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Inventories in the Probate Records of the Diocese of Durham

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SUMMARY

T*his paper seeks, by describing the collection, to promote the fuller understanding and increased appropriate use of the inventories among the Probate Records for the Diocese of Durham, which included, at the time when most inventories were made (c.1550–c.1720), Northumberland and parts of Yorkshire and Cumbria as well as County Durham. These are held in the Archives and Special Collections section of the Durham University Library. This material provides important insights into wealth, possessions, social status and legal controls in Northern England over a period of nearly two centuries.*

THE ORIGINS OF PROBATE INVENTORIES

The practice of listing a deceased's possessions goes back to the Roman law of Emperor Justinian in the sixth century, if not earlier. Roman heirs had the 'benefit of the inventory', by which they could enter inheritance without liability for debts and claims beyond the value of the estate as it was established by inventory.¹ The relevant English law is set out in three Acts passed in 1529 which concern the estates of persons dying both testate or intestate; the preambles to these Acts describe practice as it had been till then.² The duty was imposed on the executors of wills, and the administrators of the estates of intestate persons, to make (or cause to be made) inventories in order to secure the property to those entitled to it; fees were set for the business according to the value of the estate. In practice, it should be noted, there

were many small estates for which no inventory was ever made.

These inventories are of the moveable goods of deceased persons;³ they are not concerned with land or buildings owned, although these can be inferred from the lists of crops, stock and contents – and by reference to the wills and administration documents which can accompany them.

THE DURHAM INVENTORIES

For the period c.1542–1600 about 1000 inventories survive for Durham Diocese, representing a record for 50% of the deceased persons then listed in the Durham Probate records. For the period 1600–1720, measured by sampling, there are about 12,000 inventories. After 1600, the survival rate of inventories rises. Inventories, many quite slight, were being made on perhaps more occasions. However, these inventories relate to only a small section of the total population as a recent study of wills and inventories in Darlington, Co. Durham for 1600–1625 has shown;⁴ the parish registers of burials there showed 522 potential testators yet only 57 inventories survive. At least part of this disparity can be explained by the fact that deceased persons such as married women and young people under 21 years of age could not usually leave valid wills. However, the probate bonds survive most unevenly from year to year, making misleading any statistics about the proportion of inventories among the known names in the probate records. Taking a random year, 1693, as an example: of the 276 people for whom any will, inventory or bond survives, there are 171 inventories and 70 people who left

only a bond. The practice of keeping inventories, except in special circumstances, was discontinued in the Diocese of Durham around 1720. tab

The area covered by the Durham Probate inventories is that of the Diocese of Durham before the Dioceses of Newcastle or Ripon were created; that is County Durham, plus Girsby and Over Dinsdale, (two townships on the Yorkshire side of the River Tees but still in the parish of Sockburn, County Durham), Northumberland excluding the peculiars of the Diocese of York (Hexhamshire and Thockrington), including also Alston parish in Cumberland and the Durham peculiars in Yorkshire (Crayke and Allertonshire). If deceased persons held property in more than one diocese in the northern or southern Provinces, their wills and inventories should have been processed in the Prerogative Courts of York or of Canterbury, and are on deposit at the Borthwick Institute of Historical Research of York University, or at the Family Records Centre in London.

THE ASSEMBLY & FUNCTION OF THE INVENTORIES

According to the words of the probate bonds, and of the commissions sent out to see them signed or sworn to, the Bishop wished the executors and administrators to 'perform or administer the deceased's will or estate, pay debts according to law and exhibit a full and perfect inventory of all his goods and chattels and thereof make a true and just account when you shall be thereunto called', and also to 'keep harmless' the Bishop and his officials. The latter stipulation probably refers to the litigious propensities of earlier generations, harassment by taking an opponent to court having partly replaced the appeal to arms.⁵ The Durham Consistory Court records abound in probate cases between administrators and possible beneficiaries which were begun but not pursued; the Bishop and his officers wished no involvement, uninitiated by themselves, in any court.

In addition to these general requirements some probate bonds are more specific: minors are to be brought up in the religion of the established church and given 'meat, drink and raiment sufficient for such a man's child'; a minor's 'child's portion' is to be husbanded till the minor is of age or married. Adequate inventories were needed to perform such duties in a manner acceptable to the Bishop and his officials. tab

The various parties involved in inventory-making would have different interests. A clear inventory of identifiable goods would be needed to facilitate the work of the executors or administrators, and prevent claims for items not present. If, however, the executors were privacy-loving family members to whom everything had been left (rather than being parties to a division among friends and business partners), a public list of their house contents and other assets might not be desirable; they would prefer a general valuation without minutiae. Non-family beneficiaries, by contrast, would want a detailed list, as would those owed money by the deceased, such as business associates, landlords, tradesmen and servants. In these circumstances a creditor might succeed in having the administration of an estate transferred from the family to himself, and an inventory might therefore come distressingly, into the hands of someone not anticipated by the family or by the inventory makers. In 1675, for example, William Sherewood's landlord wrote to the Consistory Court, sending an inventory and requesting authority to collect Sherewood's debts. Similarly, in 1663, Edward Smith's landlord took his goods in lieu of rent and in 1690 John Lindsley's oxen were distrained for rent. As today, bureaucracy was too slow for some: Archibald Wright's executrix in 1680 was imprisoned for selling goods before obtaining probate of the will whilst in 1690 some goods had already been distrained by virtue of a judgement, when Richard Nicholson's inventory was prepared.⁶

The ideal procedure in inventory-making was that the list was drawn up soon after the death and carried (with the will if present) to

the Consistory Court. Here Letters of Administration (or probate) were granted after the signing of a bond for the good administration (or execution) of the deceased's estates. This bond was secured by the possible forfeiture, in the case of improper performance, of an amount of cash of about double the assets in the inventory. This surety money was put up by the administrator (or executor) and one or more other bondsmen. In practice this ideal procedure varied and one finds strange juxtapositions of dates. Administration was often granted, for example, before the inventory was presented. In the 1660s, a period of between three and six months was specified as the time within which to produce an inventory, as the Probate Act Book 1660-65 shows.⁷ Yet in examining original bonds and inventories one finds that, in 1697, Thomas Brian's bond was signed on 1 December 1697, the inventory having been made the day before, whereas Isaac Blackett's bond was signed on 31 December 1697 and the inventory made afterwards on 3 January 1697/8. More trouble might be taken with estates of the rich, or in cases where complications were foreseen. In such instances two inventories might be assembled, an interim one made soon after death and a later one when less obvious assets could be included. After Jeffrey Proctor died in 1632, for example, a bond was signed on 6 January 1632/3 which stated that an inventory was to be produced by the following Easter (1633); yet the inventory which survives with the will had already been made on 26 August 1632 and a second was made on 18 January 1632/3, and deposited with the account of administration in 1634. Similarly when Francis Bowes died in 1697 a bond, with an unusually large surety of £2000, was signed and dated 21 October 1697, stipulating that an inventory should be made before 15 October. In fact the surviving inventory is dated 5 October 1697, *before* the bond. In addition to the problems posed by interim and final inventories, there also survive draft-like inventories, probably duplicates not prepared for the Consistory Court, the valuations in which have not been totalled.⁸ The conclusion from all this duplication and amplification must be that,

even if an inventory for an individual does survive, it may not be the most complete one the authorities were able to obtain.

The stage at which the Consistory Court officials, led in Probate matters by the Bishop's 'Official Principle', had an opportunity to exert authority, was in setting the number of bondsmen they would require before issuing the necessary letters of administration or probate; without these letters the administrators or executors could not legally take possession of the assets to possess or distribute them. The officials could require few or many bondsmen and thereby impress on the administrator the depth of official interest in the business being performed in proper manner. When, for example, probate was given for William Atkin's will in 1715, six bondsmen, an unusually large number, were required for £600 surety and for the production of an inventory. None of these six bondsmen could sign even his name, and this might explain why so many were made responsible for having the inventory made. In 1680 a meagre inventory of 20s., without a date, was submitted for Jeffrey Welsh, on which is written the request that the letters of administration be (back-)dated to 20 April last; obviously in this case the inventory came before the administration. The bond is dated 24 June 1680 and is set at £10, an unusual sum which is ten times the value of the surviving inventory. In it is set out a requirement for the production of (another) inventory, and an account, within 12 months of the letters of administration being granted; in this case it would seem that the first and surviving inventory was not trusted. Another instance of unusual procedure occurred in 1674 for Stephen Jackson, when a commission for the swearing-in of a guardian and the making of an administration bond was carried out before an inventory had been exhibited. Neither is an inventory required by the bond, but the endorsement does suggest it was expected and was to be put with the commission 'when brought in'. It is not there. Later, in 1686, died Samuel Hodgekin, timber merchant and keelboat owner in Sunderland whose inventory was made that September. His widow Jane, who

could not write, was granted letters of administration on 14 December 1686 on her own surety alone, of £250. She put her mark to the bond but, strangely, did not take away her letters of administration, dated the same day, which remain with the inventory.⁹

The probate bonds were normally kept in chronological order of business and so numbered. Thus one sees in the Durham Probate Alphabet Book 1660–1786, that an administration bond is usually signed after a relevant tuition bond – a term used to describe the undertaking given by an administrator to bring up and provide for minor children; this was usually required before signing the bond to produce an inventory and administer the estate. This procedure ensured that the estate could not legally be touched till the children were safeguarded. This would prevent the unscrupulous from obtaining access to the estate and then declining responsibility for the children.

EXECUTORS AND ADMINISTRATORS

The use of inventories by the executors and administrators shows in the accounts rendered by them. Presentations of accounts were not always required by the probate bonds and executors and administrators were trusted with a great deal of freedom, as they still are. Sometimes, however, one finds a date for presentation specified, but often enough the bond requires an account to be presented to court only if or when asked for; this should have ensured that accounts were made, even if they were not later requested by the Consistory Court. Few accounts of executors and administrators survive but there is the interesting documentation for Robert Spain who, in 1716, successfully claimed expenses whose relevance insurance companies today would certainly question. The account for John Finch in 1623 provides further insights into the work of executors and administrators because it has with it rare receipts to prove the administratrix *did* make the payments she claimed, whilst the 1646 account for Robert and Jane Thompson is a sad detailed inventory of repeated deprivations

made on the estate by the Scottish armies over the years 1641–6, naming specific Scottish officers.¹⁰ However, the most detailed of these cases involves the estate of Hugh Hopper, draper of Durham City, whose will was proved in November 1605; according to the clerk's endorsement this was without the exhibiting of an inventory. The story is complicated, but the case later produced numerous inventories of debts in County Durham and Northumberland, unpaid or paid in stages, matched by a series of Consistory Court hearings documented in the Court Books in 1623–24.¹¹ Nearly 400 people in County Durham and Northumberland owed Hopper small debts and his assets at death (including what he was owed) were £1210 14s. 2d.; this included his goods, household stuff, plate and stock of cloth of which no specific detail is given. This case provides a good example of the detail the Court could require, if the case merited it, and indicates how flexible the system was. Importantly it shows also how the inventories were produced as part of a process, whose sequence of papers adds circumstantial evidence to the inventories. There was, admittedly, a great deal of opportunity for dishonesty, but the Court did provide the machinery to investigate cases if anyone concerned, or the authorities, thought it appropriate to ask questions.

THE ROLE OF THE APPRAISERS

The appraisers who drew up the inventories usually numbered between two and four. Their possible influence on inventories could be conscious or unconscious. They would know heirs and potential purchasers who were watching their valuations. They had various connections with the deceased, the Parliamentary Act 21 Henry 8 cap.5 laying down that the inventory makers should be 'Two at the least, to whom the said Person so dying was indebted, or made any Legacy, and upon their Refusal or Absence, Two other honest Persons, being next of kin to the Person so dying, and in their Default and Absence Two other honest Persons'. If the appraisers describe themselves at

all, they refer to their role as that of 'indifferent men', a phrase which means that they are unbiased; John Sidgwick's inventory in 1690 was made by 'five honest neighbours'. Appraisers might also be people who shared a particular interest with the deceased. This can show up in several ways. The 1676 inventory of William Albon, for example, listed his animals in detail, but subsumes all his farm working gear under one figure and all his furniture and house contents were another one figure;¹² animal husbandry was these appraisers' interest. Equally, if the appraisers list workshop contents, or merchandise, in detail, one can suppose that they were business colleagues with appropriate specialist knowledge. Valuations of the goods at various stages of manufacture, of shares of different ships, and the minutely listed stock of drugs, again show colleagues as appraisers. Sometimes, of course, the appraisers give their own occupations in the inventory's heading.

How appraisers were actually chosen is not clear. Probably the family of the deceased chose them but the Court might take responsibility for nominations in awkward cases. A clear example of such an intervention is provided by Clement Colmore, the Bishop's Vicar General and Official for probate business, who sent out a commission, dated 15 November 1617, to remake an inadequate inventory for Thomas Greenwell of Wolsingham. He sent this commission to four named local yeomen, saying he had been informed that the goods were appraised at a lower rate than they were worth and thus much undervalued. The four were to make another inventory promptly, giving Michael Greenwell, the deceased's son, the chance to be present if he wished. That this was an unusual proceeding is shown by the number of deletions and rephrasings on the commission sent out which the four returned with the new inventory, dated 20 November 1617. As this inventory was specially commissioned it may be taken as a model of an ideal listing but the debts section is still unclear, with several challenges which the appraisers prudently refer to the frustrated Colmore 'for his consideration'. Perhaps Colmore was supplied with these

appraisers' names by his colleague, the Bishop's Steward, who held the Bishop's Halmote Courts for Wolsingham and other places, and would know the local society. The network of lawyers and administrators in Durham would have, somewhere, detailed knowledge of many localities and personalities. A variety of appraisers, perhaps suggested by several authorities, aimed to iron out bias or prejudice, conscious or otherwise.¹³

To appoint only one appraiser was rare, though this does occur when there is only a single asset involved, such as a cash bond, or something supplementary to an earlier inventory. In the more usual cases of multiple appraisers, probably each appraiser knew more than the others about the value of different parts of the estate, the furniture, crop and stock, or trade goods. This clearly emerges when complicated inventories betray evidence of different sectional responsibility, but usually the inventories are presented as the joint work of the appraisers. A particularly explicit example of such specialised knowledge emerges in the 1629 case of John Wiske of Durham aged 37, who records that he, 'amongst others was intreated to apprice Certaine Drugges remaininge in Certaine boxes within the house or shopp of . . . Katheran Bartlett after her death . . . which they did value to the somme of 27s or thereabouts, but saith he helped to price no other or more of the said goods'. He does not say who entreated him, but it sounds like an unofficial request.¹⁴

Sometimes the appraisers could misjudge the market, as they did in 1637 with Nicholas Lambton. His inventory (not surviving) was for about £25, but the goods fetched about £42. The price of everyday goods would be relatively predictable, but unusual items and luxury goods would depend on the presence of particular potential purchasers. The difficulties of appraisers were legion. It was a little late in the day when Alice Thompson's inventory was made in 1711 as her possessions were already on sale in the Groat Market in Newcastle – whilst some of the goods of George Henderson had been carried off feloniously in 1664.¹⁵

Usually at least one of the appraisers could write his own name, rather than making his mark, and thus could probably be capable of checking that the valuations made verbally were indeed the same as those written down. The handwriting of the inventory is not, however, always the same as that of one of the appraisers, because a professional scrivener could sometimes be used; the inventories in 1691 of Thomas Shippard, Elizabeth Suggett and Dorothy Swaddell, all of Newcastle upon Tyne, were, for example, written out by the same person.¹⁶ As a result of this variety of scribes, styles of presenting the inventories vary in their groupings and layout.

STRUCTURE, ACCURACY AND CONTENTS

Inventories appear on all sorts and shapes of paper and parchment. James Hall's in 1615 was cut to look like an indenture, a rare example of the exact fulfilment of the provision of the Parliamentary Act 21 Henry 8 cap.5 that the Bishop's registry and the executor or administrator have identical copies.¹⁷ This is a reminder that other (indented) copies of inventories which have disappeared from diocesan records may turn up in family papers, and vice versa. They are most often on one separate page, but also occur as booklets and in some Probate Registers, as appendages to the text of wills. Others are in the form of rolls, with the pieces of parchment or paper joined together in either 'exchequer' fashion, that is joined together by the top or same sides of each page or membrane, or else 'chancery' fashion, joined top of one to the bottom of the previous page or membrane, making a long strip.

The length and detail varied. A few Tudor ones were (until flattened) long parchment rolls. Andrew Gofton's in 1576 is over two metres long; he was a Newcastle merchant. In 1671 Richard Wright's inventory of household stuff and merchandise filled three long pages, but the four appraisers for Robert Shipley in 1691 declared him worth £24 and gave no details whatsoever! This contrasts again with

the care taken over Mathew Bell's inventory in 1692 with a last line of 'small things unseen and forgotten' 10s. If the appraisers knew the goods were to be sold off soon, as John Hawkins' were in 1609, the arrangement of the inventory could represent separate lots for an auction¹⁸

The commonest words one sees written as structural headings in inventories are, purse and apparell, or horse and apparell, kine, sheep, stock and crop, household stuff, plate, stock in the shop, working gear, money owing to the deceased, debts owed by the deceased; funeral charges being less common. The end totals are usually given in arabic rather than roman numerals and the dots of 'auditor's use' are rare. Totals were used to set the amount of the bond, usually double.

Inventories open by stating that they are a true and perfect inventory of the goods and chattels of the named person described as 'deceased, of (such a parish or place)'. This is followed with their description, (gentleman, maltster, widow or whatever) with the date of the appraisal and the names of the appraisers, whose marks or signatures will appear at the end of the inventory.

The truth and perfection of an inventory is variable. Quite apart from genuine mistakes self-protective or uninformed obscurity can be incorporated deliberately. Thus distant assets or cattle sent to graze in another place, like James Ridley's four cattle in 1619, might be overlooked, whilst in 1616 someone else's sheep got into Thomas Stranguish's inventory. There are, however, very few examples of an inventory being rejected at the Consistory Court probate office though in 1617, as already mentioned, Thomas Greenwell's inventory was considered inadequate and another inventory was required by a commission sent out for the purpose. The valuations contained in the inventories were supposed to provide a list of what the goods would be worth on the market, the witness testifying that the appraisal was 'honestly made . . . no man would pay more'. Animals were described by stage of growth etc. and the agricultural season was obviously significant for the price of crop and stock. But prices of course depend on demand and condition:

John Todd's goods were valued at about £75 in 1679 but were sold for £149 whilst, in 1622, it was thought advisable to sell the contents of Robert Garnet's inventory 'before they rot further'. Another barrier to a full and accurate record was the fact that probate documents were seen by officials and wills were public. For privacy's sake people could dispose of property before death in various ways, to avoid its mention in a will or inventory. In a time when the old often lived with their children, this undocumented transfer was relatively easy, and an inventory may not tell the full story. Henry Montfort, gentleman, for example had in 1691 only purse, clothes, books and his fowling piece, but no bed; obviously he was enjoying the comforts of someone else's house. Similarly in 1664 the inventories of the two Thomas Armorers of Belford, esquire and gentleman and of Jane Chaytor, a prosperous widow of Newcastle, mention no clothes. One wonders how often other all too obvious assets have been missed.¹⁹

The misleading story an inventory can give, if read alone, shows in the case of Mistress Mary Forster of Old Elvet, Durham City, daughter of Sir William Forster of Bamburgh. Her will, dated on 25 March 1689/90 and made when she was sick, gives legacies of hundreds of pounds and talks of her 'fortune and Estate whether left me by Deed, Will, or by what other means I am intituled'. Mary's sister, Frances, wife of Thomas Forster Esquire of Edderston, Northumberland, swore on 20 December 1692 to perform the will and to exhibit a 'full and perfect inventory'. Yet, despite all this evidence of wealth, her husband Thomas and John Forster, gentleman, of Bamburgh, signed the bond (249) on the same day, for only £100. The inventory dated three months later, 18 March 1692/3 is very brief: 'A True & perfect Inventory of what Mrs. Mary Forster deceased dyed possessed being her apparrell Apprized to the Vallue of £25.00.00 by us whose names . . .'. The appraisers were two women, probably servants, who made their marks; a third person wrote the inventory. Had Mary really come down so much in the world, or was that inventory a gesture from an influential family to fulfil

regulations, connived at in Durham? The prosperity of the Forsters of Bamburgh and the unlikelihood of Mary dying owning no more than her clothes must have been common knowledge.²⁰

Room by room inventories look promising as historical sources – like that of Dorothy Dykes in 1688. Among other things room names can indicate the changing use of space in a house. In 1679 Jane Shafto had in her house in Newcastle both an old and a new hall. In the delightful inventory of Anne Hickson in 1689, her rooms are named 'Flower de Luce' 'Castle' and 'the Rose' etc., giving an indication of the interests of the family. However, inventories can be misleading in reconstituting the shape or room-division of a house, in that some rooms might contain nothing worth mentioning, or might be let out individually (or as a whole floor), to someone else. Thus, in 1693 when Nicholas Rand, baker and brewer in Newcastle had let a room to Mr. Denham, it is clear that the furniture in it belonged to Rand, but when John Gray of Claypath, Durham City, died, his inventory, 1668, incorporated a separate list of his father's possessions in the house of the deceased. How often this must have been the case and not be mentioned; those dying with few possessions in one room, as Gray's father had, may well have been enjoying all the plentiful amenities of the rest of the comfortable family house surrounding what could appear on paper as an apparently lonely one-roomed abode. An inventory may be true and perfect, factual and complete, but it is only so as far as honest appraisers did or could make it – and to the extent that the authorities required or would tolerate; later readers need to be wary of arguments from silence or making assumptions not in the minds of the appraisers.²¹

The goods and chattels of an inventory were in the main the personal, moveable goods, house contents and equipment for work. These are listed first and many inventories include no further items, but as society moved further from subsistence agriculture to having assets in forms such as plate (or 'Playet' 1577 William

Brandling), leases, bonds or business investments, unpaid legacies or debts, so these also are cited in inventories. Freehold and copyhold land were not relevant for inventories but some leases, like that worth £30 for a modest dwelling house and 6 oxgangs of land held by Bartholomew Aynsley of Eggescliffe in 1587, could be transferred for a cash consideration to someone else and so occur in inventories. A good example is provided by the lease valued in one of Thomas Burdon of Denton's inventories in 1626, whilst George Langstaffe's inventory in 1675 valued his Vane lease, king's rent and tithe rent. Some arrangements are mentioned so infrequently, however that, considering the large estates spread across the diocese of Durham, it must be assumed that their omission was intentional. It is anomalous that the occurrence of valuations of leases in inventories is neither deleted when it occurs or requested when it is omitted.²²

Another abstract asset, treated as moveable where saleable, is hired pasturage. The value of grazing rights on common land is not listed in any inventory, but occasionally one glimpses private arrangements, as in 1619 when Richard Welsh's inventory included, valued at 5s., one beastgate in John Welsh's pasture and the same year when Richard Ouston of Sheraton Grange owed 18d to John Widefield the cowherd, not of Sheraton, but of nearby Hart.²³

Assets in bonds mention the amount of cash concerned 'due upon bond' but do not often give the reason for the debt. Many debts had no written security and depended on good faith. References to the South Sea Bubble, the rise and fall of a fashionable company for trading in Spanish America which made and lost many fortunes in the period c.1707–20, occurs in the wills of people living then, like those of Margaret Sanders and Elizabeth Hudleston, dying in 1729 and 1730, but not apparently in inventories where one might have expected to find them.²⁴

The business debts, or 'shop' debts, are sometimes listed separately from the more personal debts. These latter offer useful insights into a family's way of life, and, more broadly into

economic patterns and personal business contacts. William Akenside in 1690, for example, owed money for coal, for his servants' wages, for the price of a cow, for malt and grain and for the teaching of his children. He also owed cash to one person by written bond and to a second, who had lent to him without written evidence, 'as he saith'. The inventory of Robert Hutton, tanner of Barnard Castle, in 1664 shows economic patterns and personal business contacts in a region, listing 37 book debts, bonds and bills.²⁵

Funerals sometimes figure in inventories under the heading of debts. The expenses of George Lewen's in 1665 included at least 43 gallons (195 litres) of punch! For Thomas Forster's funeral in 1648 a separate inventory was made.²⁶

The legal right of a widow to a third of her husband's goods is something that figures in a few wills, however inventories are not structured with that in mind, nor have I noticed it actually mentioned in inventories except for a revealing note added to the inventory of John Kaye who died at Sherburn [Alms] House in 1665. This reads 'Isabell Key widdow and relict of the deceased saith that her widdows bedd was not apprizd, consisting of one paire of sheets, 2 bolsters, 2 short coddcs, one blankett and one Coverlett and noe more save a Chist to lye her Cloaths in worth 2s which she hopes by custome has been allowed to others and wilbe unto her'. One wonders how widespread was this custom of which the probate records mention so rarely.²⁷

NAMES, RESIDENCES AND STATUS

The name of the deceased is usually given just as 'John Smith' and 'Jane Smith', 'Mr.' or 'Mistress' or 'Sir' being rarely written before the name; an inserted 'Mr.', before Cuthbert Bainbridge's name in 1692, indicates that he was held in respect.²⁸ The status or occupation of the deceased thus is given usually after the name or after the abode.

Women's names pose certain problems. There can be various reasons, besides the

nefarious, for the occasional variations in their surnames. Probate documents need to make clear exactly which person is concerned, and therefore cite more than one surname, if the woman had been so known for any memorable length of time. If a woman died as a wife, any alias given is most likely to be her maiden name, but of course she could have been widowed during an earlier marriage. If she was given an alias while dying a widow, then that could signify that she was widowed twice. Again a widow may have returned to using her maiden name and give her married one as an alias. Sometimes a woman may appear named as her husband's widow on an inventory but with an alias on a bond of near date, signifying rapid remarriage.²⁹ The other probate documents accompanying the inventory will often elucidate the circumstances. One must also be prepared for the Scottish custom of referring to a wife by her maiden name only, for example, Jane Lang wife of John Thompson.

The place of residence of the deceased person can vary greatly in its exactitude. Sometimes it is omitted altogether, or appears in such unhelpful forms as 'of Cow Close in the Diocese of Durham'. Usually the relevant parish or town is given, though occasionally it figures only in the endorsement on the inventory by the clerk in the office of the Consistory Court. If this endorsement were made when the exhibitors were present to confirm it, then it should be accurate; if added later, when the inventory was folded and filed, then it is probably less reliable.

Some of the Durham Probate inventories relate to property in the diocese of Durham, and left by people who were not residents of the diocese. Thus Theophilus Anderton lived in Ipswich, Suffolk, but his sister Martha Anderton of Plessey, Stannington parish, Northumberland presented his inventory in 1691 comprising only a debt upon a bond, which she held, due from Mr. Thomas Algood of Hexham. As Hexham was a peculiar of York diocese Miss Anderton may perhaps have sent the inventory there, since according to law, if property were owned in more than one diocese in a Province, then the estate was dealt with at the

Consistory Court of the Province, be it Canterbury or York. If property were owned in both Provinces then the matter went to Canterbury. In this Anderton case, the involvement of both Northumberland and Suffolk would suggest that the matter belonged properly to Canterbury. However anomalies abound. For convenience Durham was often used to prove wills which properly should have been handled elsewhere, as with the will and inventory in 1634 of John Newton of Manfield proved in Durham; he resided near Coniscliffe in County Durham, but lived on the Yorkshire side of the river Tees in the Archdeaconry of Richmond, outside Durham diocese.³⁰

The occupation or position of the deceased, tells of their standing in their neighbours' eyes. Comparison between status or occupation, as given (a) by neighbours in the inventory and (b) as endorsed by the Consistory Court clerk, can be illuminating in their promotions, demotions or concurrence. Thus in 1642 David Lee terms himself a 'yeoman' in his will, but the inventory describes him as a 'labourer'; perhaps financial troubles became apparent between the two documents.³¹ Tudor inventories often give status rather than occupation.

In Durham City where the trade guilds were prominent, men tended readily to use such occupational descriptions as 'butcher', 'tanner', 'saddler', whereas in Berwick upon Tweed the city fathers terms themselves 'burgesses' – their actual occupations (as with their equivalent in Morpeth) can be found from the contents of the inventories.

If the occupation given is butcher, tanner or one of those familiar jobs for which one expects to find a guild or company in the local town, that occupation may not be what it seems. The guilds had their political affiliations, and men might be admitted to a guild as a freeman on the eve of an election in order to swing a vote, their actual means of livelihood not being a criterion. This practice was established in County Durham by 1700 and a particularly bad case occurred in the Durham City election of 1761, which led to preventative legislation.³² By the eighteenth century, outside London, the local guilds had often become clubs similar to

the gentlemen's political clubs of the capital. Knowing a man's club or guild might thus tell more about him than the way he earned his living. A good example is provided by John Bailey who died in Durham in 1692. The heading of his inventory claims that he was a saddler, yet his inventory shows that he was a draper, selling cloth and haberdashery; among the thimbles, lace and tape is 1s.6d. worth of girth webbing, the only item appropriate to a saddler. In late seventeenth-century Durham the saddlers and upholsterers formed one guild and the drapers and tailors were another. To claim that Bailey was a saddler in Durham City put him in a category his contemporaries understood, but which, without his inventory, would be misunderstood by later readers.³³

WOMEN AND INVENTORIES

Women's inventories differ little from those of men. The few married women's inventories made relate to items held for them separately through a trust set up at marriage, or perhaps as a legacy, as the Married Women's Property Act was not passed till 1870. There are full inventories for unmarried women and for widows, many of whom carried on in business after their husband's deaths, in either existing or new ventures. Women also occur as debtors or creditors in other businessmen's inventories.

Women as official appraisers are rare, although no doubt their opinions are incorporated. Appraisers could both be women, as with Richard Addison in 1690 or a woman alone, as with Theophilus Anderton in 1691. Countless executrices were sworn to exhibit inventories and many women stood surety. When Nicholas Shuttleworth died in 1705, both the bondsmen standing surety for his executrix were women, in two bonds, each for the large amount of £1,000. In 1691 unusually Ellener Humble supervised her own inventory-making before her death; her will reads 'I leave . . . out of this prasement one . . . bed.'³⁴

A CASE STUDY

The process of inventory-making and appraisal, with their attendant aims and problems, can be illustrated by some quotations from evidence presented in a Consistory Court case in 1628/9, between William Smith and Mary Smith concerning the estate of Raiphe Smith of South Shields.³⁵

George Carr, clerk, was the curate of the chapel of St. Hilda at South Shields, aged 55. He gave evidence that 'he, this examine, amongst others did not onlie write the Inventarie of the goods of Raiphe Smith deceased but also was one of the apprizors of the coble, whirrie [wherry] and halfe whirrie mentioned in this article [this question] and also of the clothes and apparell of the said deceased. All of which he saith were indifferentlie [unbiasedly] apprized and according to their true worth as by the said Inventorie remaining in this Court upon record doth appeare for which he thinketh in his conscience at that tyme nor since any man would have given more for the same'. Also 'he this examine did heare . . . Marie Smith acknowledge that her husband dyed indebted at the tyme of his death the sum of £3 but whether shee hathe since paid the same or noe he knoweth not'.

Another appraiser, Thomas Mathew of South Shields, carpenter, aged 27 years, gave evidence 'that he this examine amongst others was one of the apprizours of the goods of Raiphe Smith husband of . . . Marie Smith which goods he saith were by them so indifferently [unbiasedly] apprized and according to their true worth as for his part he thinketh no man would have given any more for them, at which tyme he saith they did neither know or see any more or others of his goods then [than] in an Inventorie thereof made and by her the said Mary upon oath exhibited into this Court [as] doth and may appeare'.

A third appraiser was Tobias Hocknell of South Shields, aged 34, who said much the same as Thomas Mathew, 'that he did see no other goods of the said deceased then [than] such as are contained in an Inventarie thereof made and by the said Mary exhibited into this Court'.

In reviewing this material one notices how two of the three appraisers were concerned only with what they personally saw; the third (Carr) mentioned the debts, which must often have gone unrecorded in inventories, if there were no written evidence and those owed money did not claim it promptly. Other moveable goods which were not obvious or mentioned to the appraisers could be missed accidentally or on purpose. Sadly Raiphe Smith's inventory does not survive.

CHRONOLOGICAL ISSUES

The date of the inventory, usually given precisely, can be used to estimate the date of death, if this is not otherwise known from burial records etc. Usually an inventory was made soon after death, so the business could be settled, as comparison with burial dates shows. However, in 1608 William Gray's inventory was compiled by himself before death and the date of the will, inventory and funeral expenses in 1668 for Richard Skelton were all given suspiciously as the same day.³⁶ A poor-looking inventory may be dated some years after a generous will was made and may reflect either a change of fortune or the desire some people have to be their own executors. Current reticence about personal wealth has long roots. There were ways of disposing of property before death which mean that an inventory may be true enough on the date it was made, but could be really just the residue of an estate.

Actual dates used can be interesting. An inventory made on Christmas Day (Thomas Roper of Newcastle upon Tyne in 1691) could indicate puritan sympathies as the Quakers disregard such feast days; Presbyterianism likewise disregarded some feast days; fifty years ago in Perth, Scotland, dustbins were emptied on Christmas Day. In northern England one needs to be on the look-out for other Scottish influences also. In 1668 the will of Thomas Wallas of Alston was proved. He dated his will 4 March 1652 and his inventory was 7 August 1652. Almost certainly the will came first. Had he used the English dating system he would

have dated the will 4 March 1651, as in England the new year began on 25 March. However, Scotland changed to 1 January for the new year in 1600 and Wallas is therefore using the Scottish system. Alston was on the route of the Scottish drovers of cattle and sheep between the two countries and perhaps Wallas was a Scot. Thomas Lodge's inventory is dated 29 February 1675, no error but the use of the English system as 1676 was indeed a leap year.³⁷ Whatever the date given it would signify the day on which all the valuations were assembled, as complicated estates would need different people to evaluate the various parts on probably different days.

After the Reformation the use of the years of a pontificate and the feasts of the church to date documents was increasingly replaced by the use of the regnal year, which in turn gave way to the anno domini system, encouraged no doubt by the difficulties of having to use two sets of regnal years with Philip and Mary and with James VI of Scotland and I of England. Most inventories are dated by date, month and anno domini in figures; the day of the week almost never given. The alternative year, e.g. 1641/2 was often given for the dates 1 January to 24 March, as the inventories are mostly before 1752. I have not noticed anything to suggest that the dates on which inventories were made were in any way affected by the ecclesiastical rules on days when legal business or the taking of oaths could not take place.

CONCLUSION

The study of the Durham inventories, taken in their contexts, both of the surviving documentary context and of what we must try to visualise of the social circumstances which produced them, is thus an illuminating window into the formative elements of our present society.

NOTES

All the manuscripts and most of the printed material mentioned below are available for

An Inventory of the Goods of Tho. Carr of Swalwell lately deceased. Taken by Timothy Hebborn Joseph Longdale Mr. Palfrey & Geo. Mason y^e 7. of June 1692

His Purses & Apparrell	£ 8 2
one old Bedd Head	00:07:00
one old feather Bedd Pillow & two Slippers	00:02:00
two Pairs of Course Lin Sheet	00:05:00
four pair of old harden Sheet	00:07:00
two Pairs of old harden Pillowbery	00:05:00
two old Table Cloath & flus trapery	00:00:00
two old Darnick Buttons one Vallanus & fapery	00:02:00
one doz. & half of Darnick	00:01:00
two like Pailly & one poff	00:03:00
one old Washing Tub & tray & one Bowl	00:01:00
eight little old Powder Duffey	00:05:00
two old Tankards one qua. Pott	00:01:03
one Gill pott & a Quarters Pott	00:00:04
one Powder Cup Salt & powder Taster	00:00:03
one old Salton & another & one Spoon	00:00:07
one old Table & one Quarters of Tubber	00:03:04
two Joint Stools & two Turn Chairs	00:00:09
one like hanging Shelf & Small fire hood	00:00:06
one Small looking Glass & an old Pickle	00:00:09
three Wood Duffey & an old Salt Pott	00:00:04
one old fire Shovel pott & Tongue	00:00:07
one digging Spade & an old	00:01:00
one hob & a Small Crow of Iron	00:03:00
one old Bible & little for money	00:01:01
	<u>£ 02:14:10</u>

Timothy Hebborn
Joseph Longdale
with Callisly
George Mason

Fig 1. Inventory of Thomas Carr of Swalwell, 1692.

consultation in Archives & Special Collections (ASC) at the Palace Green section of Durham University Library, Durham City DH1 3RN, tel. 0191 374 3202. The Durham Probate Records, c.1540–1940, comprise wills, inventories, executors' and administrators' bonds, registers of wills, probate act books, commissions, monitions and citations, alphabet books and miscellanea. The various means of reference to these are available at Palace Green. There is other probate material in other collections at Archives & Special Collections.

When several references are needed within one paragraph, one note number may be used late in the paragraph to list them all. The years given for Durham Probate Records (DPR) are the years of reference, which are not always the exact years of the documents.

ILLUSTRATION

Figure 1 shows a sample manuscript inventory. It is that of Thomas Carr of Swalwell, Whickham, Co. Durham, dated 2nd June, 1692. This is a neat inventory in a clear hand. (Durham Probate Records)

NOTES AND REFERENCES

¹ Giles Jacob and J.Morgan, *A New Law Dictionary* (1782) unpaginated, see section 'Inventory'.

² John Cay, *Statutes at Large* (1758) vol. I. 765–6 21 Henry 8 cap 4 The Sale of Lands by Part of the Executors lawful. 766–8 21 Henry 8 cap.5 What Fees ought to be taken for Probate of Testaments. 768–9 21 Henry 8 cap.6 Where Mortuaries ought to be paid, for what Persons, and how much, and in what Case none is due.

Anne Tarver, *Church Court Records* Chichester (1995), 56–81, Probate and Testamentary business.

The tortuous progress of the jurisdiction of wills and testaments and intestacy from Roman civil law to the bishops of England (who were of course concerned both with souls after death and in receiving bequests to the church) was investigated by the lawyer John Selden in his *Tracts* (1683) ASC Routh 65.A.5.

³ In fact 21 Henry 8 cap.5 said 'a true and perfect Inventory . . . as well moveable as not moveable whatsoever'.

⁴ J.A. Atkinson, B. Flynn, V. Portass, K. Singlehurst and H.J. Smith, *Darlington wills and inventories 1600–1625*, SS 201, Newcastle upon Tyne, 1993. See J.A. Johnston, *Probate Inventories of Lincoln Citizens 1661–1714*, Lincoln Record Society (1991), xvi–xviii for another discussion on survival of inventories. The Lincoln townfolk appear to have had a higher material standard of living than those of Durham City.

⁵ In the 1650s Sir Arthur Hesilrige, who had bought confiscated Durham episcopal estates, pursued his recalcitrant tenantry in seven courts. J.L. Drury 'Sir Arthur Hesilrige and the Weardale Chest'. *DN²*, 5 (1980), 125–37.

⁶ DPR, 1674, William Sherewood, inventory and bond A322.

DPR, 1663, Edward Smith, inventory and bond A196.

DPR, 1690, John Lindsley, inventory and bond 207.

DPR, 1680, Archibald Wright, inventory, commission and bond 6.

DPR, 1690, Richard Nicholson, inventory and bond 179.

⁷ DPR, Probate Act Book 1660–1665.

⁸ DPR, 1697, Thomas Brian, inventory and bond A214.

DPR, 1697, Isaac Blackett, inventory and bond A240.

DPR, 1632, Jeffray Proctor, will, inventory, commission and bond 233. Also in 1634 account of administration and inventory.

DPR, 1697, Francis Bowes, inventory and bond A163.

In DPR 1619 there are two inventories each for Jane Pott, Edward Smyth and

Thomas Wray. Before photographic copies, no two copies were exactly the same and spellings of personal names could vary within the same document.

⁹ DPR, 1715, William Atkin, will and bond 12.

DPR, 1680, Jeffrey Welsh, inventory and bond 82.

DPR, 1674, Stephen Jackson, bonds 176 A & B.

DPR, 1686, Samuel Hodgekin, inventory with letters of administration and bond A265.

¹⁰ DPR, 1716, Robert Spain, will with account.

DPR, 1623, John Finch, inventory with account.

DPR, 1646, Robert and Jane Thompson, account.

- ¹¹ DPR, 1605, Hugh Hopper, will.
DPR, 1623, Hugh Hopper, account, inventories, etc.
DPR, 1624, Hugh Hopper, account and debt list and DPR Probate Act Book 12, 1623-4, many refs.
- ¹² DPR, 1690, John Sidwick, will, inventory and bond 165.
DPR, 1676, William Albon, inventory and bond 141.
- ¹³ DPR, 1617, Thomas Greenwell, will, inventory and commission.
- ¹⁴ Durham Diocesan Records (DDR) Deposition Book V.12, f.122, 1629.
- ¹⁵ DPR, 1637, Nicholas Lambton, account of administration and bond 196.
DPR, 1711, Alice Thompson, inventory and bond 103.
DPR, 1664, George Henderson, will, inventory and bonds 138 & 218.
- ¹⁶ DPR, 1691, Thomas Shippard, will, inventory and bonds 88 & 89.
DPR, 1691, Elizabeth Suggett, inventory and bonds 70 & 71.
DPR, 1691, Dorothy Swaddell, will, inventory and bond 200.
- ¹⁷ DPR, 1615, James Hall, will and inventory.
- ¹⁸ DPR, 1576, Andrew Gofton, inventory and will in Register V, 34v-35.
DPR, 1671, Richard Wright, inventory.
DPR, 1691, Robert Shipley, will, inventory and bond 180.
DPR, 1692, Matthew Bell, inventory, commission and bond 260.
- ¹⁹ DPR, 1619, James Ridley, will, inventory and bond 179.
DPR, Probate Act Book 11, 1616, f.134v. Stranguish's inventory does not now survive.
DPR, 1617, Thomas Greenwell, will, inventory and commission.
DPR, 1679, John Todd, inventory.
DPR, 1622, Robert Garnet, inventory.
DPR, 1691, Henry Montfort, inventory and bond 140.
DPR, 1664, Thomas Armorer, esquire, inventory.
DPR, 1664, Thomas Armorer, gentleman, inventory and bond 122.
DPR, 1664, Jane Chaytor, will, inventory and bond 41.
- ²⁰ DPR, 1692, Mary Forster, will, inventory, commission and bond 249.
- ²¹ DPR, 1688, Dorothy Dykes, inventory.
DPR, 1679, Jane Shafto, will and inventory.
DPR, 1689, Anne Hickson, will and inventory.
DPR, 1693, Nicholas Rand, will, inventory and bond 176.
DPR, 1668, John Gray, will and inventories.
- ²² DPR, 1577, William Brandling, inventory and will in Reg.IV.
DPR, 1587, Bartholomew Aynsley, will and inventory.
DPR, 1626, Thomas Burdon, will and inventories.
DPR, 1675, George Langstaffe, will, inventory and bonds 263 & 323.
- ²³ DPR, 1619, Richard Welshe, will and inventory.
DPR, 1619, Richard Ouston, will, inventory and bond 148.
- ²⁴ DPR, 1729, Margaret Sanders, will.
DPR, 1730, Elizabeth Hudleston, will.
- ²⁵ DPR, 1690, William Akenside, inventory and bond 11.
DPR, 1664, Robert Hutton, will, inventory and bond 156.
DPR, 1619, Michael Wilson, will and inventory. His debts are in the will, not the inventory.
- ²⁶ DPR, 1665, George Lewen, will, inventory and account.
DPR, 1648, Thomas Forster, will, inventory and bond 54.
- ²⁷ DPR, 1665, John Kay, inventory.
- ²⁸ DPR, 1692, Cuthbert Bainbridge, inventory.
- ²⁹ DPR, 1669, Barbara Young or Dowfoot, wife of William Young, debt list.
DPR, 1675, Mary Cowling or Allanson, widow, inventory and bond 436.
DPR, 1677, Elizabeth Finley or Hutchinson or Baxter, wife of Robert Finley, inventory and bond 79.
DPR, 1686, Rebecca Lamb or Todd, wife of Thomas Todd, inventory and bond 275.
DPR, 1790, Phillis Stevenson Spain or Campbell, widow, will and affidavit.
- ³⁰ DPR, 1691, Theophilus Anderton, inventory, commission and bond 35.
DPR, 1634, John Newton, will and inventory.
- ³¹ DPR, 1642, David Lee, will, inventory and bond 104.
- ³² ASC Baker Baker papers, Box 11. Durham City election 1761.
- ³³ DPR, 1692, John Bailey, inventory and bond 163.
- ³⁴ DPR, 1690, Richard Addison, inventory and bond 235.
DPR, 1691, Theophilus Anderton, inventory, commission and bond 35.

- DPR, 1705, Nicholas Shuttleworth, bonds T141-2.
- DPR, 1691, Ellener Humble, will, inventory and bond 125.
- ³⁵ ASC DDR Deposition Book V, 12, ff.104, 104v & 1194, 1629.
- ³⁶ DPR, 1608, William Gray, will and inventory.
- DPR, 1668, Richard Skelton, will and inventory.
- ³⁷ DPR, 1691, Thomas Roper, inventory and bond 218.
- DPR, 1668, Thomas Wallas, will and inventory.
- DPR, 1675, Thomas Lodge, inventory, commission and bond 107.

