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When Death Do Us Part: Understanding and Interpreting the Probate Records of Early-Modern England

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In 1960 I published an article on the leather industry using the probate inventories of 55 leather workers. I am reminded of this piece of almost forgotten biography by a contributor to this volume. I remember only two things about the article. First, I was inordinately proud of my first venture into academic print (no need for RAEs in those innocent years to spur us on; ambition was enough). And, second, the editor of the *Economic History Review* (Charles Wilson) asked me to remove a section discussing the provenance of probate material, maintaining that it was by now well known. Had this book been available forty years ago he could not have made such a request and I probably would not have submitted the article (ambition notwithstanding), conscious of the dangers waiting to trap the unwary. Probate sources have been used, in the words of one contributor, "for 50 years to study the vast majority of the population below the level of the gentry". There are possibly two million wills surviving from early modern England. But how reliable are they as mirrors of the lives of the "common people"?

It is this question that this volume sets out to answer. The seventeen essays are arranged into three sections. The first discusses the legal processes involved in producing wills, inventories, and accounts. The second section demonstrates various ways of extracting information from probate material. The third part shows how the study of probate records can be combined with the study of other sources. There are also four

appendices illustrating the processes of probate and the coverage of probate material.

Part 1 contains six essays. The first two, "The Probate Process" by Tom Arkell and "Probate 1500-1800: a System in Transition" by Jeff and Nancy Cox, cover much of the same ground. Probate consisted of two stages: the proving of the will and the granting of administration to the executors. Where there was no will the courts appointed administrators. There were, thus, potentially, several sets of records: the will, the inventory, and the accounts of the executors or administrators demonstrating that they had distributed the estate in a proper manner.

Until 1858 the administration of probate was the responsibility of the ecclesiastical courts. Arkell's essay describes the structure of these courts. Complications arise because the church courts overlapped and had competing jurisdictions. There were the provincial courts of Canterbury and York, the consistory or diocesan courts, and the archdeaconry courts. There were also "peculiars" outside the control of archdeacons or bishops. Other worthies such as the chancellors of Oxford and Cambridge universities also had authority in some areas. The probate processes evolved over time, for example in handling the affairs of people who died intestate. Perhaps the most serious limitation of probate evidence, if we are interested in the economic circumstances of the people, is that the authority of the church courts did not extend to real estate but was confined to the moveable goods, credit, and leasehold property of the deceased.

Estimates for the number of wills surviving for the early modern period vary between three-quarters of a million and two million. The chronological coverage grew from the early sixteenth century to the 1640s, tracking the growth of population, but declined thereafter. The geographical extent is uneven and the social spread uncertain. Whatever strengths probate evidence may possess for studying the common people, they are not a sample of the population in a statistical sense. But nor is most evidence on which historians rely. We are at the mercy of chance survivals and the survival of two million documents (or even only three-quarters of a million) is manna from heaven to be used with caution, imagination and computer technology.

EThe remaining four essays in Part 1 deploy these skills in various ways. Nigel Goose and Nesta Evans consider wills as a historical source. The survival of wills has depended on many circumstances, including the efficiency of administration in the first place as well as the accidents of preservation and destruction. Will-making was an activity more of the wealthier than the very poor, more of older people contemplating mortality than of younger people, and principally of men. Women who made wills were usually widows. The structure of wills generally conformed to a pattern, and they were usually written by literate neighbours and not by professional lawyers. There is a strong sense of community emerging from the documents as neighbour turned to neighbour to draw up the document and to act as executors. The bequests included in wills indicate the extent of local charity. There is information on occupational structure, although wills may be less useful than probate inventories for this purpose. Although wills were the product of impending death, their value as a demographic source is disappointing. On the other hand they tell us a good deal about family and kinship relations.

ETom Arkell, explores probate inventories as a historical source. This is familiar territory since Hoskins used inventories more than fifty years ago to turn the focus of agrarian history away from land holding to land use. If inventories had no other function, this would be a major achievement, but they throw light on other trades and crafts and the occupational structure of communities. From inventories we learn much about early modern houses and their furnishings and about the improvements in material comfort during the sixteenth and seventeenth centuries.

Probate accounts, studied by Professor Erickson, perform a similar function to inventories, this time from the perspective of the executors or administrators. The accounts record medical and funeral expenses, thus indicating some of the customs attending death and burial. The testator's provisions for spouse and children were listed, together with the costs of administering the estate. Account also throw much light on rural indebtedness, a subject explored in greater detail in Part II by Peter Spufford.

The final essay in Section I is Professor Overton's investigation of prices recorded in probate inventories.

This is an analysis of more than 200,000 unit prices taken from inventories from the counties of Hertfordshire, Lincolnshire, and Worcestershire. The purpose was to produce price series for several categories of household goods over the period 1550-1750. The value of this essay - apart from demonstrating the benefits of computer analysis - is that it suggests that inventory prices reflected the general level of market prices and therefore provide a complementary series to stand beside those of Rogers, Beveridge, and others.

The Overton essay raises two general issues. The first concerns the categorisation. I do not see why it is included in Part I (dealing with the legal context) and not in Part II (examining different approaches to the use of probate material). The second is that Overton's work is familiar to experts in the field, as are several other pieces in this collection. I am therefore left wondering about the target audience the editors had in mind. I will return to this question below.

Part II commences with an ingenious investigation (first published thirty years ago) by Margaret Spufford into the religious preambles to wills in Cambridgeshire. It is a beautiful piece of detective work leading to a number of conclusions. The first is that in every village there were usually two or three literate people (the rector, the lord of the manor, the school master, a shopkeeper, a yeoman) capable of writing a will for a dying neighbour. The second is that the religious preambles were not simply pious words but reflected genuine beliefs. And, thirdly, that although scribes had their favoured forms of words, the true beliefs of the testator broke through.

Christopher Marsh's 'Attitudes to Will-Making' (first published a decade ago) is a companion piece. Indeed, it covers some of the same ground as Spufford's, including the use of scribes and the value of wills as reflections of religious beliefs. Marsh, as with so many other contributors, is extremely cautious in stating his findings. "Wills are not a source into which historians can dip for swift and reliable results."

Nesta Evan's study of occupations and status in Cambridgeshire between 1551 and 1800 brings us back to familiar ground. It is a computer analysis of almost 34,000 wills lodged in the Consistory Court of Ely. Evans arranges the occupations of testators into several categories: farming; building, wood and metal; textiles and clothing, food and drink; and transport. Not surprisingly given the rural aspect of the region, farming predominated, although its share of total occupations declined over time. It is unclear whether the decline reflected a diversification of the economy or - as Evans suggests - a change in the use of the term "labourer" as a description.

Nigel Goose's essay on probate material as a source of information about fertility and mortality takes us back to a subject he raised earlier. His sources come from three towns, Cambridge, Colchester, and Reading. His conclusion is that wills are a poor source for studying levels of fertility, although no more so than parish registers. They are, however, useful in indicating changing trends in fertility and regional differences. As for mortality, better to rely on parish records than on wills.

Peter Spufford offers a study of rural credit based on a study of probate accounts. This is a condensed translation of an article published in French in 1994 and Professor Erickson has already anticipated its findings in her essay. Finally, in this section, Anne Tarver examines probate accounts in the diocese of Lichfield and Coventry in the later seventeenth century. This is another extended warning of the traps awaiting unwary historians who choose to use probate evidence to study the common people.

Part III contains five essays. The most intriguing is Edmund Weiner's 'The Language of Probate Inventories'. This uses the science of phonology to explore the extent of "standard English spelling", the existence of regional dialects, the word stock, and grammar. Probate inventories provide a corpus of non-literary texts, and as such "testify to the language of ordinary people".

This theme is explored further in Barrie Trinder's contribution that examines words used in Shropshire inventories to describe material possessions or to lump them into categories. Thus, a "maid" in a non-animate sense could be anything from a clothes horse to a hook for holding a frying pan. There were dozens

of words for weights and measures: pounds, stones, strikes, bushels, loads, and many others. Here is a world rich in language as well as in material goods. Christine North's study of the probate inventories of merchants and retailers in seventeenth-century Cornwall pursues a similar theme. She analyses the goods listed in traders' inventories (111 documents between 1601 and 1649) and discovers a miscellaneous collection of possessions, many of them helpfully defined in a glossary. But her interest is less with vocabulary than in arguing that Cornwall, for all its geographical remoteness, was not an economic backwater. Its long coastline and many small ports provided it with links to the word beyond the Tamar.

Mary Hodges explores the world of widows in the Oxfordshire towns of Thame and Woodstock. This essay is the product of the labour of dedicated local historians prepared to spend hours in painstaking documentary research untroubled by the breathless urgency of the RAE. Widows were a busy group pursuing their late husbands' trade and lending money. It was often easier for widows to survive as money lenders than as manufacturers and merchants. This is a most useful study, but why it in the section entitled 'Probate Inventories Plus' I cannot make out.

There are no such doubts with Bernard Jennings discussion of economic activity in early-modern Yorkshire. He combines probate evidence with leases, parish registers, manorial court rolls, and other sources to construct a lively but tantalisingly short account of the regional economy. Jennings' research tool is not a computer but imagination, which he uses to good effect.

I mentioned earlier that several of the essays in this collection have been published before in one form or another. Scholars familiar with probate evidence may wonder whether they want to buy this volume (although it is not expensive by today's standard). Historians with only a fleeting knowledge of probate documents will find the collection valuable, although a greater degree of editorial discipline would have enhanced its usefulness. The repetitions are irritating and even confusing at times. The collection needs an introduction to guide the innocent.

Still, it is unfair to finish on a carping note. Wills, inventories, and accounts get us close to the everyday lives of the population of early-modern England below the gentry. Great history it was once said (I forget by whom) is not written from laundry lists. Perhaps not, although much depends on one's definition of great history. If your taste runs to political or constitutional or diplomatic history, laundry lists may not be of much use. But if we are interested in the lives of people in their routine business of getting and spending, living and dying, then probate material - if not laundry lists - are the thing.

This volume leaves me with four abiding impressions. The first is that Englishmen before 1500 and 1800 were very like us in the store that they put on material possessions. Secondly, they were a neighbourly people; there is (and was) such a thing as society). Thirdly, they were religious, not in the sense of proselytising and preaching, but in the belief that their souls were the property of the Almighty but their goods and chattels were their own to bequeath to their kin. And, finally, it was a bureaucratic society. The process of probate generated a demand for tons of paper, gallons of ink, the quills of goodness knows how many geese, and pins more than enough to keep Adam Smith happy for pages. Documents were written and copied and copied again without the benefit of carbon paper, typewriters, or word processors. Papers piled up in presses, attics, cellars, and offices. If two million wills have survived, how many were there to start with? We should be grateful for the efforts of the contributors to this volume for introducing us to this mountain of information and helping us to burrow through it.

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