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PATTERNS OF INHERITANCE AND ATTITUDES TO WOMEN REVEALED IN WILLS: THE TONBRIDGE AREA 1500-1560

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In 1560 Tonbridge was a small market town serving its surrounding parishes. This article is an extract from an original study which was designed to find what could be learned of Tonbridge and its contiguous parishes during the previous sixty years from the wills of the area recorded in the Will Registers of the Rochester diocese.¹ The wills were always the main source although supplemented with evidence from the Tonbridge parish register of burials,² beginning in 1547, Christopher Chalklin's study of Tonbridge 1550-1700³ and various secondary authorities.

The word 'will' is used here to describe a document which usually contains two parts; a testament which concerns the disposal of personal property, including the soul, and a will which describes the arrangements for the disposal of land. The will was usually registered with the testament in the ecclesiastical court. However, since this court had no jurisdiction over land, it was only a matter of convenience, and 'the absence of a will does not necessarily mean the absence of land'.⁴

During the period 1500-1560 there are 458 wills recorded for the nine parishes studied, Tonbridge, Hadlow, Speldhurst, Tudeley, Capel, Pembury, Leigh, Shipbourne, and Bidborough (Fig. 1). Of these, Tonbridge and Hadlow dominate by their comparatively large number of wills while Bidborough, the smallest, has only eight (Table 1). Apart from a peak during the years 1555-1559, there is an average of six wills per year from the nine parishes together. Seventy of the wills are written either wholly or partly in Latin, and the majority of these date from before 1525. When both languages are used, the testament is in Latin while the will is in English. Sometimes the scribe's Latin failed him and such phrases as 'una swame de apibus' and 'unum paynted cloth' are fairly common.

Over the period as a whole, one will was written by a woman for

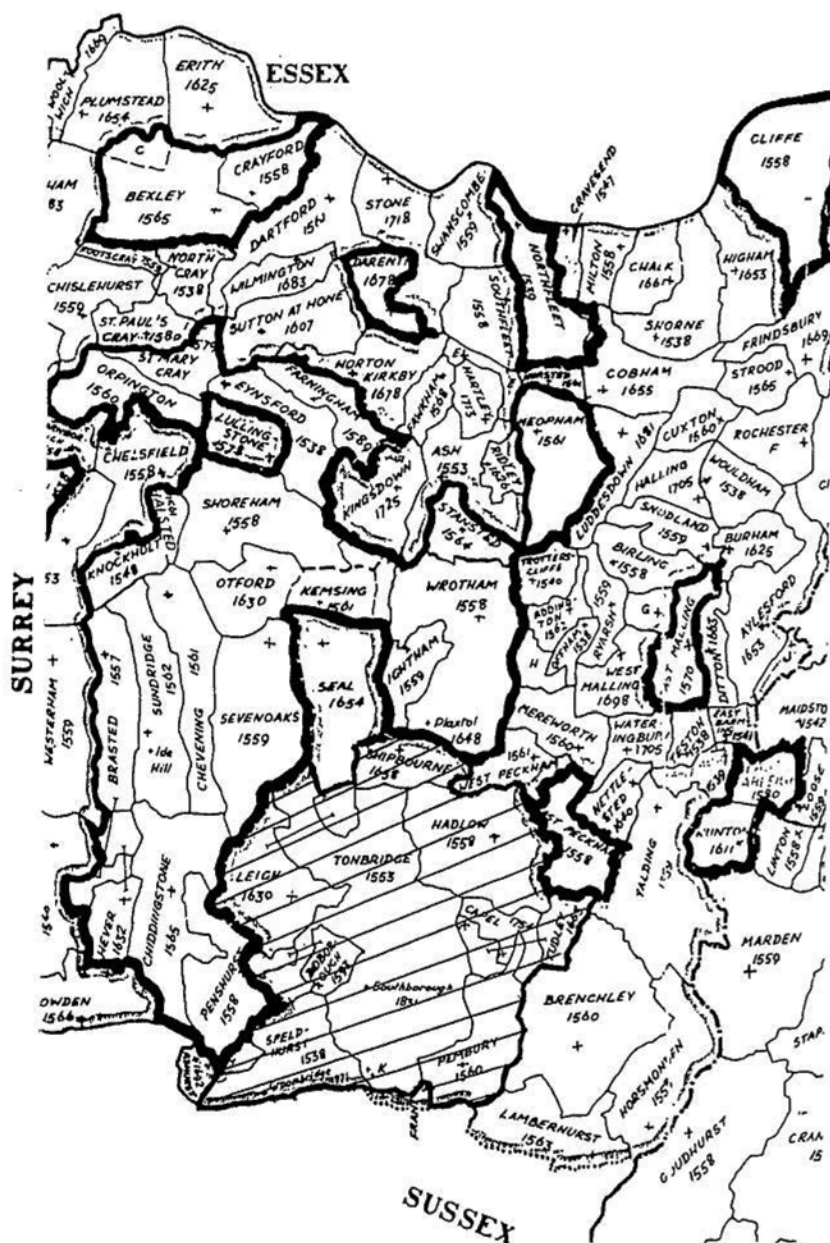


Fig. 1. Tonbridge and surrounding parishes

TABLE 1. NUMBER OF WILLS BY PARISH, BY PERIOD AND BY SEX

Date	1500-9	1510-19	1520-29	1530-39	1540-49	1550-61	Male	Female	All
Bidborough			4		2	2	8		8
Capel	1	4	4	4	2	15	28	2	30
Hadlow	12	23	17	11	13	32	88	20	108
Leigh	2	2	5	4	3	11	27		27
Pembury	2	1	3	5	4	13	23	5	28
Shipbourne	2	4	4	5	6	5	21	5	26
Speldhurst	7	8	10	12	4	14	51	4	55
Tonbridge	9	25	21	9	21	59	130	14	144
Tudeley	1	5	6	3	3	14	24	8	32
Male	32	65	66	47	54	136	400		
Female	4	7	8	6	4	29		58	
All	36	72	74	53	58	165			458

every seven by men. This average hides some variation by time and place. During the period of particularly high mortality, 1555-1559, the proportion of female will-makers rose to one in five. Hadlow and Tudeley had a higher than average proportion of women will-makers but Leigh and Speldhurst a lower proportion (Table 1).

A comparison between wills and registered burials was only possible for Tonbridge since none of the other parishes' registers begin before 1560. Between 1547 and 1560, 634 burials were recorded, of which twenty-nine were stated to be of children (although this is probably an underestimate). For the same period there are sixty-seven wills recorded, although the burials of only forty-five of the testators appear in the register. If allowance is made for wills in the Public Record Office it would appear that in Tonbridge about one in nine adults made wills.

The church encouraged even poor people to make wills in the hope of receiving some of the property not already earmarked by custom for other beneficiaries, but it is unlikely that these testators represent a true cross section of the community. Probate was expensive and many sought to avoid the complication 'especially where estates were small and those close to the deceased were able to co-operate in mutual trust.'⁵ Over the whole period and taking all the parishes, four testators entitled themselves gentleman, six priest, twenty-nine yeoman, twelve husbandman, and two labourer, while thirty-four stated themselves to be craftsmen or mentioned 'shops'. There were fifty-eight women, of whom thirty-six stated themselves to be widows. The distribution by the wills of 'luxury' items such as pewter, linen, painted cloths and feather beds also places the majority of testators among the more affluent. Nevertheless, will-making was not confined to particular families since among the testators of the 458 wills there are 239 names of which 140 appear only once and only six occur seven or more times.

Wills have obvious limitations as a source for the study of a community as a whole. However, there are certain aspects of life in the community for which they provide valuable information. One of these, the position of women in the community, is the subject of this article.

THE COMMUNITY

The nine parishes of the study lie in the south-west corner of Kent, on the southern boundary of the Weald Clay vale where the clay overlies the sandstone of the Hastings Beds. In general the villages of the area are located on the sandstone ridges with subsidiary settlements round

a mill in the neighbouring valley. The streams in these valleys were used to power machinery for ironworking, the cloth industry and milling. The soils on the clay are heavy and many were not ploughed until the Second World War. Pasture and woodland must have been the dominant land use.⁶

Hasted describes an area which was still well wooded in the late eighteenth century,⁷ and this is consistent with the evidence of the wills. Woods and underwoods are often added to the common formula of 'lands, tenements, rents, services medes and pastures'.⁸ Groves and even single oaks are also bequeathed and occasionally the tools of a woodman such as William Wynter who left a bordaxe, a carve-axe, a byll, a pallaxe and a hokyngaxe.⁹ 'Fedyng places' are also mentioned with the more usual 'medes and pastures', which perhaps suggests fattening for a market.¹⁰

Although it is difficult to gain a clear idea of the agriculture of the area without inventories, wills do include various animals and crops. Horses occur more often than oxen but usually a single animal described as 'my bay gelding' or 'my hambling mare', clearly a riding horse rather than a farm animal. By contrast four, six or a full team of oxen are commonly bequeathed and these would seem to have provided the plough animals on the heavy soil. Cattle appear to have been more important than sheep but, rather surprisingly, pigs are seldom mentioned. Of the corn crops, wheat was left most frequently but often in small quantities for distribution at the testator's funeral.

No attempt has been made to estimate the population of the area as a whole but the indications are that it was rising. This is confirmed by Zell's work, based on evidence from forty Wealden parishes, including those of the Tonbridge area. Although the study concentrated on a slightly later period, he was of the opinion that the 'Kentish Weald was producing a 'net' population increase from at least the 1540s'.¹¹ The average number of children per will in the Tonbridge area increased over the period 1500-1560 from 2.3 to 3.0 (Table 2). The figures underestimate the actual number of children per family since they take no account of children who had died previously nor of adult children who may have been omitted from the will.

Another indication of a rising population is the evidence of building and of the subdivision of properties.¹² This subdivision occurred despite the fact that the area was better able than most to absorb the increase because of forest clearance and the cloth and iron industries.¹³

This rise was not without setbacks. Both wills and entries in the burial register for Tonbridge show a peak in the years 1557-1559 (Fig. 2). The occurrence of new surnames in the register also peaks at this time suggesting increased immigration from other parishes. The

TABLE 2. NUMBER OF CHILDREN PER WILL

Period	Wills	Number of Children	Average per Will
1500-09	36	82	2.28
1510-19	72	140	1.95
1520-29	74	184	2.49
1530-39	53	140	2.64
1540-49	58	185	3.19
1550-61	165	497	3.02
Total	458	1228	2.69(av)

incidence of surnames indicates a population in excess of the 1,400 estimated by Chalklin for 1560, if each name represents a household averaging 4.2 (Fig. 2). A possible explanation, which would lower this average, is that comparatively large numbers of single people from outside the parish, perhaps servants or apprentices, were living in Tonbridge. This would be consistent with Zell's findings for Staplehurst and Cranbrook.¹⁴

The wills do indicate a concentration of crafts in Tonbridge. The town was well placed on the London to Rye road for trade with a wider area than its surrounding parishes. The larger towns of Maidstone and Sevenoaks probably competed for some of the trade but the market in Tonbridge would have been the most convenient for most of the villages in the study.

INHERITANCE BY WIDOWS

The Tonbridge area is interesting as it was traditionally one where *gavelkind* operated. The customary dower of lands in *gavelkind* was formerly called 'free bench' and it differed from the custom in most of the country in that a widow was entitled to a half of her husband's lands and tenements rather than the more usual third.¹⁵ However, this more generous provision was subject to the condition that she did not hold the lands for life but only, 'so long as she live chaste'¹⁶ She would forfeit the lands not only on remarriage, but also if fornication was proved, most obviously if a child were born 'and heard to cry'. A young widow must have been very vulnerable to malicious rumours spread by interested parties, and the law acknowledged this as calling a widow 'a whore' was actionable in common law.¹⁷ She was not allowed to opt for 'the widow's third' to be held, unconditionally, for

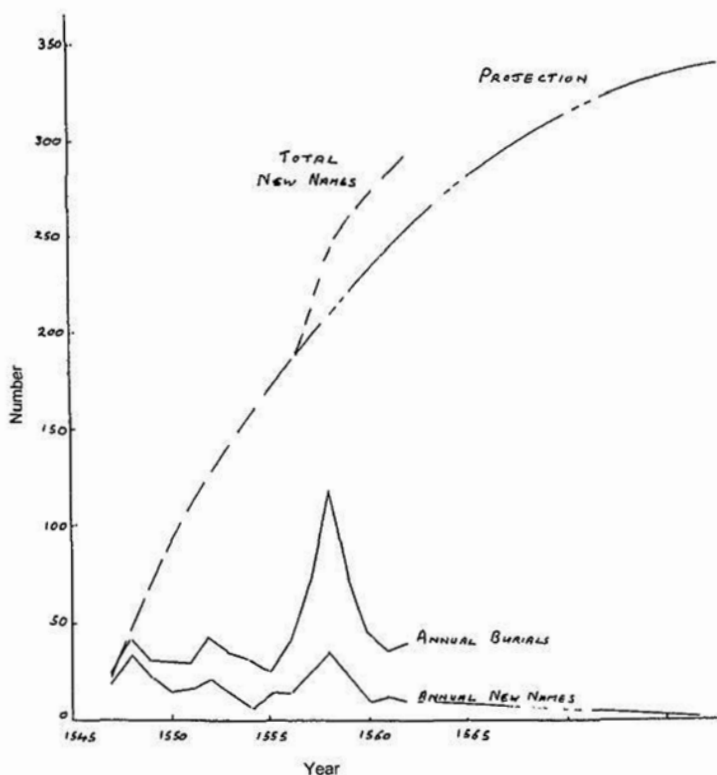


Fig. 2. Burials and new Surnames: Tonbridge Register 1547-61

life but she could choose to hold her lands jointly with the heir. This must often have happened, especially if she was elderly and the heir a son with whom she was on good terms. There is also evidence in court rolls to show that widows often handed over their lands to sons after only a short interval.¹⁸

At least in earlier times,¹⁹ dower was given at the church door at the time of marriage. It was a gift from the husband but one which a free man was bound to give. It normally consisted of one third of the land of which the husband had *seisin* on the day of marriage. It did not apply to land acquired after the marriage and it 'could only attach to land held in free tenure'. It might or might not consist of nominated pieces of land, and it could, with the bride's agreement consist of less than one third. It might not be of land but could consist of 'money, rents, services or chattels'.²⁰

Provision made for widows in their husbands' wills must be seen against this background. Widows were usually mentioned at an early stage in the will and provision for them constituted a major part of its contents, but it is difficult to tell whether these bequests are in addition to her dower, or merely a clarification of the details. When dower is mentioned it is often in connection with some modification of the terms.²¹ Even if she did remarry, there is evidence that custom gave some protection. James Marden's wife for example, was to lose her inheritance if she remarried, except 'the third part according to the right of the law'.²² Obviously, provision varied, too, with the wealth of the testator. A will, therefore, may not explain all the provision made for a widow, still less what lay behind the arrangements. For these reasons a breakdown of the bequests into categories can only be approximate, but it is accurate enough for useful comparisons to be made.

The following six categories of bequest types have been identified in this study:

- 1) Those widows left at least a life interest in all their husband's lands or other properties.
- 2) Those left the holding for a time, either a number of years or until the heir was of age.
- 3) Those left a house, or a house and land, which was a part only of their husband's holding.
- 4) Those left a room, or rooms and maintenance.
- 5) Those left only money or goods.
- 6) Those for whom some other provision, or none, was made.

Table 3 shows the percentages in each category, for each of the nine parishes, and the totals. The total number of allocations to all categories (315) is greater than the total number of widows (286), since widows who were left holdings for a fixed period were normally provided for in some other way when that time elapsed.

The figures appear to indicate some difference in custom between parishes. These differences are not easily explained by the 'demographic fortunes of the testator's primary family'²³ as can be seen from **Table 4**. Tonbridge and Speldhurst, for example, while providing in a similar way for their widows, have a dissimilar distribution of children. Wealth and position in the family cycle are difficult to ascertain in the absence of either inventories or parish registers, but the few cases where assessment is possible indicate no explanation either. The three parishes with a similar pattern of provision for widows were those with the largest number of will-makers, Ton-

TABLE 3. NUMBERS AND PERCENTAGES OF WIDOWS BY CATEGORY

Category	1		2		3		4		5		6		Total
	No.	(%)	No.	(%)	No.	(%)	No.	(%)	No.	(%)	No.	(%)	
Bidborough	1	(20)	1	(20)					2	(40)	1	(20)	5
Shipbourne	7	(43)	1	(6)	3	(19)			4	(25)	1	(7)	16
Leigh	4	(18)			5	(23)	4	(18)	6	(27)	3	(14)	22
Pembury	8	(53)					2	(13)	2	(13)	3	(20)	15
Capel	3	(16)	4	(21)	3	(16)	2	(11)	7	(37)			19
Tudeley	5	(25)	4	(20)	3	(15)			8	(40)			20
Speldhurst	15	(32)	8	(17)	8	(17)	4	(9)	10	(21)	2	(4)	47
Hadlow	26	(43)	4	(7)	13	(21)	6	(10)	11	(18)	1	(2)	61
Tonbridge	41	(37)	12	(11)	24	(22)	7	(6)	19	(17)	7	(6)	110
Total	110	(35)	34	(11)	59	(19)	25	(8)	69	(22)	18	(6)	315

TABLE 4. FAMILIES OF WIDOWS

Parish	Sons and daughters		Sons only		Daughters only		No children		Total
	No.	(%)	No.	(%)	No.	(%)	No.	(%)	
Bidborough	2	(50)			1	(25)	1	(25)	4
Shipbourne	6	(43)	2	(14)	1	(7)	5	(36)	14
Leigh	12	(57)	3	(14)	1	(5)	5	(24)	21
Pembury	9	(60)	4	(27)	1	(7)	1	(7)	15
Capel	12	(67)	2	(11)	3	(17)	1	(6)	18
Tudeley	12	(71)	1	(6)	2	(12)	2	(12)	17
Speldhurst	28	(65)	5	(12)	6	(14)	4	(9)	43
Hadlow	28	(50)	12	(21)	7	(13)	9	(16)	56
Tonbridge	52	(53)	18	(18)	6	(6)	22	(22)	98
Total	161	(56)	47	(16)	28	(10)	50	(18)	286

bridge and the parishes with the two largest villages, Hadlow and Speldhurst. A similar pattern is found when the totals for all nine parishes are used. It is possible therefore that differences between the smaller parishes, and between them and the three larger parishes, are best explained by the size of the samples. For this reason further discussion of the categories is based on the totals for all nine parishes.

There were a hundred and ten widows in category (1), 35 per cent of the sample, who inherited all their husband's property. The percentage increased to 42 for widows without any children (Table 5).²⁴ Where a widow had both sons and daughters, however, her chances of being in this category declined to 26 per cent. These figures suggest two questions: why did some widows with children still inherit all the property for life: why did those without children fail to inherit all the land in a majority of cases?

It is more difficult to answer the first question. Several of the testators, like Richard Newman, who asked his wife 'honestly to find my children, being yonge' were leaving heirs who were under age.²⁵ Some had married children, perhaps already provided for. Others only left a house, or a house and garden, probably barely sufficient to support the widow. A closer examination of the wills of testators without children, who still did not leave their widows all their land, reveals that in most cases no land was mentioned. Several others were left a part of the holding, the rest going to kin or in substantial bequests to the church.

A few widows were left the land outright. John Wattes left his wife all his lands 'to give or to sell',²⁶ as she wished, while William Frye

TABLE 5. ALLOCATION OF WIDOWS BY FAMILY TYPE

Category	1		2		3		4		5		6		Total
Family	No.	(%)	No.	(%)	No.	(%)	No.	(%)	No.	(%)	No.	(%)	
Sons and daughters	48	(26)	25	(14)	39	(21)	21	(11)	40	(22)	10	(6)	183
Sons only	24	(50)	3	(6)	8	(16)	4	(8)	8	(16)	2	(4)	49
Daughters only	15	(54)	3	(11)	3	(11)			6	(21)	1	(3)	28
No children	23	(42)	3	(6)	9	(16)			15	(27)	5	(9)	55
Total	110	(35)	34	(11)	59	(19)	25	(8)	69	(22)	18	(6)	315

bequeathed all his land in Leigh and Speldhurst to his wife 'in as ample form as I have it'.²⁷ Margerie Fischer was not given quite so much freedom to dispose of her inheritance, but she was left all her husband's lands for life plus a year, presumably so she could distribute that year's income in her own will.²⁸ Much more typical, however, was James Geste who left his wife Elizabeth his house and lands in Speldhurst 'for term of her natural life', to pass to his brother William on her death.²⁹

Category (2), those left their husband's holding for a limited period, was much smaller. It included thirty-four widows or 11 per cent of the sample, ranging from 6 per cent of those with no children, to 14 per cent of those with both sons and daughters. Many of these children were young and phrases such as 'during the nonage of my heirs' or 'for the upbringing of my children' often introduced the bequests. The testator's lands were left to the widow for periods varying from one to twenty years, or more commonly until the heir came of age, at which stage some other provision was usually made. Katherine, wife of Richard Lockear, inherited his house and all his lands until his daughters were ten, when house, barn, threshing floor and lands were to be divided between them. She might then retain a garden until they were twenty, but no further provision was made for her.³⁰ There was only one other case of a daughter inheriting while her mother lived, and then only part of the property. The sons who inherited usually did so at twenty-one. Wealthier testators often provided a house and perhaps land for their widow at this stage. Elizabeth Rabblye, for instance, retained the lease of the Dower Lodge, in Hadlow, when the rest of the holding passed to her son.³¹ Others received an annuity or the profits of half the land.

Margaret Sandyll was to have 'the North side of my house' plus two gardens while Johan Latter was to have 'a chamber and parlour in Holdens' plus 13s. 4d. per annum from each of her two sons.³² Sometimes no provision was made but this was usually when the widow had had control of the lands for a lengthy period and could be expected to make her own arrangements.

There were fifty-nine women in category (3), 19 per cent of the sample, who received a house or a house and land, which formed a part only of their husband's holdings. They were usually the widows of comparatively wealthy testators whose holdings were capable of division. In contrast to the previous category, when children were mentioned they were apparently of an age to inherit. Many of these women might have been in category (2) if their husbands had died at an earlier stage in their lives. All were left more than the bare minimum, but some must have been able to live quite comfortably.

Dioness Bowreg inherited a house and its lands, several crofts and gardens and all her husband's meadowland. Her son, of an age to hold land, received only two crofts, and the rest of the lands on her death. In contrast, Elizabeth Hamon was to live with one son in 'the ketchen House', with a way to the street and well, the 'litle meade before the door', and half the hemp land. Her other son inherited 'the mansion I dwell in' and considerable land, like his brother. Between them they were to supply their mother with seven loads of wood, a bushel of good wheat, and a quarter of barley each year and the keeping of two cows.³³

The twenty-five widows in category (4), those left a room or a room plus maintenance, are only 8 per cent of the sample, but provide some of the most interesting glimpses of contemporary life. All were left a room or rooms in their sons' houses. Usually the testator appears less wealthy than those in the previous category, but not always. Joan Marten was left only a room although her two sons inherited four houses between them; perhaps she was too old to live alone.³⁴

There was recognition on the part of the testators that shared accommodation could cause problems. In several cases alternative arrangements were made in the event that the parties 'could not agree'. Very often the wife's rights were spelled out in some detail. Alice Swayland was to have 'the chambre where in I lye sick' in her son Nicholas' house, 'with free access to the hall, kitchen and back-side of the mansion and dwelling house, to bake brew and wash and do all and every other thing and things necessarie and apperteynyng unto her without let disturbance or interruption of the said Nicholas'.³⁵ It was often stipulated explicitly that there should be 'free egress and regress', and access to 'fleete and fire', bake-house or oven. This was not so in the case of Johan Borne who was provided with two chambers 'at the West end of my mansion', but as well as an annuity she also inherited all the corn and cattle, not to be divided between the sons until her death.³⁶ Husbands seemed to fear that life might be difficult for widows and did the best they could to strengthen their hand.

There were sixty-nine widows in category (5), which, at 22 per cent of the sample, was the second largest group. These women, who inherited goods or money only, were not necessarily the poorest. Among them was Johan Harrison, who was to be paid £100 by her husband's executors within a year of his death, as well as being left considerable house goods of 'the best' quality and two cows.³⁷ Elizabeth Cheesman, must also have been quite an attractive proposition as she inherited £30 in debts to collect and, 'four oxen, seven cows, one bull, two mares, eight hogs, five calves, six quarters

of wheat and three of rye.' Most numerous in this category however, were those left the residue of their husband's goods, which are impossible to evaluate in the absence of inventories. As has been stated already, in many of these cases no land was mentioned in the will and the bequest must either have represented most of what there was to leave or have supplemented arrangements about land already understood. Most of the remaining widows in this group were left annual sums, ranging from 10s. to 46s. 8d., to be paid by the testators' sons or brothers who had inherited the land. Unless they had other means of support it must have been difficult to live on such sums at a time when even labourers earned between 4d. and 6d. per day.³⁸ In view of the inflation in their price, the two widows who were left a single cow may have had the better bargain.

The eighteen widows in category (6), for whom other provision or none was made, form 6 per cent of the sample. Eight were left property jointly with their sons. The others were left the residue of the testators' goods, but only conditionally. In most of the examples this meant being left the goods, or occasionally even property, to sell, the money to be employed for 'my soul's health'. Sometimes the money was to be used to pay debts or money and goods were to be distributed among the children.

Many of the bequests to widows were conditional. Seventy testators made conditions, a few of them several. The remarriage of their widows may not have disturbed the villagers of Terling (Essex),³⁹ but it seems to have obsessed those in the Tonbridge area. All but one of the forty-eight men who made conditions about their widows' remarriage had children, many of them obviously still young. Young children imply a young widow with the likelihood of remarriage, and it seems reasonable that the testators should have sought to protect their heirs. There is considerable evidence for litigation between widows and stepsons, and the threat that children from a subsequent marriage might pose.⁴⁰ In about half the cases remarriage meant the widow lost the whole bequest, but in the others she either retained some property or received a small annuity, perhaps in recognition that she still had children from the marriage to raise. Occasionally a more personal note was struck. There is, perhaps, unnecessary vehemence in the expression of the following condition, 'provided alwayes that if the said Alice shall fortune to marry at any tyme hereafter, that then I will and my veray mynd is that the said Alice my wyf shall lose and forgoe all the said parlour, chamber buttry and the keypyng of her said kyne, and every part thereof any word clause or article to the contrary not with- standing'.⁴¹ Another common condition was that the bequest should be used for the support of the children. John Piry asked that his wife 'keep my child

honestly and lovyngly unto the tyme that he shall be abill to govern hymself'; if she did not his overseers were to take both land and child.⁴²

The next most urgent concern was that the widow should hand on the property in good order. Phrases such as 'paying the lord's rent and keeping the repairs' or keeping 'windtight and watertight', 'neither to stripe nor waste save hedgelote and houselot', are common. One testator took the precaution of stipulating the amount his wife should spend on repairs each year, another appointed a carpenter as supervisor to see them carried out.⁴³ Another cause for anxiety was that widows might go to law to claim dower granted at marriage, and several bequests were made conditional on relinquishing any such right.⁴⁴ Unique but interesting was John Wayre's insistence that if his wife 'will not be obedient to the catholyque church but remain still in disobidience unto the same than the said Agnes my wif to have no more than the lawe will admitt and gyve her.'⁴⁵

Conditions might work in the widow's favour, however, and it was quite common to give her the right to distrain on land or goods if she were unpaid by other beneficiaries, such as sons or brothers of the testator. Wills reflect only the theory. That reality might be different is shown by the will of Margaret Goff who pleaded that she was not able to do repairs as charged, 'for poverty', since she had not received the rents due by her husband's will.⁴⁶

There was some change over time in the type of provision made (Fig. 3). There was a fall in the numbers of widows left all their husband's property and a rise in the numbers left money and goods only, probably in response to the increasing numbers of children. It may, on the other hand, merely reflect a change to 'an increasingly cash-dominated economy'.⁴⁷ Even in the early stages of inflation this must have been to the disadvantage of the widows.

Altogether it seems that husbands took considerable trouble to see that their widows were properly provided for and to guard them against disputes arising after their death. Many of them left their wives far more than the law or custom demanded. If the will was 'a written deviation from oral custom', designed to 'enshrine the wishes of the individual holder as against the potential heirs'⁴⁸ it was more often used to improve the widow's lot than to limit her freedom. Where husbands appear to have been mean it can often be explained by lack of wealth or by arrangements made at marriage which took effect automatically on the husband's death. In the Tonbridge area no one custom seems to have been followed, as in the Cambridgeshire villages of Chippenham and Orwell, for example.⁴⁹ Various types of arrangement were made, all of which seem quite logical when the whole will is examined in detail.

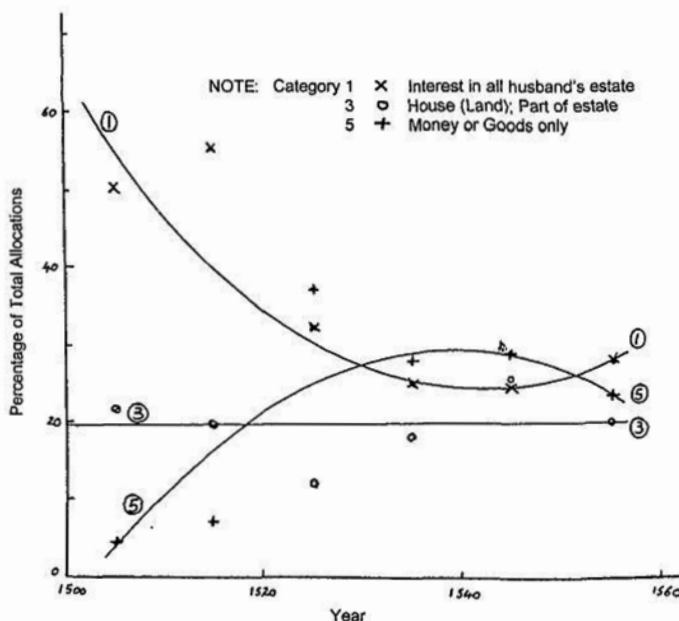


Fig. 3. Change in provisions for Widows over time

INHERITANCE BY DAUGHTERS

Only 215 male testators mentioned daughters in their wills (Table 6). However, as the main concern was to provide money or goods at marriage it seems likely that, having received their portion, some married daughters were ignored. According to Ladurie 'dowry and inheritance are closely linked'.⁵⁰ In many parts of France it was accepted that the '*enfants dotés*', male or female, who had departed the holding, were excluded from the final shareout.⁵¹ When married daughters were included in the wills studied, their share was usually less than that of their unmarried sisters. Otherwise daughters were treated with scrupulous fairness: bequests in money were nearly always the same, while goods were divided meticulously. Occasionally one daughter, for instance Agnes daughter of Roger Chowning,⁵² received more than her share of 'the best', or had her goods specified in affectionate detail, but the difference was slight. In contrast the difference between the treatment of sons and daughters was evident. Daughters inherited land in only 8 per cent of the wills where brothers were mentioned, but in 44 per cent of the wills where there were none.

TABLE 6. DAUGHTERS' INHERITANCE BY CATEGORY
1 LAND: 2 MONEY: 3 GOODS ONLY

Category	1		2		3		Total
Parish	No.	(%)	No.	(%)	No.	(%)	
Bidborough	1	(25)	2	(50)	1	(25)	4
Shipbourne	2	(20)	8	(80)			10
Leigh	2	(15)	9	(70)	2	(15)	13
Pembury	1	(8)	7	(54)	5	(38)	13
Capel	2	(11)	13	(68)	4	(21)	19
Tudeley	2	(11)	12	(67)	4	(22)	18
Speldhurst	5	(17)	17	(59)	7	(24)	29
Hadlow	6	(17)	25	(71)	4	(11)	35
Tonbridge	10	(14)	52	(70)	12	(16)	74
Total	31	(14)	145	(67)	39	(18)	215

The great majority, three-quarters, of those with brothers, were left money (Table 7). Those leaving their daughters goods only, usually appeared poorer but this was not always so.

When daughters inherited land it was typically in the absence of brothers and on the death of the widow. If there was more than one daughter, the holding was normally divided between them, even if this meant it had to be sold.⁵³ Richard Hill tried an alternative strategy; two of his three daughters were to sell to the (unspecified) third.⁵⁴ Occasionally land was left to only one daughter, or daughters with brothers were left a share of the family lands, but this was exceptional.

Testators preferred their children, even daughters, to more distant

TABLE 7. INHERITANCE BY DAUGHTERS WITH BROTHERS

Category	1		2		3		Total
Parish	No.	(%)	No.	(%)	No.	(%)	
Bidborough			1	(50)	1	(50)	2
Shipbourne	1	(11)	8	(89)			9
Leigh	1	(8)	9	(75)	2	(17)	12
Pembury			7	(58)	5	(42)	12
Capel	1	(6)	12	(75)	3	(19)	16
Tudeley	1	(7)	11	(79)	2	(14)	14
Speldhurst	3	(14)	14	(64)	5	(23)	22
Hadlow	3	(12)	21	(81)	2	(8)	26
Tonbridge	5	(8)	49	(74)	12	(18)	66
Total	15	(8)	132	(74)	32	(18)	179

kin. When daughters without brothers were not left land it was either because there was none to inherit or because they were too young to manage it. Thomas Rayne inherited his brother's land probably because William had no widow to manage it for his daughters. Thomas was to pay Olyff and Julyan 6s. 8d. annually during the first years and £30 13s. 4d. each when they were seventeen.⁵⁵ Apparently only one son-in-law inherited in preference to a grown daughter and that was for life, to pass to his wife's or sister-in-law's children on his death.⁵⁶ Several sons-in-law inherited in wills in which no daughter was mentioned but it is impossible to know whether this was instead of a living daughter or as substitute for a dead one.

One hundred and forty-five testators, two-thirds of the total sample, left their daughters money. The sums involved varied, presumably with the wealth of the testator, from 4d. in one instance to £60 in another. More interesting than the actual sums is their size in comparison with sums left to landless sons. There appeared to be no set proportion; daughters' money ranged from less than a third of their brothers', to the same, or even, in three cases, to more. Surprisingly 40 per cent received sums at least equal to their brothers', while 70 per cent received more than half. It is interesting that this is not true of legacies to unborn children (a very small sample) among which there are no examples of females bequeathed as much as males. Perhaps existing daughters, especially in comparison with existing sons, had a stronger claim on their fathers' affection. As with younger sons, the duty of providing for daughters must often have represented a real threat to the integrity of a holding and efforts were made to spread the burden. Arrangements could seldom have been so neat as those made by Henry Skynner who paired his four sons with his four daughters, each son to pay a daughter 13s. 4d.⁵⁷

Thirty-nine testators, 18 per cent of the sample, left their daughters goods only. Of these only seven were in the group without brothers (Table 8) and an examination of the wills showed that in each case a widow had also inherited, usually only goods having been left. Even testators in this category who had sons as well as daughters, appear to have been poorer. Nevertheless, some daughters received substantial endowments in goods only. Two daughters of Thomas Stanforde, Agnes and Alice, were provided with considerable quantities of household 'stuff', including brass, pewter and linen, as well as the residue of moveable goods between them.⁵⁸ Often, however, the bequest was an animal: the 'black pied cow', 'the hefer with the whit face', a calf, a ewe or a lamb. Agnes Barton inherited her late mother's best clothes and silk hat.⁵⁹ Occasionally grain was left or even a single household item such as a cauldron, mattress or maser.

TABLE 8. INHERITANCE BY DAUGHTERS WITHOUT BROTHERS

Category	1		2		3		Total
	No.	(%)	No.	(%)	No.	(%)	
Parish							
Bidborough	1	(50)	1	(50)			2
Shipbourne	1	(100)					1
Leigh	1	(100)					1
Pembury	1	(100)					1
Capel	1	(33)	1	(33)	1	(33)	3
Tudeley	1	(25)	1	(25)	2	(50)	4
Speldhurst	2	(29)	3	(43)	2	(29)	7
Hadlow	3	(33)	4	(44)	2	(22)	9
Tonbridge	5	(62)	3	(38)			8
Total	16	(44)	13	(36)	7	(19)	36

Few conditions were imposed on daughters' inheritance though they often had to wait for their mother's death or remarriage, or for their brothers' deaths. Girls most often inherited at marriage or eighteen, but some did so as early as ten or as late as thirty. Some legacies were dependent on the widow's approval of marriage partner or even entirely at her discretion, but this was not usual.

Although their bequests were sometimes small there is no basis to argue from this that daughters were little valued. When land was available it almost invariably passed to sons, but daughters were usually preferred to remoter kin. When only money or goods were bequeathed the distinction between sons and daughters was not so sharp. Often, particularly small bequests can be explained by poverty or by the fact that the daughter was already married and in possession of her portion.

THE STATUS OF WOMEN

The role of women as beneficiaries in their husbands' or fathers' wills illustrates most clearly their importance relative to their sons or brothers. The testamentary evidence also includes valuable additional information as to their social position and significance within the community.

It is implicit in many wills that women were to be trusted with the upbringing of young children and the guidance of older ones. Some men had doubts about their wives' ability, or more likely their future husbands' goodwill.⁶⁰ George Cheesman made provision that if his wife remarried 'and her husband prove unkind' then his executors

were to remove the children and 'bestow' them elsewhere, with £10 for their maintenance.⁶¹ Most men, however, made no such conditions in respect of their children, some even giving their wives discretion in the choice of marriage portions and the distribution of goods. By some wills a daughter's inheritance depended on her marrying with the 'advice and consent' of her mother. Sons seldom inherited before the age of twenty-one and in the meantime the widow must have had influence over them, too. Husbands enjoined not only the 'keeping' of their children but also their 'virtuous upbringing', presumably in the expectation that their widows would be capable of the undertaking.

Women, particularly wives, were regularly left as executors of wills. Of two hundred and eighty-six widows mentioned in their husbands' wills, two hundred and twenty-one were left as executors, a hundred and seventy-one of these as sole executor and seventy-five without even an overseer to help or restrain them. Admittedly this was less likely to be true if the will was complicated. Roger Lewkens, Gent., made his wife sole executor, for 'the special confidence and tryst I have in hyr', but took the precaution of appointing a sergeant-at-law as overseer 'that he will of his goodness be aydyng and assintyng my said wiff with his good counsell'.⁶² However, this invocation of professional help appears to be unique. In the majority of cases joint executors were sons, and overseers were kin or men of some standing in the community.⁶³

Although widows formed the largest group they were not the only women executors. Seven fathers and eight mothers appointed their daughters as executor. Four men chose their mothers, a man and a woman chose sisters, a woman chose a niece and one woman and three men chose apparently unrelated women.

It is difficult to say how much power a woman would have had as executor. It must have depended in part on whether there were others, brothers or grown sons of the testator for instance, to challenge her authority, and also on her own personality. Several widows who were left as executors of their husbands' wills, later made wills of their own. Several of them survived their husbands for some years and at the end of that time still had property or important possessions to bequeath. By her husband's will of 1570, Johan Bowregg inherited the profits of his 'mylls, the mill poundes and of the land belonging', with considerable named lands for her life. She was obviously still in control seven years later when she made her own will, which involved complicated arrangements for the division of land between her two sons. She left one son a quantity of farm equipment and the implements of the dye-house. The other had the mill ponds where he was

instructed to build a house and jetty at a cost of £8. She seems to have taken an active part in the administration of the estate.⁶⁴ At least ten other women left land and several left farm or other equipment which suggests they, too, continued to be involved in farm or business. Sometimes, however, land mentioned in the husband's will was not mentioned in the wife's. Joan Bishop, for instance, was left several 'parcels' of land by her husband John in 1512 but left only pots and pans and items of clothing in her own will of 1530. She may have been quite old and glad to surrender land to her son or stepson, who was already of age at the time of her husband's death. Another arrangement which certainly appears to have worked amicably was that made by Nicholas Oxley in his will of 1550. He left his wife his principal messuage but his broad looms to his kinsman and namesake, who was to pay her 8s. per annum. In her will of 1554 she left the same Nicholas 'the great chest in the hall house where I now dwell and two painted clothes that hang the same side as the chest', with some bedding and pots and pans. Nothing was said of her property or of the two sons in her husband's will, and she made her daughter sole executor.⁶⁵

A comparison of the wills of husbands and their wives can be illuminating in other ways. They often had more children between them than either owned to individually. This can be explained sometimes by two or more marriages, but not always. Widows had less to leave but seem to have felt free to dispose of it as they wished. Several left land to a daughter although sons existed. For instance, Alice Mell provided four daughters with land, leaving the residue of her goods to her two sons.⁶⁶ Sometimes the 'sons' are only known from their father's will and are not mentioned in the widow's. Wills can be misleading in other ways. Robert Goldsmyth died in 1524, apparently a poor man leaving no land.⁶⁷ His wife received his goods except for a cooking pot and tunic left to one daughter and a cow between the other two. No son was mentioned. When his wife died only a year later, however, she left land to one Goldsmyth son, money to two others and household goods to four daughters. She also left her maid 'an old kerchif and a neckcoler cloth'.⁶⁸

Women's bequests other than of land were often both detailed and colourful. When it came to domestic items and, more obviously, clothing, female friends and relatives received most of the bequests. Godlyve Adams left her son John Carter a 'latten bason'. Her daughter, Johan Balarde, was to inherit 'my scharlet gown, furred with whyte mynver and a payer of fyne shettys one with an opyn seme and that oder with a hole seme, a salt seller of silver with a cover of gylte, a payer of coral bedes guadyd with silver and gelte and a ring

of gold with a blue stone and a ring of gold with letters scryven on it three spoons of silver one of silver and gold and a gold and silver gelte cuppe'. Her other daughter was left a similar list of valuables and bedding, brass, pewter, 'nappery ware and al oder household stuff', as well. Her granddaughter, Mary Carter, was to have 'a prymer of parchment wrytten and lynned with gold', and her daughter in law 'a elne of black sarsenett to put on her head'. Alice Godfrey and Julyan Trytyll, presumably women friends, were also left clothing, including three linen kerchifs, 'a black kertyl lined with white blankett', a new smock cloth, and two and a half yards of woollen cloth.⁶⁹ Johan Harrison, another rich woman, made bequests to no less than fourteen women, none of them obviously related to her.⁷⁰ Bequests of animals, poultry, spinning equipment, wool, linen and hemp were also quite common to daughters or other women. The pattern was repeated among those with only peticoats and kerchifs to leave.

Women were also more likely to leave bequests to their servants than men were.⁷¹ Margery James left her maid, Alice, a mattress, a little featherbed, some bedding and 'the middle brass pot'. Agnes received 5s., five and a half pounds of wool 'meat and drink in the house while she spins it, and the little iron kettle'.⁷²

Surprisingly, not many women made detailed bequests to the church. As far as can be judged from the religious preambles to their wills, and where comparison is possible, they were of the same religious persuasion as their husbands. There were a few exceptions, for instance when a widow survived into more Protestant times her will sometimes reflected this. It would be interesting to see the will of Alice Wayre, unfortunately not recorded, as both her parents left wills with Reformist preambles, while her husband's was traditional and furthermore demanded that she turn from her disobedience to the Church as a condition of inheritance.⁷³

While displays of open emotion can hardly be expected in wills, nevertheless there is some direct evidence of affectionate relationships. The care with which husbands and fathers provided for their women argues this, as do the detailed bequests made by mothers to daughters. Three husbands asked to be buried beside their wives, and three wives asked to be beside their husbands, one of each group a spouse from an earlier marriage. A husband made arrangements for his first wife and dead children to be prayed for by name by the poor prisoners to whom he was giving alms.⁷⁴ Considerable sums were spent on masses for the souls of family and friends. Occasionally emotion showed. Practical considerations rather than sentiment may have prompted John Bartan to leave his wife 'the bed that we were

wont to lye in' but real affection surely inspired Thomas Stace. He left Agnes Ashby 40s. if she would 'tarry with my wife til she marry and be gentle and good to her.'⁷⁵

NOTES

¹ The original study is the author's dissertation, 'Aspects of a Community: Tonbridge and its surrounding parishes in the period 1500-1560', for the University of Kent Local History Diploma. The paper is based on Centre for Kentish Studies (CKS), Registers of Wills, DRb/Pwr, vols. 6-12.

² CKS, Transcript of Tonbridge burial register, TR2451/20.

³ C. W. Chalklin, 'A Kentish Wealden Parish'. (Thesis presented for the degree of Bachelor of Letters, Oxford, 1960.)

⁴ R. Houlbrooke, *Church Courts & the People, During the English Reformation 1520-1570* (1979), 89-91.

⁵ *Ibid.*, 90.

⁶ Geology of the Country Round Sevenoaks, Sheet 287 (H.M.S.O. 1960).

⁷ E. Hasted, *The History and Topographical Survey of the County of Kent*, v (Canterbury, 1798), 196-7.

⁸ CKS, DRb/Pwr 9/377.

⁹ CKS, DRb/Pwr 6/352 & DRb/Pwr 11/339.

¹⁰ CKS, DRb/Pwr 6/31. Hasted, *op. cit.* (note 7), 197 mentions 'good fatting land' by the river.

¹¹ M. L. Zell, 'Population and family structure in the Weald', *Archaeologia Cantiana*, c (1984), 231-257.

¹² CKS, DRb/Pwr 11/288, and 12, 149, 155.

¹³ C. W. Chalklin, *op. cit.* (note 3), 19.

¹⁴ M. L. Zell, *op. cit.* (note 11), 251-3.

¹⁵ T. Robinson, *The Common Law of Kent; or the Custom of Gavelkind* (Ashford, 1858), 95.

¹⁶ *Ibid.*, 95.

¹⁷ *Ibid.*, 96.

¹⁸ *Ibid.*, 113. C. Howell, 'Peasant inheritance customs in the Midlands 1280-1700,' in J. Goody, J. Thirsk and E. P. Thompson (Eds.), *Family and Inheritance: Rural Society in western Europe, 1200-1800* (Cambridge, 1976), 145.

¹⁹ J. S. Loengard, 'English dower and its consequence', in J. Kirshner and S. F. Wemple (Eds.), *Women of the Mediaeval World* (1985), 220. J. Goody *et al.*, *op. cit.* (note 18), 16.

²⁰ Glanvill, vi, 2, quoted by J. S. Loengard, *op. cit.* (note 19), 218.

²¹ J. Rayne, CKS, DRb/Pwr 9/326; also T. Bowredge, CKS, DRb/Pwr 12/494.

²² CKS, DRb/Pwr 11/211.

²³ K. Wrightson and D. Levine, *Poverty and Piety in an English Village* (1979), 95.

²⁴ Where the word 'children' is used it refers to children of the husband mentioned in the will. They may or may not have been the widow's own children, and either husband or wife may have had other children not mentioned in the will.

²⁵ CKS, DRb/Pwr 8/48.

²⁶ CKS, DRb/Pwr 9/241.

²⁷ CKS, DRb/Pwr 11/333.

²⁸ CKS, DRb/Pwr 6/258.

²⁹ CKS, DRb/Pwr 7/169.

³⁰ CKS, DRb/Pwr 12/79.

- ³¹ CKS, DRb/PWr 12/14.
- ³² CKS, DRb/PWr 6/186.
- ³³ CKS, DRb/Pwr 11/325 and DRb/Pwr 12/41.
- ³⁴ CKS, DRb/Pwr 9/140.
- ³⁵ CKS, DRb/Pwr 11/114.
- ³⁶ CKS, DRb/Pwr 10/204.
- ³⁷ CKS, DRb/Pwr 12/290.
- ³⁸ E. H. Phelps-Brown and S. V. Hopkins, 'Seven centuries of building wages', in E. M. Carus Wilson (Ed.) *Essays in Economic History*, 170.
- ³⁹ Wrightson and Levine, *op.cit.* (note 23), 97.
- ⁴⁰ J. S. Loengard, *op.cit.* (note 19), 232.
- ⁴¹ CKS, DRb/Pwr 7/267.
- ⁴² CKS, DRb/Pwr 7/264.
- ⁴³ CKS, DRb/Pwr 11/236.
- ⁴⁴ CKS, DRb/Pwr 9/326.
- ⁴⁵ CKS, DRb/Pwr 12/262.
- ⁴⁶ CKS, DRb/Pwr 6/278.
- ⁴⁷ C. Howell, *op.cit.* (note 18), 140.
- ⁴⁸ J. Goody *et al.*, *op. cit.* (note 18), 15.
- ⁴⁹ M. Spufford, *Contrasting Communities* (Cambridge, 1974), 88-90, 113-18.
- ⁵⁰ E. Le Roy Ladurie, quoted in J. Goody *et al.*, *op. cit.* (note 18), 15.
- ⁵¹ *Ibid.*, 14.
- ⁵² CKS, DRb/Pwr 12/285.
- ⁵³ CKS, DRb/Pwr 12/115.
- ⁵⁴ CKS, DRb/Pwr 6/78.
- ⁵⁵ CKS, DRb/Pwr 11/10.
- ⁵⁶ CKS, DRb/Pwr 7/171.
- ⁵⁷ CKS, DRb/Pwr 6/217.
- ⁵⁸ CKS, DRb/Pwr 12/418.
- ⁵⁹ CKS, DRb/Pwr 8/246.
- ⁶⁰ J. S. Loengard, *op. cit.* (note 19), 232.
- ⁶¹ CKS, DRb/Pwr 8/332.
- ⁶² CKS, DRb/Pwr 8/40.
- ⁶³ The parish priest or clerk appears in this capacity on a number of occasions.
- ⁶⁴ CKS, DRb/Pwr 6/323; 9/380.
- ⁶⁵ CKS, DRb/Pwr 11/141, 278.
- ⁶⁶ CKS, DRb/Pwr 7/125.
- ⁶⁷ CKS, DRb/Pwr 7/337.
- ⁶⁸ CKS, DRb/Pwr 8/19.
- ⁶⁹ CKS, DRb/Pwr 7/126.
- ⁷⁰ CKS, DRb/Pwr 12/498.
- ⁷¹ 7 out of 58 women; 26 out of 400 men.
- ⁷² CKS, DRb/Pwr 12/33.
- ⁷³ CKS, DRb/Pwr 12/262.
- ⁷⁴ CKS, DRb/Pwr 8/293.
- ⁷⁵ CKS, DRb/Pwr 8/246; DRb/Pwr 9/230.