**Introduction**

Bequests to widows in the wills of their former husbands have been analysed from a number of different perspectives (Erickson: 158, 167). For example the frequency with which widows were chosen by their husbands as executors of their estates has been viewed as indicating the confidence men had that their wives would distribute the assets of their estates fairly and in accordance with the terms of the wills. Another perspective is suggested by the frequency with which time limits were placed on bequests to widows. These widows did not receive property outright but were instead granted the estate for life or even just for a certain number of years or until the children reached a specified age, or married, or for as long as they did not remarry. Such time limited bequests can be interpreted in two ways. In the first place they clearly indicate that the husband’s intention was to strike a balance between competing claims on the estate and in particular to adjudicate between the different needs of the widow and surviving offspring. Secondly, however, bequests that were limited in this way indicate the desire of the husband to see that he and not his widow determined which particular pieces of property would pass to particular heirs. In addition, however, wills can be examined to determine whether the assets of the estate were shared out in particular ways in that the potentially more productive assets such as land and tools passed to offspring (and to sons in particular) while the widow tended to receive housing and cash. The account below of bequests to widows in the wills of their late husbands will include all these various ways of interpreting the evidence of the will.

At the same time it is commonly accepted that despite all the detail that wills provide on the distribution of property, interpretation of the evidence they provide is far from straightforward. In the first place it is apparent that the will making population is socially selective. Those persons with little property to leave would have less need to make a will. Even the taking into account the social standing of the testator fails to correct the bias as the few labourers and journeymen craftsmen who left a will cannot be assumed to be typical of these social groups, having either acquired property as a consequence of exceptional diligence, or alternatively in the form of an inheritance that at the time or later was considerably grander than they could have achieved from their own labour. For our present purposes which is to examine how the owners of property apportioned their assets between their widow and their other heirs, the social bias of the will making population is very largely irrelevant providing that subsequent analysis takes account of the social position of the testator.

There is, however, another factor of which due account needs to be taken and that is that whether the decision to make a will was influenced by family circumstances. When it was clear who stood to inherit the testator’s property, for example because there was just one heir, or because custom would distribute any property in a way that accorded with the wishes of the testator, a will might not be seen as necessary (Bonfield 1986: 161). Conversely, a will might well be required to distribute property when there were multiple
heirs, and in particular when potentially conflicting interests of the widow and the children had to be resolved. Fortunately in the case of the present study, it is precisely these families that are of interest.

A much more intractable issue is that wills provide a very incomplete record of the ownership of property because much property had already been passed on to the next generation during the lifetime of the testator (cf. Bonfield 1986: 173). In some cases this is made abundantly clear by the terms of the will, when for example a nominal bequest was justified by reference to an earlier transfer of property. In other cases the omission from the will of some of the family’s property can only be inferred, suggested for instance by the presence of some offspring as executors although they are not listed as receiving a specific bequest. On the other hand, it could be argued that wills might provide a more accurate record of the property that a widow might expect to receive from her husband’s estate as there was no reason for a widow to receive property in advance of her husband’s death while a child might need some property earlier in order to marry (cf. Bonfield 1986: 174, 176). Nevertheless, when a widow was to receive some properties as part of her marriage settlement these would not be specified in her husband’s will although the occasional will may refer briefly to the existence of such a settlement. Moreover, as the transfer of property to a widow was also governed by custom, not all wills might specify all the property going to the widow unless custom was to be overruled.²

The difficulties arising from the incomplete documentation in wills of a family’s property portfolio are compounded by the fact that some wills provide a much fuller record of family property than do others. In middle adulthood a man might already have acquired a considerable property portfolio through inheritance and acquisition but would not yet have deemed it necessary to pass on some of the property to his children. If this man then died unexpectedly (but with time to write a will), his will might well list most of the family property. On the other hand, earlier in his adulthood while he might have expectations about becoming a major property holder, he might currently own very little, and if he were to die later much of his property might already have been dispersed. As other historians have admitted, there is no easy way of determining what proportion of family property is listed in an individual will. For a limited number (and usually wealthy) families, it would be possible to compare property devolution as set out in a will with the terms of the marriage settlement³ but the evidence does not exist to make this feasible on a large scale, as in the present study. Instead it has to be accepted that the wills provide an incomplete perspective on the ownership of property by widows and that details about the transmission of property through wills have to be assessed alongside evidence on the ownership of property culled from other sources such as marriage settlements, inventories and taxation records. The will of a married man is perhaps best viewed as a tidying up exercise in which adjustments were made to any unintended inequalities in the distribution of the assets of the estate among the various claimants as result of the transfer of property during the lifetime of the testator⁴.

The evidence that we present below does not, therefore, document all the property that widows might have at their disposal. What it does indicate is the nature of the widow’s
share of the property distributed through the will of her husband, viewed in terms of the type of property received, the time limits set on the bequests and the frequency with which widows were selected as one of the executors of the estate or to be the sole executrix. In order to determine the extent to which these patterns changed over time, a data set was needed which extended over several centuries. Most previous studies of will making have focused on the late medieval or early modern period (although see Owens 2001 and Ottaway 2004: 136-40) as have many of the collections of transcripts of wills produced by local history societies. However, genealogists have also been active in this field and it was decided to select for analysis one of these collections that summarised the wills and administrations of persons with the name of Farrer between 1309 and 1852 (Farrer xxxx). We begin the analysis by considering some of the general characteristics of Farrer will makers, such as regional distribution, social composition and proportion mentioning a child (Appendix Tables 1-3). The rest of the study focuses on a sub-set of the wills that mention both a widow and children in order to see how different testators divided their property when the interests of more than one family member had to be considered.

**Farrer wills 1500-1850**

One particular advantage with a genealogical data set is that as it is a name and not a locality based compilation, it includes testators from many different parts of England and who were subject to different probate jurisdictions. As Appendix Table 1 makes clear, all regions are represented in the collection although some not surprisingly are better represented than others, notably areas in the north, eastern and south east. The South and West Midlands and the South West, on the other hand, contributed relatively few testators. In most time periods, three counties (although not always the same ones) contributed around 40 percent of the records (Appendix Table 1, final row). However, the counties that contributed most wills and administrations (Yorkshire, Lancashire, Lincolnshire, Norfolk and Kent) are located in different regions and confirm the geographical breadth of the data set, even though it would be unwise to see it as representative of the national experience for which other (and much larger) data sets would be required.

The social composition of the will makers and intestates in the data set can also be examined from the information provided on the occupation or social position of the deceased (see Appendix Table 2). As is to be expected the more prosperous echelons of society are over represented with the gentry contributing between 0 and 19 per cent depending on the period. Yeomen and farmers constituted between a quarter and a third of the testators whose occupations were specified and around one in ten were tradesmen. An important consideration to keep in mind is whether the social composition of the Farrer testators altered over time. Three changes stand out. The first is the steady increase in the proportions of testators who were craftsmen; the second, the marked decline over the course of the seventeenth century in the proportion of testators described as husbandmen; and the third, the somewhat larger numbers of will makers after 1650 who were identified as gentry or professionals. Over time it also became more likely that wills would record the social position of the testator (Appendix Table 2, penultimate
row). All this indicates the need where feasible\textsuperscript{7} to take account of changes in the social composition of the will making population when assessing changes over time in the pattern of bequests.

Appendix Table 3 shows that the vast majority of Farrer wills and administrations which mentioned a widow also mentioned children. Just 12 percent of the earliest set of will-makers (making their wills in the first half of the sixteenth century) did not specify a child and this was the case with even fewer of the later will makers with just 3 percent of those making their will after 1750 not mentioning a child. Even 12 percent, however, is well below what the demographic micro-simulation programme CAMSIM suggests was the proportion of older women who would be childless (compare Zhao 1996: 262, 268) confirming that wills were more likely to be made when there were children as well as the widow to consider. This bias in the data would be serious if the intention was to use the wills as evidence of the processes governing the devolution of property but it is irrelevant in the present context where the objective is to determine how different types of property might be shared out between the widow and the offspring.

The widow as Executrix and limitations on freedom to dispose of property received

In wills which mentioned both widow and children, widows were more likely than were children to serve, either alone or with others, as the executrix of their husband’s will. This was the case whether the will was made early in the sixteenth century, during the seventeenth century or in the early nineteenth century (Table 1). There is, however, some evidence that the proportions of widows acting as executrix did change over time. For example, after 1700 the percentage of widows chosen to execute their husband’s will was noticeably lower (Table 1, sum of columns 2-3).\textsuperscript{8} Another sign of change was that the percentage of widows serving as the sole executor peaked in the seventeenth century at the same time as the occasions when the widow was named joint executor with others fell below a fifth of all wills. Table 1 also shows that the percentage of wills that named a son as executor declined steadily from the late sixteenth into the seventeenth century and only began to rise again after 1700. Daughters rarely served as executrices but were also less likely to do so in the seventeenth century than in the sixteenth. Change on this scale exceeds the rate of decline in the percentage of older people with surviving children that is predicted by micro-simulation of the English populations (Oeppen) although the direction of change is in the expected direction.

Trends in the frequency with which husbands might impose time limits on any bequests to their widows are also worth considering in conjunction with changes in the selection of the widow as executrix as they illustrate how a widow might not inherit the same economic and social freedoms that had been exercised by her husband even when she inherited some of his property. Such restrictions precluded her from deciding who was eventually to inherit the property and rendered her powerless to bargain with potential heirs for assistance in return for their inheritance. A range of restrictions were used. Some bequests (as Table 2 makes clear, the vast majority) were given to the widow for life. Others were to belong to the widow until the child reached a specific age or married,
or for as long as the widow did not remarry. However, whether the bequest was of a house or land, Table 2 makes clear these latter two restrictions were rarely imposed by Farrer testators on their widows. Neither type of restriction appeared in more than 10 percent of wills in a given period. In most periods something over a third of widows were bequeathed a house free of any restrictions, and often a slightly larger proportion unrestricted gifts of land. This is perhaps a little surprising (on the assumption that land was more likely to be viewed as a productive asset than a house) as one would expect testators to be particularly eager to ensure that any productive assets in their possession passed to their children as soon as was practical. Finally there is little evidence of a major shift over time in the imposition of restrictions. Such evidence as there is suggests that it was between 1550 and 1649 that it was least likely that restrictions would be placed on bequests of land to widows while it was in this same period that it was most likely that there would be restrictions on gifts of houses to widows.

**Divided Estates**

The established approach to assessing the provision husbands made for their widows through their wills involves classification in terms of whether the widow received the whole estate or just part of it (with or without an annuity), received the whole estate but only for a limited term, or was granted an annuity or a lump sum, personal property or whatever property not otherwise devised but without any real estate. Such a classification is not best suited for our present purpose which is to examine in greater detail what assets were passed to the widow and which went to the children and others. Accordingly, bequests made by each of the Farrers were categorised on the basis of whether they concerned a house (but with no specific mention of land), land (with or without a house), cash, goods (both household and tools) and the residue of the estate. The same classification can also be used to indicate how many widows who were left a house in the will of their late husband also received additional bequests in the form of land, cash or goods. Token bequests and bequests that became effective at a later date, for example, on the marriage of a child, but which were held by another person in the meantime, were not counted as received by the eventual recipient for the purposes of this exercise.

Table 3 sets out the number of Farrers who in their wills bequeathed either houses or land to their widow and to their sons and daughters. It is noticeable that the number of testators who left house property to a son relative to the number leaving a house to their widow increases after 1650, peaking in the first half of the eighteenth century. Daughters were less likely than sons to be left a house in the will of their father but the number of daughters receiving a house increase after 1650 just as in the case of sons. Patterns in regard to the transmission of land are rather similar. In the later seventeenth century, testators became relatively more likely to pass land to a son than they had in the first half of the century and by the end of the eighteenth century testators were marginally more likely to use their wills to transfer land to a son than they were to pass land to their widow (compare columns 5 and 6 in Table 3). In the eighteenth century, it also became more common to award land to daughters, although a lot less frequently than land was bequeathed to sons. These findings imply that after 1650 there was relatively less
generous provision for widows in the wills of their husbands. Of course it could well be
that over time testators as a group had increased in wealth and were now using some of
this accumulation of property to benefit their children to an extent that had not been
feasible for earlier generations. To examine this issue further we need to consider how
estates were divided between widows and other beneficiaries.

We can begin by considering the percentage of children or other relatives who received
gifts of houses or land, cash, goods or the residue of the estate when the husband’s will
had awarded the widow land or houses\(^{12}\). Table 4 makes clear that many testators were
indeed sufficiently wealthy to pass substantial assets both to their widow and their
children. Before 1650 around a third of testators were in position to pass land and houses
to a child even when land and or a house was left to the widow. Thereafter the
proportion of children receiving a house or land increased so that by the late eighteenth
century more than half of the wills leaving land or houses to the widow also left land or
houses to a child\(^{13}\). This would seem to confirm that this group of testators were
becoming wealthier over time. Between a quarter and a half of these testators also left
cash to a child (but with no clear trend over time). Household and other goods were a
less common bequest to a child, occurring in under a third of these wills and in the
eighteenth century in under a fifth. By the eighteenth century more than half of the wills
in which the widow received a house or land, were also awarding a child at least a share
of any residue after other bequests had been implemented\(^{14}\). Earlier it had been much
less common for children to receive any residue of an estate: just 40 percent of the wills
from the period 1550-1649 and less than a third in the first half of the sixteenth century
and in the later seventeenth century. These trends over time both in the disposition of the
residue and in houses and lands indicates that the eighteenth century widow was
receiving a relatively smaller share of her husband’s estate through his will than had her
predecessors in earlier centuries. On the other hand even when estates were divided it
was usual for a widow to receive more than one type of bequest. Table 5 shows, for
example, that the majority of widows whose former husbands left them a house in their
will also left them some land. However, fewer of these widows received bequests of
goods and even fewer bequests of cash. Trends over time are not dramatic although it is
clear that in the eighteenth century fewer widows received land in addition to a house and
that fewer widows were selected as the sole recipient of the residue of the estate\(^{15}\).

The converse of the situation faced by children where the widow received houses or land
is also worth examining to determine how the widow fared when the children were
bequeathed houses or land. Analysis on these lines (in Table 6) provides some evidence
that the economic position of widow whose husbands had been property owners was
deteriorating in the eighteenth century. Typically, between 30 and 40 percent of widows
were bequeathed houses or land when children also received houses or land through their
father’s will. Admittedly, the proportion of widows receiving houses or land when the
children received land and houses was only marginally lower in the eighteenth century.
However, it becomes clear from comparing the two sets of wills in Table 4 with Table 6
that whereas prior to 1700 widows were more likely to receive houses and land than were
children, the reverse situation applied after 1700. It also became more probable after
1700 that any residue after other bequests would pass to children and not to the widow. This had not been the case earlier.

On the other hand, Table 6 also shows higher proportion of widows receiving a cash bequest in the eighteenth century than had been the case in earlier time periods: over 40 percent after 1700 compared with around a quarter before 1700. Further comparison with Table 4 shows that whereas before 1700 it was children who had been more likely to receive a bequest of cash than the widow, after 1700 it was the widow who was the more likely beneficiary of a cash award. Consideration of bequests of household and other goods also reveals that widows were in most periods more likely to receive household and other goods through their husband’s will than were children although the proportion of widows receiving bequests of this type did fall steadily between 1500 and 1700 and remained less frequent in the eighteenth century than it had two centuries earlier.

The next set of Tables give further details on the bequest of cash, goods and the residue of the estate (any cash and goods that had not been allocated as specific bequests) to widows, sons, daughters and other relatives. Table 7 confirms for this larger data set, the marked rise after 1700 in the percentage of widows receiving a cash bequest. Notably, there were also many more wills after 1700 when the only cash bequest was in favour of the widow (Table 7, column 2). Whereas before 1650 in only about one in ten wills was the widow the sole cash beneficiary, in the eighteenth century, this became the case in more than a fifth of the wills. As the percentage of children receiving a cash bequest does not rise (indeed it falls), the explanation for more cash passing to widows is not simply the result of a greater amount of cash within the family economy. Moreover, it is evident that the percentage of testators making cash bequests to a daughter is also increasing in this period while it became less likely for sons to receive a cash bequest.

Bequests of goods to the widow and other family members are set out in the same way in Table 8. Before 1700 around 70 percent of widows received a specific bequest of household or other goods in the will of their husband and this increased to around 80 percent in the eighteenth century. The percentage of wills where the widow was the sole recipient of household or other goods also increased from around a third in the sixteenth and seventeenth centuries to over 40 percent in the first half of the eighteenth century and to 70 percent in the second half. In all periods, children were less likely to receive goods than was the widow although until 1750 just under half of testators left at least some goods to a son. By the eighteenth century relatively few wills specified gifts of household or other goods to daughters. This was a remarkable change from the situation in the second half of the sixteenth century and the first half of the seventeenth when daughters had been almost as likely as sons to receive bequests of goods in the wills of their fathers. Finally, more distant relatives were rarely bequeathed household or other goods (and less often than they received a cash bequest, compare Table 7).

The significance of receipt of the residue of the estate depends of course on exactly how much property was left after all other bequests had been made and any debts discharged. Unfortunately the wills never make this clear. However, receipt of the residue also
signalled responsibility for the estate after the death of the testator, and as such was sometimes linked with appointment as executor. That a lower percentage of widows in the eighteenth century were allocated the residue of the estate may therefore be another indicator of their loss of authority. In the sixteenth and seventeenth centuries around eight in ten widows received at least a share of the residue of the estate: in the eighteenth century the proportion of widows receiving the residue was nearer a half (Table 9). The proportion of wills where the widow was the sole recipient of the residue also fell sharply over the same period from over half to about a third. Conversely, the percentage of wills allocating the residue to a child increased from around 40 percent before 1700 to over half thereafter with sons more often than daughters the beneficiaries. Other relatives only very occasionally received any of the residue of the estate.

Finally, we need to consider how estates were divided which, according to the will, contained neither houses nor land. Tables 10 and 11 parallel Tables 4 and 6. Table 10 sets out the percentage of children and others who received bequests of cash, goods or residue where the widow had received bequests of the same type. Evidence that these types of estate were also divided is clear. In all periods, around a third of testators with no land or houses to leave through their will and who transferred cash, goods or a share of the residue to their widow also made a cash bequest to a child or other person. In the sixteenth and in the first half of the seventeenth century, more than half of such testators also bequeathed household or other goods to a child. However, after 1650 this proportion fell to a third of testators and by the second half of the eighteenth century to no more than a fifth. More than a quarter of these testators also awarded at least a share of the residue elsewhere, with the proportion increasing to nearly four in ten testators in the eighteenth century. A provision for children on this scale in wills where there was no mention of houses or land, makes clear that many of their mothers would enter their widowhood with many fewer economic resources than had been at the disposal of their husbands.

The position of the widow when a testator left cash, goods or the residue to his children is described in Table 11. Very few widows in this situation were ever left cash if the will was made before 1700. Afterwards as noted in other contexts, there was an increase in the proportion of widows receiving a cash bequest. In the eighteenth century roughly four in ten widows in these circumstances received a cash bequest. A considerable number of widows also received household or other goods and after 1600 always more frequently than children were bequeathed goods when the widow received cash, goods or the residue (compare Table 10). The widow was also more likely to be awarded at least a share of the residue than were children in the same situation. The proportion of widows receiving the residue of estates which included no land or housing and where children received cash, goods or a share of the residue never fell below 39 percent and in some periods exceeded 60 percent. However, the point to be emphasised is again that on the death of the husband and father, the practice was to distribute assets in a variety of directions, leaving the widow with fewer economic resources than had been available to her husband.

The impact of social position on provision for widows
Another factor with the potential to exert a powerful impact on how well women were provided for in widowhood is the social position of the testator. Much previous research, based as is on the records of individual towns or parishes, has struggled to find sufficient wills for effective analysis of provision for widows across the social spectrum represented by the will-making population\(^{20}\). The genealogical data that we have utilised for the purposes of the present study is a little larger and permits some observations about differences in bequest patterns between certain status groups during broadly defined time periods.

We may begin by considering the proportion of widows chosen as executrix. It is clear that there is decline after 1700 in all four social groups (gentry, yeomen and farmers, craftsmen and husbandmen and labourers) in the proportion of testators who chose their widow to be the executor of their estate (Table 12). For yeomen and farmers the decline may even have set in half a century earlier. Table 12 also shows that the percentage of widows receiving the residue of their husband’s estate also declines for all social groups after 1700.

In considering the types of bequest widows of different social status might receive through the will of their husband, it is reasonable to expect that these would primarily be determined by the wealth of the respective groups. For example, the expectation would be that the gentry would have more houses and land to leave than yeomen and farmers, the latter more than craftsmen and craftsmen more than husbandmen and labourers. However, this pattern is not always present, implying that in certain periods and for certain social groups, property might be reaching the widow other than through the will of her husband. A case in point is provided by bequests of housing by gentry to their widows. Table 12 shows that about a quarter of husbandmen and labourers left their widow a house as did around a third of craftsmen, around four in every ten yeomen and farmers and before 1700 about two thirds of the gentry. After 1700 less than a third of gentry left their widow a house in their will. If a house was to be provided for them (which seems highly likely), other mechanisms must have been utilised for this purpose. Presumably the third of gentry widows who before 1700 did not receive a house in the will of their husband were also provided with housing in other ways, for example through a marriage settlement (Bonfield 1983). Turning to bequests of land, about a fifth of craftsmen and husbandmen and labourers left their widows some land. Widows of yeomen and farmers and of the gentry were more likely to receive a bequest of land although it is noticeable that the proportion of widows, particularly the widows of gentry who were given land, was much lower in the eighteenth century than it had been earlier.

As regards gifts of cash, it is clear from Table 12 that in none of the time periods were husbandmen and labourers likely to use their wills to leave any cash to their widows. The same was true for craftsmen before 1700. However, in the eighteenth century about 40 percent of craftsmen left cash to their widows. A similar trend is evident for farmers and yeomen, although commencing from a higher initial level. On the other hand, given the greater wealth of the gentry, it seems surprising that relatively few used their wills to leave cash to their widows and with no clear trend over time. Here again it may well be that a number of gentry widows were guaranteed annuities by virtue of their marriage
settlements. Finally, examination of the distribution of goods reveals that widows of the gentry became more likely in the eighteenth century to be bequeathed goods. This may represent some compensation for the decline in the proportion receiving houses or land although widows of yeomen and farmers and of craftsmen were also more likely to be bequeathed goods in the eighteenth century than had been the case in the second half of the seventeenth century, despite much less clear trends over time in the proportion receiving land.

Trends between 1500 and 1850 in the provision testators made for their children document in some respects the converse of the patterns observed for widows (Table 13). For example while the percentage of testators who nominated their wife as their executrix declined in all social groups after 1700, the percentage choosing their children as executors rose after 1700, again for all social groups (and more markedly than the percentage choosing their wife fell). Analysis of the distribution of the residue reveals that around a third of yeomen and farmers left at least a share of the residue of their estate to their children, somewhat more frequently than children of the gentry were awarded a share of the residue. However, in contrast to what was evident in the case of the widow there is no clear trend over time in the proportion of children from these two social groups (nor indeed for the children of husbandmen) who received the residue. The exception is provided by the craftsmen in that more of their children in the eighteenth century received the residue while fewer granted the residue to their widows.

If we now move on to consider the detail of bequests made to children, Table 13 shows that the percentage of children gifted a house in the will of their father, regardless of the father’s social position, was generally low, occurring in under half of the wills. The percentage of children receiving a house in this way was often lower than the percentage of widows who received a house (compare Table 12) although there are instances where the percentages are identical or where houses were more likely to pass to children. For both the gentry and husbandmen and labourers, there is no clear trend over time in the percentage of wills granting houses to children. However children of testators in the other two groups (yeomen and farmers, and craftsmen) do seem to have been more likely to receive a house in the eighteenth century.

A different pattern is evident in the case of land, with the proportion of children in all social groups receiving land rising over time. However, even after 1750 in only just over half of the wills was land gifted to children, even by gentry and yeomen, implying again that land was being passed to children in other ways. By the eighteenth century it had become more common in all social groups for the proportion of wills awarding land to a child to exceed the proportion of wills granting land to the widow. Before 1650, it had usually been the widow who was more likely to be the recipient of land.

Up to half of the wills of the gentry, yeomen and farmers, and craftsmen included cash gifts to their children, as did up to a quarter of the wills of husbandmen and labourers. In the sixteenth and seventeenth centuries testators from all social groups were more likely to use their wills to make a cash bequest to a child than to their widow. However, after 1700 while this still held for gentry and husbandmen (and for craftsmen too in the second
half of the eighteenth century), it ceased to apply to yeomen and farmers, and for craftsmen in the first half of the eighteenth century. As regards the transfer of household and other goods, it was relatively unusual for gentry to leave any goods to their children in their wills. In none of the specified time periods did as many as a third of gentry leave goods and in some periods it was less than a fifth. The proportions of other testators leaving goods to their children were also often modest: only around a third of yeomen and farmers and around a quarter of craftsmen and husbandmen and labourers (the latter applying after 1650; earlier the proportions had been higher). In the eighteenth century comparison with Table 12 indicates that all social groups were inclined to favour the widow as opposed to the children when disposing of household and other goods through a will\textsuperscript{22}. On the other hand in the sixteenth and seventeenth centuries the differences were less marked with children on a number of occasions more likely than the widow to receive goods.

**Regional variations in provision for widows**

Fortunately the Farrer data set is also of sufficient size to permit some conclusions to be drawn as to the extent of regional variations in the type of provision testators made for their widows in their wills (although unfortunately not large enough to sustain analysis by region, time period and social position). Table 14 shows that the percentage of testators choosing to make their wife the executor of their estate was greatest (at over 80 percent) in the South East and in the East Midlands. In the East and the North only around two thirds of testators made their wife their executor. Percentages for another three regions have been calculated to provide a complete survey but with relatively few wills surviving for these areas, it would be unwise to place much credence in a given percentage.

Turning to a consideration of the particular types of bequest made to widows, Table 14 indicates very little variation by region in the percentage of widows noted as receiving a house. The one exception is provided by the Eastern region where almost half of widows received a house. There is also only modest variation by region in the percentage of widows awarded land, with the percentage again highest (41 percent) in the East. This contrasts with the quarter of testators from the South East, East Midlands and the North who left land to their widow in their wills. The dispersion of goods too only produced limited evidence of regional variations. Around 40 percent of widows in most of the regions received bequests of household or other goods, with the only significant disparity arising in the East Midlands where only 17 percent of widows received goods. However, there was greater variation in the percentage of widows left cash; from under 10 percent in the East Midlands (calculated on a total of 54 wills) to over a fifth in the East and the North\textsuperscript{23}. There is also evidence of variation between regions in the percentage of widows receiving at least a share of the residue of the estate. For example, widows in the Northern region received some of the residue in just under a third of the wills whereas nearly six in every ten widows received the residue if resident in the East Midlands. However, most regional variation in provision for widows looks relatively modest, and certainly less than that noted in connection with the social position of the testator (above Table 12).
Finally, in this section, we address the issue of the consistency of regional variations over very broadly defined time periods, restricting the analysis to the four regions for which a reasonable number of wills are available (Table 15). The first point to note is that the percentage of testators choosing their wife as executor declines over time in all four regions just as it did in all social groups (above Table 12). The percentage of widows receiving the residue of their husband’s estate also declines in all regions as it did for all social groups. On the other hand, there is no evidence of a clear trend over time in any of the four regions in bequests to widows of houses, land or goods while in all regions increasing proportions of widows over time received bequests of cash in the wills of their husbands.

**Interpretations**

The genealogical data set that has been used in the present study has in our view permitted a more effective exploration of aspects of the provisions different testators made for their widows such as the extent of variation over time, according to the social position of the testator or by region of residence than has often proved feasible in previous research which has been derived from analyses of the small number of wills which survive from an individual parish or town. The results that have been presented above suggest at face value that economic position of women following widowhood was weaker in the eighteenth century than it had been earlier. In the eighteenth century, fewer widows were appointed executrix of their husband’s estate (Table 1). Fewer widows received a share of the residue of the estate (Table 9). Relatively more bequests of houses and land went to children and not to the widow (Table 3). These trends occurred in all regions we examined and were experienced by all social groups (Tables 12, 13 and 15). However, while husbands in the eighteenth century were relatively less generous to their widows in their wills than their predecessors, their widows were far from destitute, often receiving some land, cash and goods in addition to a house (Table 5).

Yet, there is an issue as to whether the genealogical data can support the weight of the interpretation we have placed upon it. Although larger than many other data sets, it is not that large and although the pattern of bequests that has been delineated may hold for this group of testators it does not necessarily have to apply to other (unseen) data. Unfortunately we have not been able to locate much other work on will-making during the eighteenth century. Ottaway (2004: 125-6, 138-40) in an investigation of the provision men made in their wills for their widows in three parishes (Terling, Essex, Puddletown, Dorset, and Ovenden, Yorkshire), did reach similar conclusions about the economic vulnerability of widows in the eighteenth century. Ironically, however, this was inferred on the basis of precisely the opposite trends to those present in the genealogical data: an increased tendency in the eighteenth century for husbands, recognising that their wives might have economic problems should they be widowed, to leave them real estate (particularly houses). Two other points can also be made about the comparison with Ottaway’s result. The first is that as they refer to different areas there is no reason why the trends should be the same. Indeed Erickson’s summary of much research on the frequency of the choice of the widow as executrix is that regional variations were stronger than chronological ones\textsuperscript{24}. The second point is that the trends
reported by Ottaway cannot be considered as securely established given the limited number of wills available for study in two of the three parishes (Terling and Puddletown).

Another issue about the data used in the present study is whether there are significant biases arising from that the data have been compiled from a genealogy. As a considerable proportion of property does descend from father to son, in comparing bequest patterns over time we are therefore comparing the same families time and time again and to some extent some of the same properties, although property portfolios do of course change. It is also evident from examination of the wills that a number of the families resident in different parts of the country are related and might conceivably be more inclined than would unrelated families, to adopt, when circumstances permitted, a similar inheritance strategy. Although no attempt has been made here to determine how many the families might share a common ancestor, say two or three generations earlier, it is evident that kin ties between members of a surname set followed over three centuries in different parts of the country are likely to end up somewhat attenuated. Moreover, unlike the genealogies used in the study of kinship in New England (Adams and Kasakoff 1984), the first Farrer to draw up a will is not the common ancestor all those who are recorded later. However, there is no dispute that the Farrer data set includes more inter-related families than one would expect to find in a medium sized English parish. What is therefore striking is that there is such strong evidence of change over time in the ways husbands used their wills to try and secure some economic security for their widows.

The major issue that remains to be resolved is why in the eighteenth century husbands began to make less generous provision in their wills for their widows. Their priorities, balancing in particular the interests of children and the widow seem to have altered to the disadvantage of the widow. Yet wills, as we have emphasised do not record all (or even in some cases the majority) of property transfers made by families. If property arrangements for the widow in wills of their former husbands became less generous in the eighteenth century might she have received more by other means, for example through pre marital agreements or reliance on custom? However, the evidence of increased provision for widows other than through the wills of their late husbands has yet to be produced. Moreover this evidence would have to accommodate change right across the social spectrum of the will-making population and be effective in different regions of the country. Even then it would not account for the decline in the percentage of widows acting as the executrix of heir husband’s estate. One factor, however, that could account for widows in the eighteenth century being more likely to receive a bequest in the form of cash and less likely to receive houses or land, to be chosen as executrix or receive the residue of the estate would be if widowhood was occurring later in life in the eighteenth century. This is because it was older widows who it has been argued would be more likely to be spared the onerous task of acting as executrix and for whom a maintenance agreement might have already been agreed (Botelho (2002): 73; Erickson (1995): 159). Unfortunately, it is no easy task to identify the ages of widows mentioned in wills even when studying just a couple of parishes. In the present case, with so many different parishes involved, the amount of work involved renders the task impossible. What we do have available is the micro-simulation, CAMSIM (Moring and Wall 2007, chapter 2), which indicates that the age distribution of widows in the national population was almost
unchanged from what it had been in the seventeenth centuries. This suggests that an ageing population of widows is unlikely to be the factor which explains why husbands in the eighteenth century made less generous provision for their widows than had husbands in the sixteenth and seventeenth century. It is indeed possible that widows in the will-making population were older than widows in the general population but there would still be a need to explain why this difference widened appreciably in the eighteenth century. Instead, in order to explain why in the eighteenth century married men from so many diverse social groups and regions made less generous provision for their widows, consideration should be given to the role of economic change. In the eighteenth century as some sectors developed while others were disadvantaged, many families may have felt they needed to devote more resources to helping the younger generation to the disadvantage of many widows.

It is not too surprising that our analysis of the wills shows that on widowhood many estates were divided. As others have argued, that was after all one of the major functions of the will, to distribute property to those whose claim on an estate a testator wished to acknowledge and who had not been adequately provided for during the testator’s lifetime. What has perhaps not been so well appreciated is the impact that this division might have had on the living standard of the widow (although the point is well made by Whittle (1998): 59). For example, Table 4.19 above shows that in cases when a widow received houses or land, between a third and half of children (depending on the period) also received houses or land, never less than a quarter, cash, more than one in ten, household and other goods, and usually over a third at least a share of the residue.

Examination of the pattern of bequests in wills made in Britain in the second half of the twentieth century indicates that some testators who are survived by a widow, still continued to assign some of their property elsewhere. For example, Finch et al. who have carried out this study, show that in a third of the cases when a child received a cash bequest, the spouse was also a beneficiary of the will. This was even more likely (almost half the cases) when the child received the residue of the estate, identified by Finch as the major bequest when a testator specifies the different types of property (cash, personal property and residue that is to be bequeathed (Finch et al. (1996): 83, 104). However, in other respects the way in which estates were divided has changed. In two thirds of the wills from the late twentieth century which mentioned a spouse, she received the major part of the estate, and usually all of it (Finch et al. (1996): 100-1). Yet as we have seen, through to the second half of the eighteenth century the majority of wills where the widow was a beneficiary, also left the children houses, land, cash, goods and a share of the residue.
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1 It is not therefore surprising that the will-making population often constitutes a small percentage of all adults listed in the burial register, for example just 10 and 14 percent respectively in Botelho’s study of the two Suffolk parishes, Cratfield and Poslingford, in the sixteenth and seventeenth centuries (Botelho (2002): 62, note 7). Taking into account Botelho’s estimates of the number of families in each parish wealthy enough to make a will, these percentages would rise to 14 percent in Cratfield and to 35 percent in the
much poorer Poslingford. Bonfield (1986): 166 reports higher proportions for male testators (ranging between 26 and 60 percent for Orwell and Willingham in Cambridgeshire and Terling in Essex, again in the sixteenth and seventeenth centuries.

2 A point made by Ottaway (2004): 118 although she felt that the wills she had analysed provided sufficient detail on bequests to widows to clarify whether custom had been followed.


4 Further adjustments became possible when a widow made her will, adjustments which might also take account of any change in the circumstances of the various heirs since her husband’s death.

5 Wills made before 1500 were not analysed in the present study as it was considered that there were too few to establish the pattern of bequests.

6 Their share of the total declined slowly before 1700 but then recovered only to decline again after 1800, a period for which few wills and administrations were collected.

7 Division of the will making population into ever smaller sub-groups can result in a population base that is too small for effective study.

8 This confirms the inference that could be made from comparing the percentages of widows serving as executrixes in the eighteenth century reported by Ottaway (2004): 136 in three parishes with Erickson’s account of the percentage chosen as executrixes in different areas in the sixteenth and seventeenth centuries (Erickson (1995): 158).

9 Examples of classifications on these lines can be found in Botelho (2002: 63) and in Ottaway (2004): 139. The classification by Ottaway differs from that of Botelho in certain details, grouping some types of provision for widows kept separate by Botelho while distinguishing others that Botelho had grouped. Ottaway also includes the further (but seldom used) categories of no specific bequest to the widow but with the widow nominated as executor or trustee, and confirmation of a marriage settlement.

10 Another option considered, but not eventually pursued to avoid over complicating the classification, was to distinguish between bequests of household items and tools.

11 The definition of what constituted a token bequest is inevitably arbitrary but typically involved the bequest of an item of furniture, clothing or one animal. To include all such bequests alongside other major bequests would have given an exaggerated impression of the extent to which estates were fragmented.

12 Tables 7-9 which appear below make clear that relatively few persons other than children received gifts of cash, goods or the residue. Phrasing in the text reflects this, and it should be understood that in this context references to ‘bequests to children’ include bequests to a small number of other persons.

13 Wills made after 1800 have been included in Table 3 for the sake of completeness (and in many other tables) but do not feature in the analysis because of the small number of wills available. Table 3 also shows a much higher proportion of children receiving houses or lands in wills made before 1550. This may reflect the fact that wills which survive from this period include more wealthy testators (although this is not what is indicated by the social composition of the testators in Appendix 4.6, only just over a fifth of wills from the period 1500-1549 give any indication of the social status of the testator). Whittle (1998): 53 has noted a decline from 80 to 64 percent between the fifteenth and mid sixteenth centuries in the percentage of widows bequeathed land in six Norfolk parishes.

14 The increase in the percentage of children receiving a share of the residue may help account for the lower percentage of children in the eighteenth century who received household and other goods. In theory it would seem possible that the residue of an estate might also involve houses and land (if not otherwise designated as specific bequests) but the opinion of Lloyd Bonfield who has studied English inheritance patterns in detail was that testators would be unlikely to fail to specify in their wills any land and houses which they wished to bequeath to a particular individual.

15 The decline in the percentage of widows selected as the only person to receive the residue of the estate (in addition to a house) is offset in part by the higher proportions of widows in the eighteenth century receiving bequests of cash and goods. However, there is further confirmation of a weakening of the economic position of the widow after 1650 in the lower proportions of this group of widows receiving either goods or at least a share of the residue of the estate.

16 All wills that specified respectively bequests of cash, goods or the residue have been used in this analysis (of those wills that mentioned both a widow and children). The data sets are larger therefore than those used to produce Tables 4 and 6 which were restricted to bequests of land and houses and suggest different frequencies of receipt by widows and children of bequest of different types.
Some of these widows may have received a cash bequest in lieu of a share of the residue. However about a third of the widows who received a cash bequest in the eighteenth century also received at least a share of the residue of the estate.

Until 1700 there had been a steady increase in the number of wills mentioning daughters as recipients of the residue of the estate relative to the number favouring sons, but the trend then reversed.

See note 12.

For example, note the numbers of wills available for the status groups analysed by Botelho (2002): 69.

Lloyd Bonfield, personal communication.

Yeomen and farmers in the first half of the eighteenth century constitute an exception.

Percentages for other regions have again been disregarded in making these regional comparisons as they are based on too few wills.

Erickson (1995): 159. On the issue of the significance of chronological variation it is important to note that Erickson only presents data for different places at different dates.

The data set also includes some non Europeans whose name when anglicised bore a certain resemblance to Farrer.

Bonfield (1986): 175.

This would seem to be the implication of a study of will-makers in the late twentieth century British population which showed that the men and women who made wills were older at death than other persons, see Finch et al (1996): 52.

Wills of this type are termed by Finch et al. ‘composite wills’ as opposed to wills that leave all property (undifferentiated) to usually one but sometimes more than one beneficiary. These wills they have called ‘total estate wills’ (Finch et al. (1996): 83. The terms have the potential to confuse and have not been applied in the present study.

However, included in the two thirds are some wills where no children were mentioned as beneficiaries.