

# Wills of men and Women in Canterbury and York

1380-1800

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## Introduction

This paper is a part of the 'parallel and contrast' study of early modern rural societies in England and Japan, in which I am focusing in particular on women's wills in the context of the making and survival of wills in general.

Large numbers of wills from the fifteenth to the nineteenth centuries survive in England. These constitute a wonderful historical source. Japan has no equivalent historical source available over such a long period. A significant distinction between the two societies is that in Japan there are no probate wills. Through examining English society from the view point of making wills and the preservation of probate wills as ecclesiastical documents, it might reasonably be expected that we will be able to identify some distinctive features of Japanese society where there had been no such system, although there were written wills. Such a basic foreign perspective is the starting point of this investigation. Of course, there have been many studies based on testamentary data but these tend to be local and limited to relatively short periods of time. In other words, these studies lack a long-term national context. To provide such a context requires the following questions to be posed,

- (1) How many wills survive?
- (2) How did this vary geographically and over time?
- (3) How does this relate to the wills that were actually drawn up?
- (4) What proportion of people left wills?
- (5) How does this vary geographically, over time and by social class?
- (6) What proportion of wills were left by women?
- (7) How did this vary geographically, over time and by social status?
- (8) What proportion of testators described their occupations and or status?
- (9) How did this vary geographically and over time?

We need answers to all these questions to fully contextualise the numerous studies based on testamentary data. To do this, it is surely necessary to write a book and the present paper cannot provide full answers to all these questions.<sup>1</sup> Therefore, it is only possible to provide an initial foundation. In particular, I am focusing on women's wills, that is the 6th and 7th questions listed above.

In general, it is a common knowledge that women did not leave so many wills as men did in the past. For women's properties and possessions were generally under the control of the head of the family or household who was usually a man, if we assume that the purpose of wills was to make clear how the

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<sup>1</sup> I owed the idea of the framework of this discussion paper to Dr. Leigh Shaw-Taylor. I would like to express my gratitude to him here.

property was to be dealt with after the death of the testator. However, the motive for making wills was initially the 'bequest of the soul' and went beyond mere considerations as to the size and value of the property. On the other hand, early modern wills often refer to the care of minors and weak relatives or dependents after the death of the testators. Women's wills also refer to such care, but often referring to the wider community beyond the family. The reason for this was that women testators were for the most part widows, spinsters and wives and the contents of the wills reflect such positions. The absolute numbers of women's wills were smaller, and the analysis we attempted has had an initial difficulty in ensuring a valid sample. Moreover, there are several technical points that need to be addressed. Firstly, the counting so far has ignored the names of the testators and it has been unclear in some cases what the exact status or occupation of some of the women was. Secondly, the annual data for the individual occupations such as carpenter, miller, cooper and goldsmith are almost all available, but some women could be included. This could be connected with the large number of spinsters, because spinsters could be men if we assume that spinster is an occupation, not a marital status of a woman. However, on the basis of the results of some extensive research, there seem to be relatively small numbers of such cases. This could be connected with the declaration of women's status and at the same time could be connected with the gradual social changes taking place which affected how people described their status or occupation.

I have engaged in the 'parallel and contrast' study of early modern rural societies in England and Japan with an additional focus on family and kin relationships. At the moment I am tackling the paralleling of the family trees and genealogical information of on both English and Japanese villages. In the course of the research, there are several characteristics which have been found. In Japan, even at the level of the ordinary village family it is not so difficult to find family trees drawn up by the early modern contemporaries. In England, on the other hand, it is quite rare to find early modern family trees drawn up by ordinary village families. However, since we can assume that wills are a basic genealogical source, they represent a significant accumulation of information. In theory, family trees consist dual lines of male (father) and female (mother). Nevertheless, there are not so many studies of the family from the viewpoint of the latter. In both England and Japan, the accumulation of information on the women's side is not unpromising. I hope that this paper might be of some in helping us make progress in this field.

## Sources

The data used here have been gained from the volumes of indexes published by various record societies including the British Record Society and Yorkshire Archaeological Society, as well as some digitalised indexes.<sup>2</sup> All wills, whether registered or original, have been counted, but administration and

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<sup>2</sup> British Record Society, *Index Library*, Vol. 1, 7, 8, 10, 11, 12, 17, 18, 22, 24, 25, 27, 28, 31, 34, 35, 39, 41, 42, 43, 44, 45, 46, 49, 51, 52, 53, 54, 56, 57, 61, 69, 71, 73, 78, 79, 82, 87, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107; *Index to Wills and Admons 1389-1688* by Yorks Arch. Soc. Record Series, 4, 6, 11, 14, 19, 22, 24, 26, 28, 32, 35, 49, 60, 68, 89. Digitalised Index from Hampshire Record Office and Cheshire Record Office. To gain the digitalised data, I owed to Dr. Leigh Shaw-Taylor. I would like to express my gratitude to him here, again. Also I would like to thank to both of the Record Offices.

unattached inventories have been excluded. Where bundles or registers cover more than one year, and the indexes do not give any indication of the date of individual wills, the number of wills involved has been arbitrarily divided equally between the years with which the bundle or register concerned is labelled.

The Prerogative Court of the Archbishop of Canterbury was the superior probate court for the whole of England and Wales. In theory this only meant that testators dying with property in more than one probate jurisdiction in southern England had to have their wills proved in this court. The Prerogative Court of York had a similar jurisdiction in northern England, whilst executors dealing with property in both the provinces of Canterbury and York had to go to the Canterbury court. In practice large numbers of executors in southern England went to the Prerogative Court even though they did not need to do so, and it thus came to be the normal probate court for many of the more important people in the country.

## How many wills have survived?

Before starting the discussion of women's wills, I would like to provide an idea of how many probate wills have survived in England. Prof. Peter Spufford has estimated a figure of 2.25 million wills, one million inventories and fifty thousand accounts which appeared in Dr. Amy L. Erickson's work *Women and Property*.<sup>3</sup> As Erickson points out, women generally made up more or less 20% of all testators throughout the period.<sup>4</sup>

P. Spufford made a rough estimate for the purpose of research and has not published any work on this. Those three probate documents were supposed to be bound together for preservation, but the difference between them clearly suggests the difficulty of finding them as a set. Here, I have the data on about 0.9 million wills and thirty thousand inventories from the *Index Library* of the British Record Society, and newly acquired data from various relevant societies. The new data include about 0.5 million wills proved at the seventeenth and eighteenth century Prerogative Court of Canterbury and 0.12 million at the Prerogative Court of York. Therefore, the number of wills on which this article is based is almost 1.5 million, which represents almost three quarters of Prof. P. Spufford's estimate (**graph 1**).

## Women's wills at the Prerogative Courts

Although the number of survived wills in England was roughly counted by the predecessors, the annual numbers of totals, in particular according to status and occupations declared, have never been counted. Therefore the data analysed here appears for the first time (**table 1, 2 and graph 2, 3**). Canterbury's period is 1389-1800. The percentages of women counted here go up to 1670. The proportions of women (widows are dominant) are no more than 1% in general until the 1540s, while the

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<sup>3</sup> P. Spufford, 'A Printed Catalogue of the Names of Testators', in G. Martin and P. Spufford, eds., *The Records of the Nation* (Woodbridge, 1990), pp.169-70; A. L. Erickson, *Women and Property in Early Modern England* (London, 1993), p.15; M. Overton, 'English Probate Inventories and the Measurement of Agricultural Change', in A. van der Woude and A. Schuurman, eds., *Probate Inventories* (A. A. G. Bijdragen, xxiii, Landbouwhogeschool Wageningen, 1980), p.20; J. S. Moore, 'Probate Inventories: Problems and Prospects', in P. Riden, ed., *Probate Records and the Local Community* (Gloucester, 1985), pp.16-7.

<sup>4</sup> A. L. Erickson, *Women and Property*, p. 204.

absolute number of totals are lower than York. York's period is 1380-1680 and it constantly surpasses Canterbury until the early seventeenth century, and the proportions of widows are around 5-10% of the totals in the same period and beyond up until the 1620s. Women (widows, spinsters, gentlewomen, maids and so on) show higher percentages of around 10% through the fifteenth century, but almost overlap with the figures of widows only in the sixteenth century. This seems to be because of the increasing numbers of wills and a lower number of higher status women: rich spinsters and gentlewomen are declining relatively. However, in the seventeenth century, more women left wills in general and the proportions exceed 10%. However, comparing York's position to Canterbury's, in York the numbers and proportions of widows and women indicate a slight decline. On the other hand Canterbury shows higher figures. Generally Canterbury testators seem to be relatively richer than in York.

The total number of wills survived in the Prerogative Court of Canterbury and York is almost 0.85 million. They are the highest probate courts for England, and were used in particular by testators with estates in the plural counties. The testators for both courts are therefore assumed to be relatively prosperous, in comparison with the local courts. However, testators were not necessarily rich to be proved at both the courts. The motive for leaving a will was often likely to be beyond the testators' economic and social status. In fact, quite a substantial number of labourers and individuals with relatively 'humble' jobs left wills. In addition, until the seventeenth century, the proportion of testators whose status is not declared is higher than declared ones, and would include women. The numbers of women who did not leave their status in the wills are still open to question, but we can by and large make assumptions from the data as follows.<sup>5</sup> I would like to use the data from local courts, too.

## Women's wills at the Central and Local Courts

At the moment, the index volumes do not necessarily have the index of occupations. The newer they are, the more likely they are to have an index. From now the digitalisation of the catalogues in the record office and archives will complete indexes for occupation and sex. However, the currently available data is fairly limited and I have so far managed to acquire data from the seven courts. Some of it I have published elsewhere, but some is new.

The treatment of women requires some care, as I have mentioned in the Introduction. In the annual count of wills, women are categorized as widow, spinster or wife. They are included in the figures/totals for the 'status or occupation declared'. Being a woman can hardly be considered 'status', let alone an occupation, but they are included under such headings. However, there seems to be the period when women started to have their own occupation as the division of labour started to occur combined with the development of what we would recognise as the beginnings of a modern economy. For instance, the data from Essex (Chelmsford) provide some 150 cases of wills with women's names where there is no reference to the status or occupation, or where the occupations do not indicate the sex.

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<sup>5</sup> The women's probate records involve another important and difficult matter which has been much discussed over a period of many years: by-employment. M. Overton and his inventories team have written a chapter on the by-employment and women's work and 'unproductive' households in their recent volume (M. Overton, J. Whittle, D., Dean and A. Hann, *Production and Consumption in English Households, 1600-1750*, chapter 4).

In the period 1620-1720, in 60 or 70% of the wills of Chelmsford (Essex) there is reference to the occupation or status. In fact I anticipated some women would fall into this category, but there are only around 150 cases in a century; averaging out at 1.5 cases a year. Furthermore, I assumed there would be some women in the wills where there is a reference to occupation such as cooper, baker and miller. For this, there are only literally a handful of cases: 1634 Bess Edward, inn holder; 1642 Mary Carleton, gent; 1712 Alice, housekeeper, Wanstead; 1718 Mary Brock, maiden. However, even in these four cases, Mary Carleton ('gent.') could be simply an abbreviation of gentlewoman (although there are some cases of gentlewomen), and 'maiden' used as a term to describe Mary Brock might be marital status, rather than indicating she was a maid servant.

For comparison, I have listed the results of the same investigation of the Ely (Cambridgeshire) data. Although the period covered by Ely was much longer than for Chelmsford, 1487-1720, the number of cases falling into the same categories is 18. Only one woman (1611 Agnes Baker, Shepreth, thatcher) falls into the category where occupation is referred to but there is no direct hint of the sex except the name. Essex and Ely have similar percentages of wills where testators' status or occupation is declared: around 60-80% as we will see at the next section.

## Discussion: women as status and women in social scales

This section examines the distribution patterns for the status and occupation of the testators in the dioceses and archdeaconry courts with a particular focus on women. Using the seven data sets (PCC, PCY, Chelmsford, Ely, Cheshire, Hampshire, Worcestershire), the period decided on was the two hundred years between 1520 and 1720 which was the time when wills consistently survived. The number of those declaring status or occupation is around 30 or 40% in the second half of the sixteenth century and in the seventeenth century reached 60-80% (**graph 4**). Usually, women are counted as 'declared', but women themselves make up around 10% of the total in the second half of the sixteenth century and gradually increase to around 20% (**graph 5**). This is a common pattern in all the data sets. Therefore, the estimate by A. Erickson is confirmed here. Nevertheless, it would be assumed that at the time when women were most likely to describe their status as widow, spinster or wife, men were also much more inclined to give their status rather than occupation. Up to the seventeenth century, it is hard to find any women testators in the wills whose occupation is quite common, such as carpenter and cooper and it is indeed unlikely that female testators specified an occupation. It is more likely that some women are still in the category of 'status or occupation unknown'. So, I would like to postulate that when most men gave their status rather than occupation, women would had exactly the same tendency.

In order to examine the assumption above, I made the comparison between yeomen and 'the others' which are a mixture of various occupations. As for the precise analysis of the occupations, we are waiting for the results of Occupation Project at Cambridge Group (CAMPOP: L. Shaw-Taylor, An E. S. R. C. Funded Research Project, The Occupational Structure of England 1389-1850). Before seeing the results, here we are looking at a transitional period when women slowly began to state their occupation rather than only their status when they drew up wills,

For 'Husbandman' all seven data sets show a decline in the number of cases where men described themselves as 'husbandman' in the seventeenth century (**graph 6**). Although there are few

points to discuss, but if pressed, I would say that in Ely and Hampshire the number of husbandmen seems relatively high as a proportion of the total. As for women, however, Essex shows the most significant increase. Essex also indicates a remarkable rise for yeomen (**graph 7**). This is the opposite of what was happening in PCY, Ely and Hampshire. In contrast, in Essex, the number of testators whose occupation falls into the category 'the others' declines dramatically in the late seventeenth century, while they increase steeply in York and Hampshire as well as Ely (**graph 8**). It could easily be associated with the divisions of labour. If so, it can be assumed that the increasing numbers of yeomen in Essex are in fact a manifestation of the fact that more individuals are using the word 'farmer' to describe their occupation rather than as merely a description of status. The increase of women in that category is sustained by the increase in the number of spouses or daughters of the farmers who adopted the conventional status to describe their social positions. Essex is known to be the metropolitan suburb county where large farms developed earlier. In the late seventeenth century, Essex faced a wider gap between the 'middling sort' will-making social groups and the poorer non will-making social groups. The study of Terling helps to describe the process.<sup>6</sup> Nevertheless, the patterns in Essex described above would suggest that this county is somewhat unrepresentative at least for the period. Therefore, on the basis of the data on wills, the transition from a situation in which status was recorded in wills to one in which occupation was more commonly cited seemed to be accompanied by the development of the division of labour. Women's wills should be investigated from this viewpoint.

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<sup>6</sup> K. Wrightson and D. Levine, *Poverty and Piety* (London, 1979).