British–American Atlantic Port Cities', *Atlantic Studies* 6 (2009), p. 31.
 33. In 1652, he gave his age as thirty-one in a deposition at the High Court of Admiralty; TNA, HCA 13/69.
 34. John. P. Ferris, 'Ashe, Joseph (1617–1686)', in *History of Parliament* (London: Secker and Warburg, 1983) <https://www.historyofparliamentonline.org/volume/1660-1690/member/ashe-sir-joseph-1617-86>.
 35. Mary and Richard's case at the Court of Arches began in 1662 and a sentence was given on 10 December 1663. The reason for the divorce was given as cruelty; Jane Houston, *Index of Cases in the Records of the Court of Arches at Lambeth Palace Library, 1660–1913* (London: Phillimore for the British Record Society, 1972), p. 160. Divorce was very rare, but separation less so; Erickson, *Women and Property*, pp. 112–13, 124–7.
 36. Will of Elizabeth Lever, 15 December 1668, TNA, PROB 11/328/499.
 37. The Dutch in Batavia mentioned him as dead in November 1660; Pieter de Goijer to Batavia, 2 November 1660, Nationaal Archief Den Haag (NA), 1.04.02 1233.
 38. Will of Thomas Lever, 5 February 1655, TNA, PROB 11/247/96.
 39. Mary Goodal v. Rebecka Duteil, TNA, C 7/146/70.
 40. Will of Thomas Lever, 29 January 1662, TNA, PROB 11/307/148.
 41. Erickson, *Women and Property*, p. 3.
 42. Will of William Lever, 24 January 1667, TNA, PROB 11/323/112; Will of John Lever, 3 January 1668, TNA, PROB 11/326/11; Will of Elizabeth Lever, 15 December 1668, TNA, PROB 11/328/499; Will of Samuel Lever, 17 August 1671, TNA, PROB 11/337/114.
 43. Erickson, *Women and Property*, pp. 23–4; Erickson, 'Coverture and Capitalism', p. 5.
 44. Susanah Shaw Romney, *New Netherland Connections: Intimate Networks and Atlantic Ties in Seventeenth-Century America* (Chapel Hill: University of North Carolina Press, 2014), pp. 90–1.
 45. BL, IOR/B/6, 14 February 1620. A hundredweight is a unit of weight equal to 112 lb avoirdupois, yet as measurements were still inconsistent in the seventeenth century, this consignment was probably around 500 lb. For Dale's bond and instructions regarding private trade, see BL, IOR/B/6, 28 November 1617 and 20 February 1618. On customary rights and women's business when men were absent at sea, see Grassby, *Kinship and Capitalism*, pp. 92–3; Hunt, 'Women and the Fiscal–Imperial State', p. 31; and Sharpe, 'Gender at Sea', p. 56. For the development of private trade in the East India Company, see Erikson, *Monopoly and Free Trade*, pp. 56–61.
 46. BL, IOR/B/8, 23 September 1623.
 47. Lady Dale v. East India Company, 9 February 1624, TNA, C 2/ChasI/D1/1, f. 2. Her decision to export cloth to India for finishing is unsurprising, given the limited knowledge that Europeans had of dyes and dyeing techniques; Beverly Lemire and Giorgio Riello, 'East & West: Textiles and Fashion in Early Modern Europe', *Journal of Social History* 41 (2008), pp. 887–916.

48. BL, IOR/B/28, 4 February 1666. Goodal appeared with a guardian the first time she appeared for the company, due to the separation from her husband, but later she appears to have been by herself; BL, IOR/B/34, 6 April 1677. For widows' increased incentive to be commercially active, see Deborah Simonton, 'Single Women in Eighteenth-Century Urban Economies', in Deborah Simonton and Anne Montenach (eds), *Female Agency in the Urban Economy: Gender in European Towns, 1640–1830* (New York: Routledge, 2013), pp. 111–12.
49. BL, IOR/B/26, 19 February 1664; Mary Goodal v. Rebecka Duteil, TNA, C/107/19, pp. 93–115.
50. Patrick Wallis, 'Exotic Drugs and English Medicine: England's Drug Trade, c. 1550–c. 1800', *Social History of Medicine* 25 (2012), pp. 20–46.
51. See also Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005), p. 115; and Hunt, *Middling Sort*, p. 145.
52. For the role of private trade in the East India Company, see, for instance, Erikson, *Monopoly and Free Trade*.
53. For the private trade in diamonds and precious stones, see Søren Mentz, *The English Gentleman Merchant at Work: Madras and the City of London 1660–1740* (Copenhagen: Museum Tusculanum Press, 2005), ch. 4.
54. BL, IOR/B/28, 24 January 1666; IOR/B/31, 4 August 1671. One of the securities for Aungier when he was employed as a factor in 1661 was Rebecka Duteil's brother-in-law Sir Joseph Ashe; BL, IOR/B/26, 8 November 1661.
55. BL, IOR/B/31, 28 February 1672.
56. Chaudhuri, *East India Company*.
57. Kirti N. Chaudhuri, *The Trading World of Asia and The English East India Company, 1660–1760* (Cambridge: Cambridge University Press, 1978) pp. 96–7.
58. Philip J. Stern, *The Company State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford: Oxford University Press, 2011); Margaret Hunt and Philip J. Stern (eds), *The English East India Company at the Height of Mughal Expansion: A Soldier's Diary of the 1689 Siege of Bombay, with Related Documents* (St Martin's: Macmillan, 2015).
59. P. J. Marshall, 'The English in Asia', in Nicholas Canny (ed.), *The Oxford History of the British Empire*, vol. 1: *The Origins of Empire: British Overseas Enterprise to the Close of the Seventeenth Century* (Oxford: Oxford University Press, 1998), pp. 264–85.
60. BL, IOR/B/7, 19 October 1621, pp. 264–65.
61. BL, IOR/B/7, 21 October 1621; IOR/B/7, 25 October 1621; IOR/B/8, 13 August 1623.
62. *A Brief of the Lady Dale's Petition to the Parliament* (London, 1624); Houghton Library, Harvard University, pSTC 6191.5.
63. 15 February 1621–1622, TNA, HCA 24/80.
64. Sir Thomas Coventry to Sec. Conway, 30 May 1623, TNA, State papers, 14/145, f. 100.
65. Capt. Thomas Conway to Sec. Conway, 1 July 1623, London, TNA, State papers, 14/148, f. 8. This is certainly John Coke, a commissioner of the Royal Navy from 1618 to 1628. From July until mid-August 1623, Coke was 'away from his desk' whilst he oversaw the move of his household from Hall Court, Herefordshire, to London. The connection between Dale and Coke is unclear, but perhaps she had petitioned him directly and had reason to believe he would show favour towards her; Andrew Thrush, 'Coke, John (1563–1644)', *History of Parliament* (Cambridge: Cambridge University Press, 2010). <<https://www.historyofparliamentonline.org/volume/1604-1629/member/coke-john-1563-1644>>
66. Sec. Conway to Navy Commissioners, 1 July 1623, Oatlands, TNA, State papers, 14/148, f. 10.
67. BL, IOR/B/8, 4 November 1623.
68. Whiting, 'Legal Context for Understanding', p. 82; Jason Peacey, *Print and Public Politics in the English Revolution* (Cambridge: Cambridge University Press, 2013), pp. 270–1, 282.
69. BL, IOR/B/8, 12 May 1624.
70. Sec. Conway to Sir Edward Coke, 3 May 1624, TNA, State Papers 14/164, f. 5. Elizabeth Dale had a kinship tie with Sir Edward Coke, as his daughter Elizabeth had married her kinsman Maurice Berkeley; Alan Davidson, 'Berkeley, Maurice (1599–1654)', *History of Parliament* (Cambridge: Cambridge University Press, 2010) <https://www.historyofparliamentonline.org/volume/1604-1629/member/berkeley-maurice-1599-1654>.
71. BL, IOR/B/8, 14 May 1624; see also 'House of Commons Journal Volume 1: 08 May 1624', British History Online <https://www.british-history.ac.uk/commons-jrnl/vol1/pp700-702>.
72. Rupali Mishra, *A Business of State: Commerce, Politics, and the Birth of the East India Company* (Cambridge, MA: Harvard University Press, 2018), pp. 188, 253–4, 362, n. 48.
73. *A Brief of the Lady Dale's Petition to the Parliament*.

74. BL, IOR/B/8, 19 May 1624; IOR/B/8, 22 May 1624; IOR/B/9, 20 September 1624.
75. BL, IOR/B/8, 30 June 1624.
76. BL, IOR/B/9, 13 December 1624.
77. William B. Bidwell and Maija Jansson (eds), *Proceedings in Parliament 1626* (New Haven and London, Yale University Press, 1991–1996), vol. 4: *Appendixes and Indexes*, p. 90; BL, IOR/B/10, 3 May 1626.
78. BL, IOR/B/10, 5 May 1626; IOR/B/10, 26 May 1626.
79. Mishra, *Business of State*, p. 83.
80. BL, IOR/B/11, 15 December 1626, 19 December 1626, 31 January 1627.
81. *Lady Dale v. East India Company*, undated 1626, TNA, C 2/ChasI/D1/1, f. 2. In the National Archives, Kew, this bill is dated 1624, but there is no corresponding evidence of this case in the EIC minutes before December 1626. Unless the EIC ignored it for two years, which seems likely, the bill is misdated. The 15 December 1626 is the first mention of 'Lady Dale's bill in Chancery'; BL, IOR/B/11, 15 December 1626.
82. See endnote 45 above and BL, IOR/B/8, 23 November 1623. For the £100 loan to Thomas Dale, see BL, IOR/B/6, 7 February 1618.
83. BL, IOR/B/13, 12 November 1628; see also IOR/B/13, 19 November 1628.
84. BL, IOR/B/13, 1 April 1629.
85. BL, IOR/B/18, 24 July 1635.
86. BL, IOR/B/19, 5 February 1641; IOR/B/21, 11 August 1643. Whether the £200 was considered 'interest' or a gesture of goodwill is unclear from the company minutes.
87. If the EIC had in fact offered the money to Lady Dale during her lifetime, it is possible that no record of this now survives because of missing court minute books; BL, IOR/B/21, 9 August 1643.
88. BL, IOR/B/26, 27 August 1662.
89. BL, IOR/B/26, 12 September 1662.
90. BL, IOR/B/26, 27 January 1664, 19 February 1664.
91. Will of Jonathan Ashe, 11 July 1665, TNA, PROB 11/317/200.
92. BL, IOR/B/26, 14 February 1666.
93. Exactly when they married is unknown, but it was most likely in 1668: in her brother John's will from January 1668, Rebecca is mentioned as 'dear sister Rebecca Ashe' and in her mother's will from December 1668 she is mentioned as 'my daughter Dutell'. The caveat is that John was in Barbados, so he might not have received the news if Rebecca and John Baptiste married earlier; Will of John Lever, 3 January 1668, TNA, PROB 11/326/11; Will of Elizabeth Lever, 15 December 1668, TNA, PROB 11/328/499. Her re-marriage was not necessarily borne of desperation or an inability to navigate the market independently. Instead, women's preference and agency was integral for marrying for a second or a third time; Barbara J. Todd, 'Demographic Determinism and Female Agency: The Remarrying Widow Reconsidered ... Again', *Continuity and Change* 9 (1994), pp. 421–450.
94. BL, IOR/B/31, 21 April 1671.
95. Will of Sir John Baptist Bardon Duteil, 4 April 1676, TNA, PROB 11/350/411.
96. Dame Rebecca Duteil, TNA, ADM 106/317/218, 21 April 1676.
97. Hunt, 'Women and the Fiscal–Imperial State', pp. 33–4.
98. *Mary Goodal v. Rebecka Duteil*, TNA, C 7/146/69.
99. *Mary Goodal v. Rebecka Duteil*, TNA, C 7/146/70.
100. *Mary Goodal v. Rebecka Duteil*, TNA, C 7/146/69.
101. BL, IOR/B/34, 6 April 1677.
102. BL, IOR/B/34, 7 November 1677.
103. *Rebecka Duteil v. Anne Lever widow, Thomas Scarlett, Richard Goodall and Mary Goodall his wife*, TNA, C 6/80/122.
104. *Rebecka Duteil v. Mary Goodal*, TNA, C 7/552/134.
105. *Mary Goodal v. Rebecka Duteil*, TNA, C/107/19.
106. BL, IOR/B/35, 18 June 1679.
107. Will of Elizabeth Dale, 2 December 1640, TNA, PROB 11/184/486. It is still unclear exactly who was at fault: the EIC or Elizabeth Dale. There is, as far as the author can tell, no surviving copy of Thomas Dale's EIC commission or bond that might shed light on the matter. Although the company minutes are quite clear that Dale was instructed not to engage in private trade before his departure, he disputed this. Moreover, it is possible that any goods he took with him really were lost aboard the *Sun*, as witnesses claimed. It is also possible, however, that the EIC kept some of Dale's recovered property from his wife if they believed that he had breached the company's trust and regulations. It might never be known how

much Elizabeth Dale really knew of the truth in the matter, or whether she was lied to by either her husband or the company.

108. Will of Dame Rebecka Duteil, 21 November 1692, TNA, PROB 11/412/238; Will of Mary Goodal, 4 November 1680, TNA, PROB 11/364/277.
109. Poska, 'Case for Agentic Gender Norms', p. 360.
110. Poska, 'Case for Agentic Gender Norms', p. 361; Merry Wiesner-Hanks, 'Forum Introduction: Reconsidering Patriarchy in Early Modern Europe and the Middle East', *Gender & History* 30 (2018), pp. 320–30.