

WITH THE BEST WILL IN THE WORLD OR WHERE THERE'S A WILL, IS THERE A WAY?

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Although testamentary evidence has been used to consider numerous important social and cultural issues in early-modern England (household and family size, extended kinship ties, social networks, religious affiliation, literacy rates and so on) the methodological questions of using 'wills' have until recently been implicitly and tacitly assumed rather than explicitly addressed. In the spirit of renewed inquiry into the meaning and significance of will-making and survival, an attempt is made here to explain the context of 'wills' in the archdeaconry of Leicester between 1522 and 1546 (preparatory to an analysis of religious adherence in this locale during the vicissitudes of the Henrican religious polity).

The reliance on probate evidence for the discussion of both socio-economic status and religious devotion in the sixteenth century has necessarily led to a methodological examination of this sort of material. The issues have been consummately revisited in particular by Arkell, Evans and Goose and their contributors.¹ The suggestion remains that more analytical investigation of probate material, particularly the testament, in its local context is necessary. To address this exhortation, 1,139 wills by Leicestershire testators are scrutinized here.² The dissection is preparatory to an understanding of religious observation in the early-sixteenth-century archdeaconry of Leicester and diocese of Lichfield, although data analysis is still in progress for the latter.³ Before any judgments can be made about devotional practices indicated (or not) by testamentary bequests, it is essential to comprehend the nature of will-making: the proportions of local populations making wills; differences in traditions of will-making in different parishes; and the socio-economic status of will-makers.

¹ T. Arkell, N. Evans and N. Goose, ed., *When Death us do Part. Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head Press for the Local Population Studies Society, 2000). Since *When Death* has a comprehensive bibliographical treatment, I refrain from detailed references below to any other work. We might just add J. Middleton-Stewart, *Inward Purity and Outward Splendour. Death and its Remembrance in the Deanery of Dunwich, Suffolk, 1370-1547* (Woodbridge: Boydell Press for the Centre of East Anglian Studies, 2001), who attempts to elucidate the character of testators at pp. 41-55.

² ROLLR below signifies Record Office for Leicester, Leicestershire and Rutland and LRO Lichfield Record Office. Throughout, the data omit probate in peculiar jurisdictions. They comprise only wills proved in archdeaconry or consistory courts.

³ LRO B/C/11 (3,352 persons - some only inventories).

We can consider that final question first. For the 1,139 testators whose wills are extant between 1522 and 1546 inclusive, we have 634 probate inventories or statements of the total valuation of the personal estate of the testator. By this latter expression is meant that some of the wills have inscribed at the foot a note of the inventory valuation although the inventory does not survive. We can then investigate the personal estate of 634 of the 1,139 testators, approximately 56 percent. In Table 1 we have the descriptive statistics of the personal estate, whilst Table 2 provides the rank distribution of personal estate.

One observation that can be made is that 12% of testators had personal estate valued at less than the *bona notabilia* defined in the 1529 legislation for the production of an inventory. That aspect is confirmed by the Lichfield probate material inspected so far. The phenomenon existed before 1529, but continued thereafter. It is evident then that will-makers (and their attendant inventories) extended across the whole range of early-modern Leicestershire society (and, indeed, in Shropshire, Staffordshire, Derbyshire and parts of Warwickshire which lay within the diocese of Lichfield). Wills and inventories were produced for people at the very bottom of the socio-economic scale, with personal estate below £5.

We have, however, to introduce some further refinement. The valuations included in the table above are the gross valuations – that is, the valuations before debts owed by the testators were taken into account. An interesting aspect of the Leicestershire inventories is that they conduct this operation for us, recording first the gross valuation, then listing the debts incurred before and after the death of the testator (including, incidentally but importantly, the funeral and burials costs like probate accounts did), and finally inscribing the net valuation – which represents, in effect, the amount available to the executrices and executors. That difference affects the statistics since in numerous cases, the deduction of debts from the gross valuation would bring the net valuation down into a lower range. At the very apex, Eustace Braham, esquire, of Wanlip had a gross valuation of £243 1s 0d, reduced by debts and expenses to £180 6s 0d.⁴ That was, of course, exceptional, but we can tabulate some of the more characteristic examples (Table 3). Overall then, the net valuations would be even lower than represented in the tables.

In some instances, the diminution was drastic. The debts and expenses of one Shepshed testator amounted to £15 6s 8d, leaving his widow with merely £2 0s 10d.⁵ Illustrative of the descent of a gentle family down the scale, John Wygstun of Aylestone had personal estate valued at £25 14s 8d, but the debts owed by his widow, Joan, exceeded £29.⁶ At the other end of the social spectrum, the personal estate of William Gyram of Hinckley, amounting to just over £5, was eliminated by his debts and expenses of £5 13s 7d.⁷ Similarly, the personal estate of £4 10s 1d

⁴ ROLLR will 1531/7.

⁵ ROLLR will 1545/127.

⁶ ROLLR will 1544/133.

⁷ ROLLR will 1543/37.

Number	Mean value	[Standard deviation	Median value	First quartile	Third quartile	Highest value
634	19	19.391]	13	8	22	243

Table 1. Leicestershire probate inventory valuations, 1522–1546 inclusive: descriptive statistics (in £s, to the nearest £.)

Range	Cumulative number	Cumulative percent
<£5	79	12.46
<£10	216	34.07
<£15	348	54.89
<£20	431	67.98
<£30	527	83.12
<£50	589	92.9
>£50	634	100

Table 2. Leicestershire probate inventory valuations, 1522–1546 inclusive: rank distribution.

Testator	Date	Gross valuation	Net valuation (after the deduction of debts and post-mortem expenses)	Reference
ROLLR				
Nicholas Bayl	1533	£11 16s 8d	£9 6s 8d	1533/1
William Hey	1534	£21 13s 4d	£11 10s 4d	1534/14
Hugh Awgton	1536	£40 6s 8d	£30 4s 1d	1536/1
Andrew Dycson	1536	£21 12s 6d	£15 16s 0d	1536/9
John Atkyns	1538	£21 15s 0d	£7 10s 0d	1538/1
Robert Cotton	1539	£11 15s 8d	£7 13s 0d	1539/27
Thomas Pomfryt	1541	£11 11s 2d	£8 4s 6d	1541/42
Thomas Pyllyng	1542	£10 18s 6d	£8 9s 10d	1542/61
Robert Savage	1542	£33 11s 10d	£11 6s 6d	1542/65
William Palmer	1543	£15 5s 0d	£9 2s 0d	1543/71
Ralph Wyle	1545	£12 3s 4d	£9 1s 0d	1545/159

Table 3. Gross and net valuations of inventories: some examples.

of Roger Hykman of Hallaton was cancelled by his debts and expenses which far outweighed it.⁸

Secondly, we can explore in more detail the character of the lowest level of testators, already reflected in the last examples above. The data do not take into account the effects of inflation between 1520 and the 1540s.

Some 12% of the testators thus attributed to themselves some description of status or occupation. We can observe that both in Lichfield diocese and the archdeaconry of Leicester, the descriptor yeoman was hardly invoked. For 36 of the husbandmen, we have an inventory valuation, revealing that, in terms of

⁸ ROLLR will 1535/20.

Testator	Date	Gross valuation	Net valuation	Reference
Thomas Barton	1525	£3 8s 4d		1525/3
Emmot Wymmyswold	1531	£5 12s 5d	£4 7s 4d	1531/39a
John Prat	1532	£2 10s 0d		1532/14
Alice Kyrten	1533	£1 3s 4d		1533/6
Alice Schemell	1534	£3 2s 11d	15s 10d	1534/20
John Abell	1535	£6 16s 7d	£5 14s 6d	1535/1
Nicholas Jhohnson	1535	£4 4s 1d	£1 17s 1d	1535/24
Robert Kechyn	1535	£4 3s 0d		1535/25
William Deconson	1536	£8 3s 0d	£2 3s 10d	1536/30
Richard Peyculton	1537	£6 0s 0d	£3 3s 4d	1537/38
Pers Rychardson	1539	£6 8s 8d	£3 17s 6d	1539/86
John Lombard	1542	£2 7s 8d	£1 4s 0d	1542/47
William Byrd	1546	£5 7s 8d	£3 10s 2d	1546/11
Richard Brokesby	1546	£7 8s 0d	£1 4s 8d	1546/24

Table 4. Lowest levels of personal estate: occupational self-description in the wills is sparse; the details are tabulated below.

Self-description	Number
Husbandman	55
Widow	42
Gentle status (gent., esq.)	8
Craft/occupation	16
Yeoman	4
Widower, widow man	3
Singleman	3
Labouring man, labourer	3
Singlewoman	1
Total	135

Table 5. Self-description in wills in the archdeaconry of Leicester, 1522–1546 inclusive.

Number	Mean	[Standard deviation	Median	First quartile	Third quartile
36	23	19.92]	15	11	29

Table 6. Leicestershire husbandmen, 1522–1546: inventory valuations: descriptive statistics (nearest £).

personal estate, the description extended across a very wide spectrum of wealth in Leicestershire, from £8 to almost £100.

In terms of personal estate, husbandmen and yeoman overlapped, but, of course, their status was distinct and defined by other characteristics. As in the diocese of Lichfield, the ascription of occupational status in wills was applied mainly by urban testators, inhabitants of Leicester (mainly St Martin's parish) and (a few) Loughborough.

Valuation	Cumulative number	Cumulative percent
<£10 (£8)	3	8.33
<£15	16	44.44
<£20	22	61.11
<£30	28	77.78
<£40	32	88.89
<£50	33	91.67
£53 (1)	34	94.44
£88 (1)	35	97.22
£97 (1)	36	100

Table 7. Leicestershire husbandmen, 1522–1546:
inventory valuations: rank distribution (nearest £).

The most comprehensive way, then, of assigning socio-economic position to testators – correlative to their religious benefactions – is through their inventory valuations, but that exercise of relating bequests to personal estate and socio-economic status will be pursued elsewhere.

In assessing the geographical distribution of testators (Fig. 1), we encounter another issue. For many parishes we have a single will or perhaps a couple for the entire period 1522 to 1546 inclusive, but we can expect that many more people died. That conundrum is well known: that wills represent a small proportion of the actual ‘population’ of the dying. As has been illustrated above, however, by the statistics of personal estate, it is not a simple case of selectivity based on wealth and status. Other influences were exerted. We might *a priori* expect more urban testators and that is evidently reflected in the 55 testators from Leicester. We might, on the other hand, be astonished that this number is surpassed by the 70 testators in Loughborough at the same time. By comparison, the other small towns – Hinckley, Melton Mowbray, Ashby de la Zouch, Lutterworth, Market Harborough – had a relative paucity of testators. We might tentatively invoke a tradition of will-making in Loughborough, reflected, perhaps, in the development of a specific and consistent preamble used in Loughborough wills (which will be described elsewhere). That custom of will-making might explain too the higher than anticipated numbers of will-makers in places such as Shepshed and Bottesford.

For the sake of comprehensiveness, we can consider also wills proved in the Prerogative Court of Canterbury between 1522 and 1546 inclusive.⁹ Another thirty wills from twenty places in the county are added. For most locations there is merely a single will, but for Leicester six. Even with these additions, then, the general distribution is barely affected and Loughborough still outstrips other places. Although there is no will for Loughborough between 1522 and 1546, the testament of Ralph Lemyngton, the Loughborough merchant of the Staple, was proved in PCC a year earlier.¹⁰ Fig. 2 addresses the geographical distribution of PCC wills between 1522 and 1546.

⁹ The National Archives (TNA) PROB11/21–31.

¹⁰ TNA PROB11/20 Lemyngton 1521.

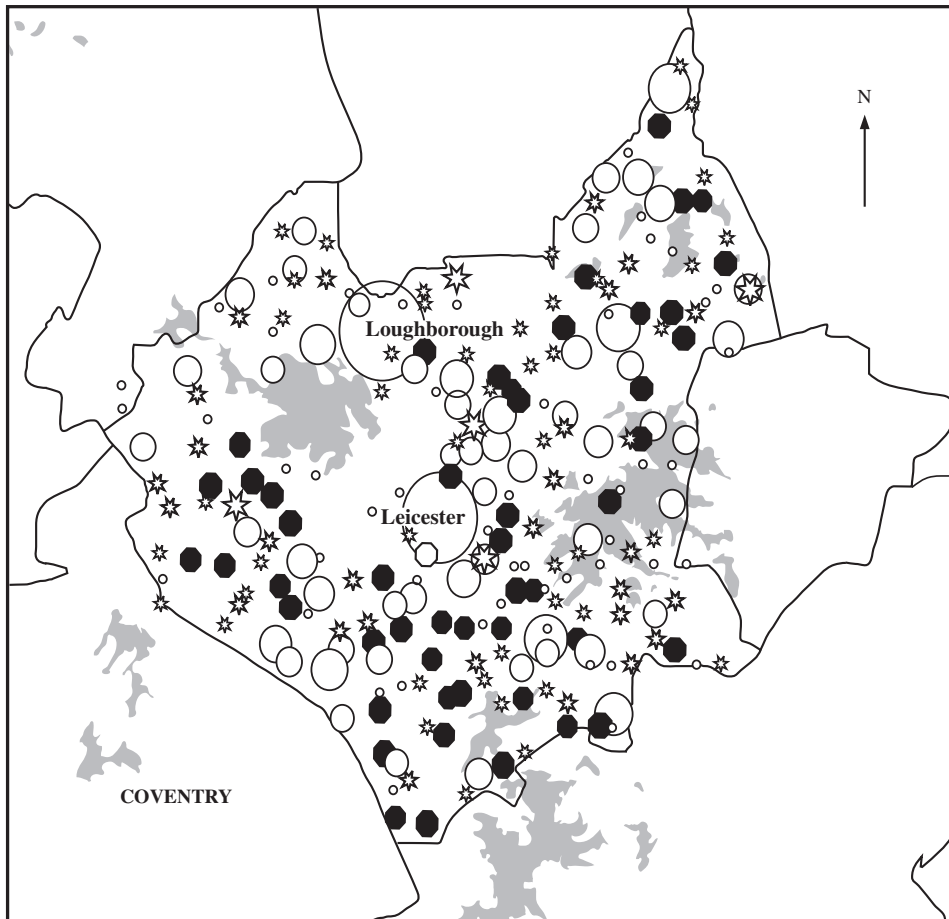


Fig. 1. Numbers of wills produced in different parishes, 1522–1546 inclusive.
 Note: all Leicester parishes are agglomerated, but by far the most testators inhabited St Martin's.

Reflecting further on this question, Fig. 3 attempts to furnish a chronology of will-making related to geographical distribution. It takes as a rough division the Probate and Mortuaries Act of 1529. The caveat here (and above and below) is that the data relate only to 1522 to 1546 inclusive. What is shown by Fig. 3 is that many parishes had their first will (from this period 1522 to 1546) after 1529. We can also perceive that five places had their first will from this cohort in 1546, our terminal date. We need to add some additional detail here. It should be remembered that the wills involved here are only those proven in the archdeaconry court and exclude those for which probate was conferred in peculiar jurisdictions. It is apparent from the five 'late places' that the size of population of the place was not a material factor, since neither Hathern nor Edmondthorpe was marginal in terms of population.

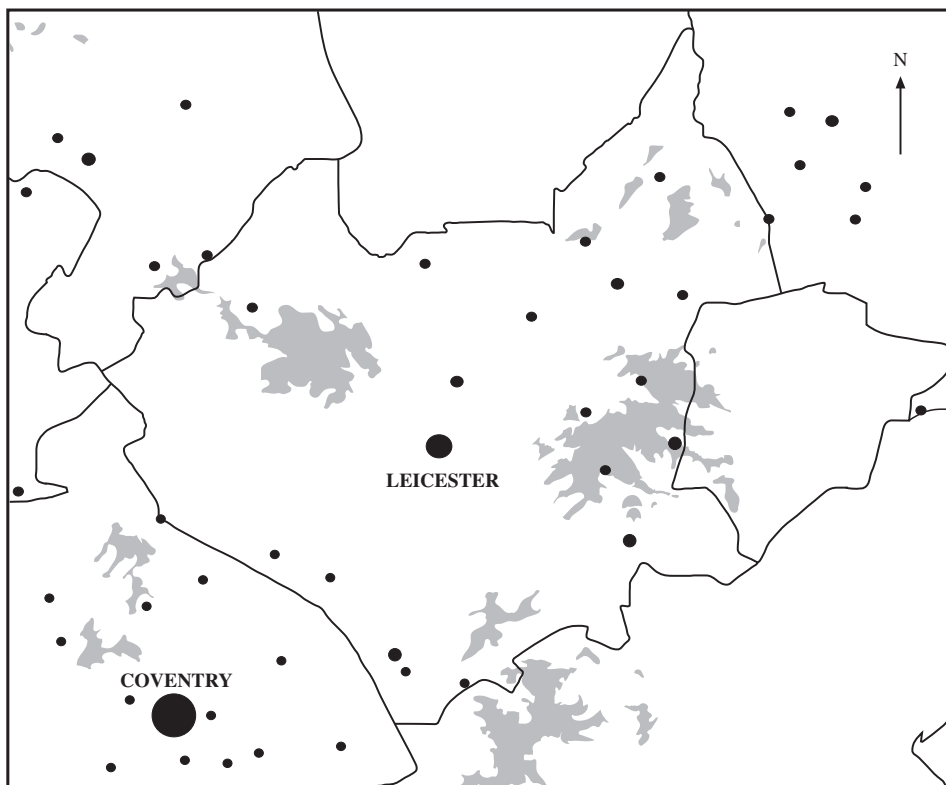


Fig. 2. Distribution of wills proved in the PCC, 1522–1546 inclusive.

Another approach to the complexity of this issue of selective will-making involves a return to Loughborough. We have 70 wills from this rapidly developing small town, excluding the parish of Dishley. Fortunately, the parish register for Loughborough is extant from November 1538, so we can discern the number of burials. In the first two years of the register (November 1538 to October 1540) almost 70 people were interred. In the following three calendar years (1541–1543 inclusive), burials consistently exceeded thirty per annum. If the lowest possible end of that rate (say 20 per annum taking into account a lower population in 1522) is extrapolated for 1522 to 1546 inclusive, then we have a total mortality of at least 500 compared with the 70 testators.¹¹

Even more unfortunately perhaps, we can compound this issue in Loughborough even further by investigating the personal estate of the testators. We have the inventory valuations (personal estate) for more than half of these testators, the statistics of which are elucidated in Tables 8 and 9.

Whilst at the top end the glover John Person had personal estate appraised at £73 13s 4d, seven of the Loughborough testators had valuations of less than

¹¹ ROLLR DE66/1.

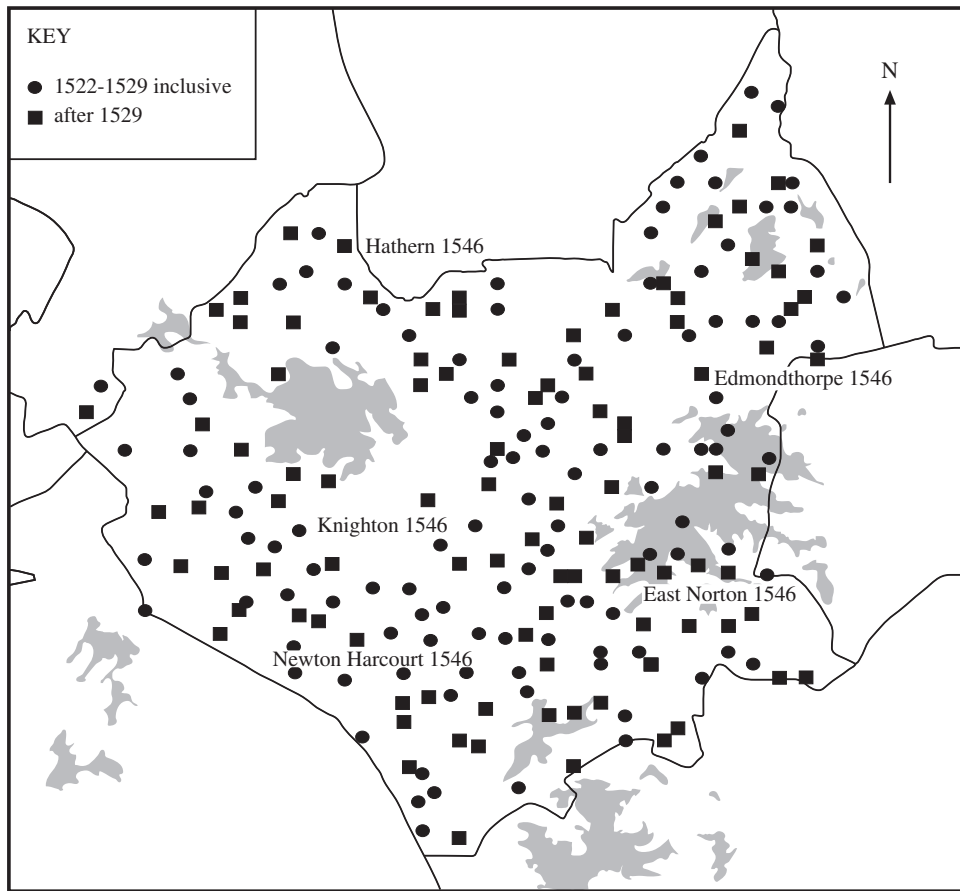


Fig. 3. Existence of the first will in Leicestershire parishes, 1522 to 1546 inclusive. Note: the parishes dated 1546 have no extant will between 1522 and 1545 inclusive.

£5, including, at the very bottom, the widow Sarah Andrewe with her mere £2 8s 11d.¹²

The intention of this analysis has not been to destroy our confidence in testamentary material as evidence for the significant social, economic and cultural developments in early-sixteenth-century Leicestershire. The suggestion is rather to include more nuance in the methodological approach to their use. Wills are and will remain a vital – perhaps the most important – element in those investigations. We just need to be fully aware of their precise configuration in their local context and – perhaps – assign more discussion to these methodological issues rather than glossing over them.

¹² ROLLR wills 1543/72 and 1545/2. My investigation into early-modern Loughborough is in its infancy.

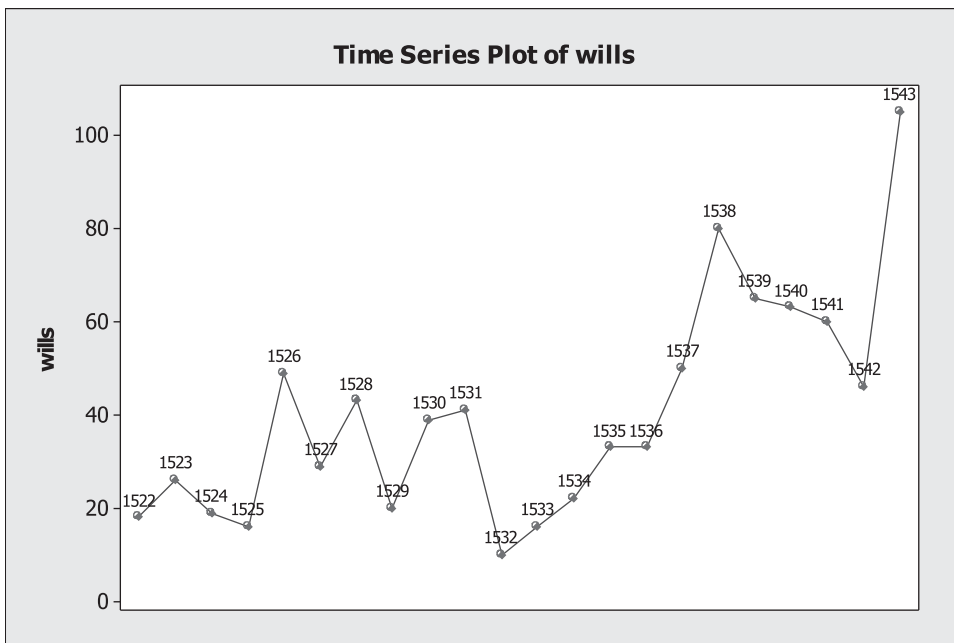


Fig. 4. The survival of wills in the archdeaconry of Leicester, 1522–1543 inclusive. Note: after 1543, the numbers continue to increase.

Number	Mean	Standard deviation	Median	Lowest	Highest	First quartile	Third quartile
37	23	18.76	18	2	73	9	33

Table 8. Inventory valuations, Loughborough, 1522–1546: descriptive statistics (nearest £).

Valuation	Cumulative count	Cumulative percent
£2–4	7	18.92
<£10	9	24.32
<£20	20	54.05
<£30	25	67.57
<£50	31	83.78
>£50	37	100

Table 9. Inventory valuations, Loughborough, 1522–1546: rank distribution (nearest £).