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Kay Price, Vicki

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“Twoo muche vayne and idle chardge”: the precision of inheritance in the 1601 will of Bess of Hardwick

Vicki Kay Price

English Literature Department, Bangor University, Bangor, Gwynedd, LL57 2DG, UK

edp8ae@bangor.ac.uk

Vicki is a final year PhD student of English Literature at Bangor University, Wales. She is researching the appropriation of mercantile practice and language in late medieval and early modern women's writing, including their letters, memoirs and wills. Vicki is particularly interested in how pre-modern women use financial discourse to write about various aspects of their lives. Vicki completed both her BA and MA at Bangor University, during which time she was awarded the Dr John Danby Prize for English Literature four times and received the Dr John Robert Jones Open Award in 2012. Her recent article on the Civil War letters of Lady Brilliana Harley was published in the April 2019 edition of *Scintilla*.

“Two muche vayne and idle chardge”: the precision of inheritance in the 1601 will of Bess of Hardwick

In 1601 Bess of Hardwick, the wealthiest woman in Elizabethan England (second only to the Queen herself), began her final will and testament. The precision with which Bess bequeathed her monetary and material wealth is striking: her executors and beneficiaries were left little room for interpretation and no excuse for error. This article explores the language and rhetoric of inheritance, alongside specific bequests of money, jewels, property, and clothing, present in the will of Bess of Hardwick in order to understand the document as an autobiographical expression of personal and dynastic achievement, status, and ambition.

Keywords: Bess of Hardwick; wills; precision; early modern; women’s writing; inheritance; life-writing; autobiography; rhetoric

An account of a life

In 1601, Elizabeth Talbot began to prepare her final will and testament. Remembered for posterity as “Bess of Hardwick”, she was the wealthiest woman in Elizabethan England (second only to the Queen herself) and grandmother of Elizabeth I’s potential heir, Arbella Stuart. Through her marriages, Bess (hereafter “Hardwick”) progressed from the daughter of impoverished gentry to the rich and powerful Countess of Shrewsbury: the bequests, language, and structure of her will were skillfully crafted to reinforce and ensure the retention of her status for future generations.¹

Hardwick’s will gives a fascinating insight into her life and her indomitable character. She made her second and seemingly favorite son, William, sole executor and principal heir.² William was bequeathed the contents of both Halls at Hardwick and the Oldcotes estate, in sharp contrast with her eldest son, Henry, whose inheritance of the Chatsworth contents was revoked. Hardwick made provision in her will for her surviving children, grandchildren, servants, and the inhabitants of her almshouse in

Derby. Hardwick continued to revise her will using marginal notes and codicils for seven years, disinheriting both Henry and her granddaughter, Arbella, and redistributing her wealth as she saw fit, until her death in 1608.³ The precision with which Hardwick bequeathed her monetary and material wealth is striking: her executor and beneficiaries are left with no room to misinterpret her desires. More than a legal document, her testament tells the story of a life, attachments made, beliefs valued, and relationships both honored and dismissed. This article explores the specific bequests of money, jewels, property, and clothing present in Hardwick's will in order to understand the document as an articulation of personal and dynastic achievement, status, and ambition.

A study of Hardwick's will can elucidate elite early modern women's will-writing and their potential for agency using the testamentary genre as a form of autobiographical expression. Scholars have noted the appropriation of the will as a trope in fictional literature from the Middle Ages onwards, but rarely have they analyzed the ways in which an early modern legal, non-fictional will can be literary in and of itself.⁴ Recent scholarship has recognized the literary use of judicial language and legal institutions in early modern literature.⁵ I argue that through close-reading it is possible to identify idiosyncratic, literary techniques within individual texts whose primary purpose was legal.⁶ If we understand a testament as life-writing rather than simply as a legal document, it is possible to reveal that a will can be as expressive as a literary faux testament, such as Isabella Whitney's satirical poetic "Wyll" (1573). By homing in on the testament of one, extraordinary woman, and paying particular attention to her testamentary precision, this article hopes to open up the existing discussion of law and literature to include female, non-fictional, non-canonical, early modern authors.⁷

Bess of Hardwick (1527?-1608)

Born to John Hardwick and his wife, Elizabeth, in Hardwick, Derbyshire, Bess was one of four daughters and one son.⁸ She married her first husband, Robert Barlow, in 1543. He died the following year. Her second marriage was to Sir William Cavendish (1508-1557) in 1547. Together, they had eight children. At the time Hardwick wrote her will, Frances (b.1548, d. after 1629), Henry (1550-1616), William (1551-1625), Charles (1553-1617), and Mary (1556-1632) were still living. In 1549 the couple purchased the Chatsworth estate and began renovating the property.⁹ Cavendish died eight years later. Before Elizabeth I ascended the throne, Hardwick married the wealthy Sir William St Loe (c.1520-1565?). When Elizabeth became queen, St Loe was made captain of the guard and Hardwick herself was given the position of gentlewoman of the queen's privy chamber. Hardwick's final marriage was to the rich and influential George Talbot, Earl of Shrewsbury (c.1522-1590). At the time of the Shrewsbury wedding, four of Hardwick's and Talbot's children were also wed; Gilbert Talbot (later seventh earl of Shrewsbury) married Mary Cavendish, and Henry Cavendish married Grace Talbot. During their marriage, Shrewsbury was made keeper of Mary Queen of Scots by Elizabeth I for sixteen years. In this time Hardwick arranged the marriage of her daughter, Elizabeth Cavendish, to Charles Stuart (grandson of Henry VIII's sister, Margaret Douglas): their daughter, Arbella, was a potential heir to Elizabeth I's crown.¹⁰ After the deaths of Charles and Elizabeth Stuart, Hardwick took control of her granddaughter's upbringing.¹¹

In 1584 the Shrewsburys separated and, having purchased the Hardwick manor in 1583, Hardwick began renovating the old hall of her birth. Shortly after Shrewsbury's death in 1590, Hardwick commenced her most famous building project: new Hardwick Hall. This masterpiece of Elizabethan architecture still dominates the Derbyshire

countryside today: the bold “E.S.” (for Elizabeth Shrewsbury) crowned with the countess’s coronet atop each tower declares Hardwick’s elite status for all to see. New Hardwick Hall speaks as much of her dynastic ambition and desire to leave a lasting monument for her heirs as her last will and testament. Hardwick died on 13 February 1608 and was buried according to her instructions in All Hallows, Derby (now Derby Cathedral).

Early modern women will-writers

Officially, under the English laws of coverture, married early modern women were unable to write a will without the permission of their husbands.¹² Despite the restrictions on women’s will-writing, they were evidently active participants in the genre, with around one fifth of the surviving wills from the mid-sixteenth to mid-eighteenth century written by female testators.¹³ Furthermore, greater numbers of women acted as executors and administrators than were testators; in over two thirds of testaments, in fact.¹⁴ Clearly middle- to upper-class early modern women were familiar with the legal process and language of will-making and administration, and they were key players in this drama of death.

The creation of a final will and testament can be understood as an act of stage-management in which the testator directs the future of her soul, body, finances, material possessions, and the lasting legacy of memory within the community she leaves behind.¹⁵ Far from being a private document, a will had public ramifications for early modern testators.¹⁶ The document itself may not necessarily have been printed or widely circulated, but bequests could have extensive social impact through providing for almshouses or funding sermons, for example. Testaments also needed to be read by

numerous people, including at the probate court where a will had to be proved before it could be executed.¹⁷ In his 1613 treatise on the performance of Christian piety, Lewis Bayly advised his readers that, once made, they should “publish” their will “before witnesses” so that “it may stand in force and unalterable.”¹⁸ Making their intentions known guarded the testator against post-mortem opposition of their instructions. Hardwick herself refers to “published” wishes, revealing her understanding of the public drama of death and inheritance (192’).

In the performative and public aspects of financial arrangements, wills can be interpreted as autobiographical documents giving insights into the lives of testators. Late medieval women’s wills have been identified as a genre – a type of retrospective life-writing – and as literary texts rather than simply as legal documents.¹⁹ This theory can be particularly useful in analyzing the wills of early modern women since this approach enables us to see the choice and agency employed at the end of life.²⁰ The final will and testament is, at first glance, a restricted genre due to the legal requirements and formulaic structure imposed upon the authors. This does not, however, mean that early modern women’s wills are devoid of creativity or individual choice. The very word “will” suggests personal wishes and a desire for control.²¹ Early modern women’s bequests function as rhetorical devices employed to ensure that testators are remembered in ways they see fit. Architectural projects, jewels, household items, and clothing become signifiers of wealth, identity, and family status through the written instructions created by the authors of wills. Far from being a routine legal document, for Hardwick, the will also functioned as life-writing which is infused with personality through her phrasing as well as her precise bequests to chosen beneficiaries.

In his consideration of the types of texts – beyond the conventional diary or prose autobiography – which we might class as life-writing, Adam Smyth includes

financial accounts, deeming them “central to a historically sensitive explanation of early modern life-writing.”²² A will, of course, is an intensely financial document and one which functions as a final act of life administration. Wills can, I argue, be grouped with those which Smyth’s work has lately given literary value. The humor, puns, pathos, and bathos which can be evident in other genres of women’s life-writing, such as letters and memoirs, may be absent from the legal will; however, the conflation of religious and financial discourse, and the use of literary devices such as metaphor and hyperbole can still be found in wills, including that of the indomitable Hardwick. By interpreting early modern women’s wills as autobiographical texts, it is possible to shine greater light on their lives and careers as writers as well as those as daughters, wives, and mothers.

Earthly position and spiritual wealth

Will-writing occurred in what was usually presumed by the testator to be the final stage in her life-course: it was an act which combined her devotional and worldly selves as she bequeathed her soul to God, body to the earth, and material wealth and possessions to her heirs. Lewis Bayly’s treatise shows that the early modern will was a complex combination of spiritual and financial order. He encouraged his readers to make a will as part of their devotional practice, ideally while they were in good health, to prepare their soul for death (811). He notes the importance of consulting “religious Diuines” as well as “honest Lawyers” when drawing up one’s will, thereby disclosing the inherent combination of piety, law and finance in contemporary will-making (810). Neither the lawyer nor the cleric is given precedence in the provision of their advice in Bayly’s text, implying that devotion and law had equal importance in seventeenth-century testaments.

With acute precision, in the opening lines of her testament (1601) Hardwick combines the earthly with the spiritual as she makes deferential acknowledgment of both God and Queen Elizabeth I:

In the name of God Amen the seaven and twentieth day of Aprill in the three and fortith yeere of the happie Raigne of oure most gracious Soueraigne Ladye Elizabeth by the grace of god Quene of England France and Ireland Defender of the faithe and in the yere of oure Lorde god one thowsande sixe hundred and one. (188^r)

Of course, as monarch, Elizabeth I was Head of the Church of England and so she was the embodied combination of worldly and spiritual life at the time Hardwick was writing. Hardwick uses appropriate diction to pay respect to the Queen – “gracious”, “happie” – while hinting at her desire to align herself with Elizabeth as, following this, Hardwick asserts her own worldly status: “I Elizabeth Countese of Shrewsburye lately wife of George late Earle of Shrewsburye” (188^r). Nobody reading, or hearing this will read, could be left in any doubt of Hardwick’s elite position. Despite the opening of her testament rooting her in this life and proclaiming her social rank, Hardwick declares that she writes for pious as well as financial reasons. In a continuation of the medieval desire for a spiritually “good death”, Hardwick states that the “tyme of Deathe ys most vncerteyn” – juxtaposing the accurate dating of her will – and so it is the duty of “euery christian whilst healthe and memorye best serve so to dispose of suche goodes and thinges as god hath lent them” (188^r). Hardwick reveals her understanding that all worldly belongings are temporal and created by God, a widespread contemporary belief.²³ Vincent Gillespie has noted the medieval concern with the “Three Sorrowful Things” that “haunt human consciousness: the inevitability of death, the uncertainty of its time, and the unknowability of the soul’s fate after death.”²⁴ Gillespie writes in reference to the lyric genre, but the creation of a testament in any period must in its very nature be informed by these concerns, and Hardwick’s is no exception. She writes in

preparation for inevitable death which will occur at an unknown point in her future. Her choice of vocabulary locates her precisely within this thinking while attempting to exert a degree of control over such uncertainty.²⁵

For both early modern men and women, their chosen burial place spoke of personal and familial identity. After conventionally bequeathing her soul to God, Hardwick instructs that her body is to be buried in “All Hallowes church at Derby [...] where yt is appoynted and Determynd that my Tombe and monument shal be erected and builte which at this present ys finished and wanteth nothing but setting vp” (188^r). Her choice of eternal resting place in All Hallows, Derby, is particularly interesting and somewhat unusual for an early modern woman, since none of her four husbands nor family appear to have been buried there.²⁶ Hardwick’s chosen burial site indicates her identification with the county of her birth. Indeed, remembered by posterity as “Bess of Hardwick”, her natal home and name define her far more enduringly than the names of her husbands and their properties. Perhaps she chose to be buried in the county town owing to the extensive land and property she owned in Derbyshire: Chatsworth, the two Hardwick halls, and the Oldcotes estate were all within the county.²⁷ Hardwick’s choice not to be buried with the men whose names denoted her person in life hints at her perception of herself as the true creator of the dynastic power that she wielded in her contemporary Derbyshire, and that it was for *her* achievements that she wished to be remembered.

Monuments as well as wills left legacies of their “authors”. Monument design represented a similar understanding of identity and position as burial place. Family identity was far more complicated for women than for men who continued to be members of their natal family for the duration of their lives, while women accumulated family names, rank and associations with every marriage.²⁸ Hardwick’s will informs us

that she oversaw the design and construction of her own memorial, thereby guaranteeing that she was commemorated in precisely the manner she desired (188^r). Her choice of burial place and the design of her own monument are in keeping with the triumphal declaration of status seen in the “E.S.” adorning the towers of new Hardwick Hall. The decision of “S” for “Shrewsbury” rather than “T” for “Talbot”, or even “H” for “Hardwick”, proclaims her status as Countess of Shrewsbury, not as George Talbot’s wife or John Hardwick’s daughter. The distinction speaks volumes: Hardwick endeavored to be remembered for her highest social rank, not for her marriage or descent. The architecture of new Hardwick Hall is inscribed in the same way as her text to signify her personal choice, authority, and power for posterity. Her architectural and linguistic options were, of course, enabled through significant financial means. The direct instructions within her text combine monetary expenditure with words to create a powerful and lasting autobiographical statement in stone and in ink.

Continuing her connection with Derby, Hardwick bequeaths “one mourning gown” to “euery of the poore of my Almeshouse of my foundation at Derbye” along with “twentie shillings a peece” which is “to be payed them the day of my funeral” (188^v). Hardwick’s foundation of an almshouse aligns her with Lady Anne Clifford (1590-1676), the great northern landowner of Cumbria and Yorkshire who also funded almshouses.²⁹ A popular practice among Tudor testators “with funds”, Hardwick’s establishment and provision for her almshouse was not unusual, but the assertion of her presence and importance within the local area which is communicated through her exacting instructions is worthy of note.³⁰ The creation of almshouses was intended to display Christian virtue alongside the status of the founder while ensuring that their name was remembered after death.³¹ By setting up almshouses, Hardwick and Clifford invested in a charitable display of their importance within their local and county-wide

communities. Hardwick is careful to specify the exact monetary amount that the inhabitants are to receive as well as the payment date, revealing the posthumous control of her financial estate that she wished to exert. Her articulation of identity does not, at any point, overtake the financial aim of her will. Rather, the two aspects work in tandem to strengthen the voice of Hardwick that speaks through her testamentary writing.

Using conventions of the legal genre, Hardwick moderates and juxtaposes the assertion of her elite rank with the pious belief that her wealth and status are thanks to the grace of God. She is ostensibly concerned about accusations that her funeral be too ostentatious, as revealed in the direction from which the title of this article is taken: that it is “not ouer sumptuous” or “perfourmed with twoo mucche vayne and idle chardge” (188^r). Hardwick’s Christian virtue could be called into question should she be suspected of committing the sin of pride. Instead, she requires “only” that her funeral is “accomplished in decent and convenient order fit for that estate and Degree wherunto yt hath pleased my most mercifull god to preferre me” (188^r). To do this, Hardwick specifies a “twoe thowsand poundes” budget (188^r). She may have been keen not to waste money on vain or idle things, but the funeral needed to reflect her estate as Countess of Shrewsbury, and she sets aside a vast sum for this purpose. Her son and executor, William Cavendish, did in fact spend over and above the £2,000 limit set by his mother.³² Her “not ouer sumptuous” memorial service exceeded the cost of the funerals of both Lord Burghley and the Earl of Leicester, boldly displaying her elite status and extraordinary wealth.³³ Similar phrasing dismissing extravagant funerals is present in a number of pre- and post-Reformation aristocratic women’s wills, and, like Hardwick, despite their claims of modesty, they too left substantial funds for the purpose.³⁴ Hardwick’s phrasing of “twoo mucche vayne and idle chardge” rings loudly with the moralizing tone of a society paradoxically concerned with appearing modest

whilst simultaneously declaring social advantage. Her words exemplify the typical manipulation of language present in her testament. Judging by Hardwick's ambitious building projects and the extensive inventory that accompanies her will, she was not one to downplay her own importance. Rather, her words are likely to have been formulaic, perhaps even fashionable when we consider similar sentiments being found in the wills of her peers, and a linguistic device employed to meet social expectations, as opposed to a real desire to be buried without a fuss.

Further following the conventions of will-writing, Hardwick combines her specific budget with a precise time scale that her funeral is "to be finished within three monthes next after my decease" (188^r).³⁵ Perhaps this use of a time-limit was a business practice with which Hardwick was familiar in her architectural projects, or it could simply be an attempt to exert control over executors to ensure her wishes were carried out in a timely manner. Either way, such precision is emblematic of her written style. Joel T. Rosenthal suggests that a will is "a document of spiritual power" in which the "wishes of the dead loom large over the living" to "become a form of posthumous social control."³⁶ A close reading of Hardwick's will reveals that this social control was a vital part of her testament, but also, by implication, her life.

A currency of memory

Bequests, and the language used to detail them, tell the story of a testator's relationship with her beneficiaries. As with her instructions for her funeral and burial, Hardwick is exact in bequests to her chosen heirs. Despite having a relatively large network of biological children and grandchildren to whom to leave property, possessions, and money, Hardwick also took care to recognize her extended family. For example, she bequeaths

fyve poundes in money [...] yerelie to my daughter Anne Baynton during her husbands life and hers for and towards her mayntenance only & yf she ouerliue her sayed husband Then I will that yerelie payment to cease and my sayed executor to paye to her fiftie poundes in money [...] to be by her disposed at her best liking. (189^r)

Anne was Hardwick's step-daughter, the daughter of her second husband, William Cavendish, and his first wife.³⁷ Hardwick's legacy of £5 a year specifically for Anne's "mayntenance *only*" (my italics) suggests a wish to provide Anne with a separate financial estate to that controlled by her husband.³⁸ In comparison with other bequests in Hardwick's will, £5 is not a significant amount. However, this gift to Anne implies a genuine affection between the two women rather than fulfilling a biological obligation to provide for a child. We must remember that Hardwick disinherited her son, Henry, and granddaughter, Arbella: she would not bequeath money to someone of whom she did not approve, regardless of familial connection (189^r; 188^v). Hardwick's vocabulary makes it clear that the money is intended solely for Anne and not her husband, and so it may be enough to provide her with some financial freedom. If Anne's husband is to die, the annuity is to stop and be replaced by a single payment of £50 "to be disposed of at her best liking." This is unusual in Hardwick's will: inheritances of money are usually followed by definite instructions on how to spend them (see below). This indicates that she gives the money to Anne with a true generosity and desire that it provides some enjoyment – "liking" – whilst implying that Hardwick trusts Anne to spend it wisely. Perhaps Hardwick feared the jointure or marriage settlement agreed upon would not provide for Anne in the event of her widowhood, or perhaps she simply did not trust Sir Henry to allow Anne to retain the full £50. Whatever the reason, Hardwick's will is precise that this bequest is to Anne alone.

Hardwick writes and performs a rhetorical strategy to reinforce networks of kinship, using the will to pen the story of her family and to create a currency of memory

through bequests reserved for the purchase of mourning jewelry. She leaves 100 angels to her daughter-in-law and stepdaughter, Grace, “to buy her a Rynge to weare for me” (188^v). Similarly, her grandson, Robert, and her granddaughter, Elizabeth, are to receive £30 and £20 respectively to purchase rings (189^r). While mourning rings were fashionable amongst Tudor women, Hardwick’s direct instructions on how her beneficiaries are to spend their legacies demonstrate her desire to exert a post-mortem control over finances, heirs, and the way in which she will be remembered.³⁹

Hardwick singles out material objects for chosen heirs to indicate their rank as well as her own social status and family dynasty. To do this, she adopts the style found in the extensive and detailed inventory of the contents of her properties at Chatsworth and Hardwick that is appended to her will. Filled with extravagant material objects, this inventory displays her immense wealth while also accounting for all her property. Her original gifts to her granddaughter, Arbella, the potential successor of Elizabeth I, are just one example of her implementation of this technique:

I giue vnto my very loving grandchild Arbella Stewart my christall glasse trymmed with siluer and gulte and sett with lapis Lazarus and aggets and one Sable the head beyng of gould sett wt stone and a white ermyn Sable the head likewise of gould ennamiled and set with Stone and all my pearle and jewells which I shall haue at the tyme of my deathe except suche as shalbe otherwise bequeathed by this my last will. (188^v)

These obviously extravagant and expensive items left to Arbella reflect her royal blood and status as potential future queen; ermine is the fur worn by English royalty. Sables were furs worn around the neck to keep warm, but these were more than practical items. Sumptuary laws outlined that the wearing of sable fur was reserved for only the highest ranking of English subjects, including countesses, duchesses and marchionesses.⁴⁰ The ornamental gold heads of Hardwick’s sables, set with precious stones, would further increase their monetary value in an ostentatious display of wealth and social rank. The

fact that Hardwick takes care to distinguish these items from the remaining “pearle and Jewells” implies her appreciation of their value and her specific ambition that Arbella should inherit them as the woman poised to raise Hardwick’s bloodline to even greater heights. On top of these material goods Hardwick leaves Arbella an impressive £1,000 in cash (188^v).⁴¹ Hardwick’s legacy of £50 to her stepdaughter, Anne, pales in comparison. This combination of bequests would leave Arbella with a significant fortune, and at the time of writing, Hardwick would hope that Arbella would inherit far more from Elizabeth I.

Hardwick’s will functioned as a working document from its initial creation in 1601 for the remainder of her life – a process of revision akin to the drafting and re-drafting of creative, literary writings. For Hardwick, the “final” will and testament was not truly final until the moment of death occurred. Her use of language to do this creates a family narrative that can be read in conjunction with bequests. Following politically dangerous attempts by Arbella to flee from her grandmother’s care and defy the Royal Marriage Act in a clandestine marriage to Edward Seymour (1602), Hardwick’s later marginal annotations disinherit Arbella, reading, “All and euery the bey conteyned in thys my last will and giuen to my grandchilde Arbella Stewart I haue revoked vnder my hand and Seale” (188^v), and this is confirmed by the codicil dated 20 March 1602 (192^r).⁴² The difference between the fondness expressed in the bequest to Arbella – her very “loving grandchild” – and the abrupt tone revoking her legacy is striking. The short and business-like revocation of Arbella’s inheritance could convey an anger and disappointment more searing than an outpouring of words. Hardwick remains aloof and professional within the legal genre to ensure that her wishes are not challenged on the grounds of irrationality or excessive emotion: business and legal acumen prevail in her direct written style. Michelle M. Dowd argues that “rightful succession is fundamentally

a narrative construct”, claiming it is “as much fiction as fact, as much story as certainty,”⁴³ In the employment and exclusion of affectionate language, Hardwick invests in the construction of the “narrative” of her family life, through which she asserts first the “rightful succession”, and then the “rightful” disinheriting of her granddaughter, manipulating the genre of the will to tell the “story” of their broken bond. Much as the omissions of an autobiography can be as telling as its inclusions, so Hardwick’s will tells the tale of her relationship with Arbella through her silence.

As well as using her will to punish her disobedient descendants, Hardwick uses it to perform and publish forgiveness. She writes that although she has suffered “unkyndnes” from her daughter, Mary, and son-in-law, Gilbert Talbot, she chooses to “remitt all wronges and Injureyes which they haue done against me and do praye god to blesse them” (191^v).⁴⁴ Hardwick’s testament discloses the potential for wills to build bridges between conflicting family members through recording the resolution of quarrels, which is cemented in textual evidence as well as through the bestowing of inheritance. In manipulating the legal genre to exemplify her Christian virtue in executing forgiveness, Hardwick illustrates the potential for the adaptation of the testamentary form as a vehicle for documenting family politics in an autobiographical style.

It is not only in language that we can “read” the story of familial and dynastic bonds. Hardwick, like so many testators, uses bequests of material culture as a rhetorical tool to signify, and indeed proclaim, her bloodline’s elite status.⁴⁵ To Frances Cavendish, her eldest daughter, Hardwick leaves “my greate booke of gould sett with stones, with her fathers Picture and my picture drawne in yt” (188^v). As well as being a commodity of high monetary value, the portrait book is of high hereditary value in that it contains images of Frances’s parents. Arguably, it is an item that could aid Frances’s

understanding of her identity. At the time Hardwick wrote her will, Frances was married to Henry Pierrepoint and so, in the eyes of contemporary society, her identity would have been subsumed into that of her husband's family. Hardwick's decision to be buried in Derby, along with her architectural projects of the old and new Hardwick Halls, clearly demonstrate her lineage building: perhaps the bequest to Frances is to encourage her to cultivate a sense of dynastic identity. Significantly, Hardwick is precise in her instruction that it is Frances, her eldest child as well as eldest daughter, who is to inherit this heirloom: appropriating and twisting the practice of primogeniture to fit feminine inheritance. Primogeniture, of course, mainly concerned land and property transferred to the eldest male heir, and women frequently bequeathed material possessions (sometimes referred to as moveable items) to their female heirs, but Hardwick singles out this special item specifically for her eldest daughter in such a way that speaks of a hierarchy of her female beneficiaries of material goods.⁴⁶ As well as Frances, Hardwick's daughter Mary was still alive in 1601, however, we have already seen evidence of the tensions that existed between Mary and her mother, so perhaps there was more than a hierarchy of age at work in Hardwick's bequest to Frances. Hardwick may have favored Frances over Mary in the same way that she gave William preference over his brothers. Nevertheless, Hardwick's bequest of the portrait book marks the continuation of her bloodline through her female descendants in much the same way that her sons' inheritance of her land and property signify its continuation through the male line.⁴⁷

Hardwick's portrait book can, like the Books of Hours that medieval women often left to their daughters, be interpreted as an alternative "text" of family history. Books of Hours occasionally recorded intimate family details, such as deaths, like those of Alice Bolton and her husband found written in the Bolton Hours.⁴⁸ Some medieval Books of Hours contained images of their patrons or owners within the illuminations,

including portraits and heraldic arms, and, as these books were passed down to daughters and granddaughters, they became invested with the story of family identity.⁴⁹ Commissioned by Sir William Cavendish to commemorate their marriage, it is possible that Hardwick's bequest of the diptych is an evolution of the medieval use of a Book of Hours to cultivate female family history.⁵⁰ She takes ownership of the artwork, inscribing and investing it with meaning as she passes it on to their daughter. Anne Clifford's famous triptych, *The Great Picture* (1646), proclaimed her natal identity, wealth, and learning, and established a dynasty for herself and her two daughters.⁵¹ In response to regaining the Dacre titles for her son, Mary Neville, Lady Dacre commissioned a portrait in 1558 to assert their elite status.⁵² It is possible that Hardwick's portrait-book was intended to work in a similar way for Frances. The use of such heirlooms – reading or simply gazing upon them – would recall the memory of previous owners as well as those depicted in the artwork and place the new owner within the family narrative. The written will and identification of these inanimate objects instills them with human emotion, giving them a narrative power to tell family history.⁵³ Hardwick secures a post-mortem energy and presence in the world of the living through the testamentary recording of her material bequests. Not only are the nuances of women's language, rhetoric, and writing style evident in the somewhat constrictive genre of the last will and testament, but so are the nuances of bequests.

The seal of approval

In order to protect her legacies from interference after her death, Hardwick strongly emphasizes the legality of her will, meticulously ensuring that it cannot be questioned by utilizing the language of law. She writes:

in wisse that this present writing Indented is my true and only last will and testament, I do hereby revoke renounce and vtterlie disavowe all other willes and testaments by me at any tyme heretofore made or published and all other words and wrytinges [...] preferred to be my last will v[n]lesse the same shalbe by my owne hande [...] sealed and subscribed and by me openlie published and Declared to be my last will with revocation of all former willes in the presence of fower or more lawfull wisse present [...] I here openlie and very advisedlye seale this writing [...] with the Seale of my Armes and subscribe the same with my owne hande and openlie in all suretie publishe and declare this onlie to be my last will and testament (192^v)

Hardwick's choice of vocabulary – to “revoke renounce and vtterlie disavowe” all previous wills – is strikingly powerful: this is a woman who knows what she wants, and she is determined that no one should be able to challenge the legality of her wishes. The same care is evident in the phrasing of the marginal annotations that alter her will (188^v). Hardwick's phrasing reveals her concern over fraudulent documents. Her record that it is indented, witnessed, sealed, and signed to protect it from false accusations of fraud and to distinguish it from any potential imitations. This is not unusual, but the authoritative use of repetition of terms such as “last”, “true”, and “only” implies that Hardwick is particularly anxious of potential cracks in her testamentary armor. Repetition increases the rhetorical strength of her written voice. Hardwick's determined and forthright personality speaks through her writing.

The reference to a “published” will implies that not only was the testament intended to influence people after her death, but in the present, perhaps binding beneficiaries in gratitude but also – in terms of Henry and Arbella – to publicly punish them for disobedience. Might Hardwick's will have been a tool of social control before as well as after death? Her overt reference to her forgiveness of Mary and Gilbert Talbot

(discussed above) evidenced that Henry and Arbella could hope to regain their position as heirs if they worked to rebuild their relationships and showed sufficient remorse.

Hardwick capitalizes on legal discourse and phrasing in a display of personal fiscal acumen. This new will is made known in “suretie”, itself a legal term denoting a guarantee, as Hardwick declares ownership and responsibility for the document and the financial transactions contained within it which will be set in motion by her death. Her statement contains all the required legal tools to invalidate previous or fraudulent wills, but with added force thanks to the vocabulary, syntax, and rhetorical structure of her writing. As in the rest of her will, the manner of this final statement invests extra strength in the precise wishes contained in the document that it protects. By openly applying her seal to the document, Hardwick quite literally stamps her seal of approval on the self-written image that it portrays.

Conclusion

Bess of Hardwick’s will is far more than a legal document: it is also an autobiographical, literary text providing a glimpse of her life and personality while reinforcing lineage for her surviving bloodline. Hardwick’s testament demonstrates the struggles of family politics as well as her intense desire to exert control over her kin and the way in which her material legacies and memory survived her. By paying close attention to linguistic choice, it is possible to identify nuances of expression which reveal affection and emotions which may not otherwise be conveyed in the formal, legal genre. Hardwick’s precise detailing of the objects and sums of money she wished to bequeath, along with time scales for her executors to conform to, compose a striking picture of her intelligent worldly planning. Hardwick Hall, with its towering height,

excessive use of glass, and unmistakable declaration of ownership with the stone initials of “E.S.” proclaims her success in creating a lasting memorial to herself, and of her financial and social achievements. While her granddaughter Arbella did not become queen, Hardwick’s legacy has endured, in part thanks to her exacting testamentary control to safeguard her accomplishments. She may not have wanted “twoo muche vayne and idle chardge” in the performance of her funeral, but Hardwick certainly ensured that her bequests were not in “vain” and took “chardge” of her posthumous representation through her precise testamentary form and writing style in order to create a powerful portrait in the written word.

¹ Although she wrote her will as Elizabeth Talbot, since this was her legal name, I refer to the Countess of Shrewsbury as “Hardwick” in my analysis. History has famously remembered her by this name and, although her marriage to George Talbot brought her great wealth and power, she clearly identified herself with both the place and family name of Hardwick, as evidenced by her architectural projects.

² Elizabeth Hardwick, PRO prob/11/111, 109^r. All references are to this document. Transcriptions are my own. The long “j”, “ε” and double “ff” have been modernized to “s”, “h” and “f” for clarity and ease of reading.

³ For an account of the reasons, see Mary S. Lovell, *Bess of Hardwick: First Lady of Chatsworth* (London: Abacus, 2005), 442-3; 427-39; 462-3.

⁴ See Alex Davis, *Imagining Inheritance from Chaucer to Shakespeare* (Oxford: Oxford University Press, 2020), 21-3; Michelle M. Dowd, *The Dynamics of Inheritance on the Shakespearean Stage* (Cambridge: Cambridge University Press, 2015), 1-8; Gary Watt, *Shakespeare’s Acts of Wills: Law, Testament and Properties of Performance* (London: Bloomsbury, 2016), 2-4.

⁵ See Lorna Hutson, “Introduction: Law, Literature, and History”, in *The Oxford Handbook of Law and Literature, 1500-1700* ed. Lorna Hutson (Oxford: Oxford University Press, 2017), 7.

Also of note, is that the majority of criticism in this area focuses on canonical, male-authored literature. See, for example, Karen Cunningham and Constance Jordan, eds., *The Law in Shakespeare* (Basingstoke: Palgrave Macmillan, 2007); Gregory Kneidal, *John Donne and Early Modern Legal Culture* (Pittsburgh: Dusquene University Press, 2015) as well as criticism by Davis, Dowd and Watt noted above.

⁶ Elizabeth Salter's recent article, "Women's Last Wills and Testament in Hull, England, (c.1450-1555)", *Early Modern Women* 12, no. 2 (2018), argues that "testatrixes deployed last will and testament documents to assert or define [...] elements of their lives" which goes some way towards interpreting them as alternative forms of life-writing (35). However, Salter's article focuses on townswomen of an earlier period rather than the elite rank of the early-seventeenth century of which Hardwick was part. From an historical rather than literary perspective, Susan E. James has carried out a comprehensive analysis of Tudor women's wills, recognising that they reveal individual voices in her monograph *Women's Voices in Tudor Wills, 1485-1603: Authority, Influence and Material Culture* (Farnham: Ashgate, 2015).

⁷ While Hardwick's letters have recently been the subject of literary projects and analysis, relatively little criticism has focused on her will. See Alison Wiggins, *Bess of Hardwick's Letters: Language, Materiality and Early Modern Epistolary Culture* (Abingdon: Routledge, 2017). The AHRC project, of which Wiggins was Principal Investigator, *Letters of Bess of Hardwick*, compiled the digital resource of almost 250 letters written by and to Hardwick <<https://www.bessofhardwick.org/>>. See also, the collection of essays edited by Lisa Hopkins, *Bess of Hardwick: New Perspectives* (Manchester: Manchester University Press, 2019).

⁸ Elizabeth Goldring, "Talbot [née Hardwick], Elizabeth [Bess] [called Bess of Hardwick], countess of Shrewsbury (1527?-1608), noblewoman", in *Oxford Dictionary of National Biography* (Oxford University Press, 2004), <<http://www.oxforddnb.com.ezproxy.bangor.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26925?rskey=Huzgvm&result=2>> (Accessed 6 August 2019). All biographical information for Hardwick is from this source unless otherwise stated.

⁹ Unusually, all of the Derbyshire lands (including Chatsworth) were held in their joint names to prevent the property being seized by the court of wards should Cavendish die before their eldest son, Henry, reached his majority.

¹⁰ For biographies of Arbella Stuart, see David N. Durant, *Arbella Stuart: A Rival to the Queen* (London, Weidenfeld and Nicolson, 1978) and Sarah Gristwood, *Arbella: England's Lost Queen* (London, Bantam Press, 2003).

¹¹ The tragic life of Arbella is told in her surviving correspondence: Sara Jayne Steen ed., *The Letters of Lady Arbella Stuart* (New York and Oxford: Oxford University Press, 1994).

¹² Amy Louise Erickson, *Women & Property in Early Modern England* (London and New York: Routledge, 1995), 104.

¹³ Erickson, *Women & Property*, 204.

¹⁴ Tim Stretton, "Women, Property and Law", in *A Companion to Early Modern Women's Writing*, ed. Anita Pacheco (Oxford: Blackwell Publishers Ltd., 2002), 52.

¹⁵ The performative aspect of testamentary giving and inheritance as a catalyst for action in early modern drama has been the topic of studies by a number of critics. See, for example, Davis, *Imagining Inheritance* (2020), Dowd, *Dynamics of Inheritance* (2015), and Watt, *Shakespeare's Acts* (2016).

¹⁶ James has noted that Tudor women's wills were "a public platform". *Women's Voices*, 282.

¹⁷ Carolyn Sale "The Literary Thing: The Imaginary Holding of Isabella Whitney's 'Wyll' to London (1573)", in Hutson, *Law and Literature* (see note 9): 32.

¹⁸ Lewis Bayly, *The Practise of Pietie* (London: John Hodgets, 1613), 809-10. All references are to this edition, hereafter cited parenthetically. The long "ſ" has been modernized for clarity and ease of reading. Used in this context, "publish" means to make publicly known rather than to print.

¹⁹ See Katherine J. Lewis, "Women, Testamentary Discourse and Life-Writing in Later Medieval England", in *Medieval Women and the Law*, ed Noël James Menuge (Woodbridge: The Boydell Press, 2000).

²⁰ See James, *Women's Voices* for a greater exploration of the kinds of choices available to female Tudor testators.

²¹ In the early seventeenth century, “will” could refer not only to the “intention or determination that something shall be done by another or others”, but also to the “inclination *to do* something, as contrasted with power or opportunity”. *Oxford English Dictionary* <<https://www-oed-com.ezproxy.bangor.ac.uk/view/Entry/229046?rskey=qj7BQO&result=1&isAdvanced=false#eid>> (Accessed 16 October 2020). This awareness of the post-mortem lack of power and opportunity which a testator must always address was perhaps more prominent in the minds of women who faced further restrictions on their ability to perform their wishes in their lifetimes.

²² Adam Smyth, *Autobiography in Early Modern England* (Cambridge: Cambridge University Press, 2016), 1. The other texts that Smyth considers in his study are parish registers, commonplace books and printed almanacs. For further discussions of early modern autobiography, see the collection of essays in Ronald Bedford, Lloyd Davis and Philippa Kelly ed., *Early Modern Autobiography: theories, genres, practices* (Ann Arbor: The University of Michigan Press, 2006).

²³ Bayly notes that it was especially important for people who “God haue blessed [...] with any competent state of wealth” to make their will in readiness to focus their attention on spiritual matters as the moment of death drew nearer, 811.

²⁴ Vincent Gillespie, “Dead Still/Still Dead”, *The Medieval Journal* 1 (2011): 53.

²⁵ The contemporary attitudes towards religion and salvation were varied and complex. See Peter Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge: Cambridge University, 1982); Peter Marshall, *Heretics and Believers: A History of the English Reformation* (New Haven and London: Yale University Press, 2017); Peter Marshall, *Reformation England, 1480-1642* (London: Arnold, 2003); Norman Jones, *The English Reformation: Religion and Cultural Adaptation* (Oxford: Blackwell Publishers, 2002).

²⁶ In *Women's Voices*, James has observed that, when writing their wills, Tudor women frequently specified their chosen burial place, but that this was usually with a husband or father, 22.

²⁷ Hardwick carried out extensive building works on all these estates.

²⁸ Barbara J. Harris, "Defining Themselves: English Aristocratic Women, 1450-1550", *Journal of British Studies* 49 (2010): 741.

²⁹ Clifford set up her almshouse to support poor widows in Appleby, Westmorland, a location important to her own sense of familial identity. Clifford's mother, Margaret Russell, supported her own almshouse, in Beamsley, which Clifford continued to fund after Russell's death. Jessica L. Malay, "Introduction", in *Anne Clifford's Great Books of Record*, ed. Jessica L. Malay (Manchester: Manchester University Press, 2015), 2.

³⁰ James, *Women's Voices*, 49.

³¹ Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England c.1400-c.1580* (New Haven and London: Yale University Press, 2005), 328.

³² In her biography of Hardwick, Lovell notes that the Cavendish account books record that the total cost of Bess's funeral was an astounding £3257. *Bess of Hardwick*, 473.

³³ Lovell, *Bess of Hardwick*, 473.

³⁴ Harris, "Defining Themselves": 751-2. Harris cites the testaments of Anne, Duchess of Buckingham (1480), Dame Margery Waldegrave (1540) and Dame Katherine Bray (d.1508).

³⁵ Deadlines for performing testators' wishes can frequently be identified in pre-modern wills. See, for example, Lady Katherine Barnardiston's 1633 will in which she imposes a timetable upon her executors, PRO prob/11/163 (208^v).

³⁶ Joel T. Rosenthal, *Margaret Paston's Piety* (New York: Palgrave Macmillan, 2010), 86.

³⁷ Anne's marriage was arranged by Hardwick and her third husband, William St Loe, to Sir Henry Baynton in 1562. St Loe provided a dowry of 1000 marks for Anne, the equivalent of around £150,000 today. Lovell, *Bess of Hardwick*, 180. National Archives Currency Converter <<https://www.nationalarchives.gov.uk/currency-converter/#currency-result>> (Accessed 16 October 2020).

³⁸ See Erickson's *Women and Property* for a discussion of the law on separate estates of husbands and wives, 103-13.

³⁹ James, *Women's Voices*, 81.

⁴⁰ Hopkins, “Introduction”, in Hopkins, *Bess of Hardwick* (see note 11), 9.

⁴¹ Hardwick also leaves £1000 each to her grandchildren James and Frances, children of her son William Cavendish. 191^r. The material bequests left to Arbella are what single her out as the highest ranking of Hardwick’s grandchildren.

⁴² See Lovell, *Bess of Hardwick*, 427-39. Despite this, it appears that Arbella did inherit the original sum of £1,000 after Hardwick’s death in 1608. Durant, *Arbella Stuart*, 245-6; 161.

⁴³ Dowd, *Dynamics of Inheritance*, 1.

⁴⁴ There was an ongoing feud between Hardwick and Gilbert Talbot as he sided with his father during the Shrewsburys’ marital disputes, and he subsequently barred Hardwick from being the executor of Shrewsbury’s will. Mary became caught up in the conflict. See Alan Bryson, “Bess of Hardwick, a life” in Hopkins, *Bess of Hardwick* (see note 11), 25-7.

⁴⁵ See James, *Women’s Voices*, 82-8. For an earlier example of an elite early modern woman who bequeathed her descendants items to perpetuate a sense of the female bloodline, see the 1530 will of Maud Parr, PRO prob/11/24. Parr’s daughters, Catherine and Anne, received an inheritance of pearls amongst other family jewels, 86^r.

⁴⁶ For more on primogeniture, see Dowd, *Dynamics of Inheritance*, 6-8; for more on the negotiation of primogeniture in women’s wills, see James, *Women’s Voices*, 151; on the division of inheritance into land and property for male children and movables for female offspring, see Erickson, *Women & Property*, 64-78. Furthermore, Harris has noted the tendency of aristocratic Tudor and Yorkist widows to bequeath the large amount of wealth that they accumulated in material possessions during their widowhood to non-inheriting children, “Defining Themselves”: 740.

⁴⁷ Despite Hardwick’s disinheriting of her eldest son, Henry, she was unable to prevent him inheriting the Chatsworth estate which was entailed to him. She could, and did, deny him the contents, which, as James notes, was not uncommon when a son disobeyed his mother. *Women’s Voices*, 194.

⁴⁸ Sarah Pederson, “Piety and Charity in the Painted Glass of Late Medieval York”, *Northern History*, 36.1 (2000): 41. Duffy has noted the practice of recording family births and deaths in

Books of Hours by late medieval owners, *Stripping of the Altars*, 25. The de Bois Hours (c.1325-30) includes family birth and death dates recorded by the successive owners between the fourteenth and sixteenth centuries. Kathryn A. Smith, *Art, Identity and Devotion in Fourteenth Century England: Three Women and their Books of Hours* (London: The British Library and Toronto Press, 2003), 31-2; 309-10.

⁴⁹ Such as the Book of Hours commissioned by Hawisia de Bois (c.1425-30) which includes numerous portraits of de Bois and her relatives, and ostentatiously proclaims the importance of her natal family through the illustration of 133 individual shields depicting 22 different coats of arms connected to the various de Bois family lines. Smith, *Art, Identity and Devotion*, 20-7.

⁵⁰ Alison Wiggins, “Money, marriage and remembrance: telling stories from the Cavendish financial accounts”, in Hopkins, *Bess of Hardwick* (see note 11),61.

⁵¹ For a reproduction of *The Great Picture*, see Malay, *Anne Clifford’s Great Books of Record*, plate 1. For more on Clifford’s lineage building through her compiling of financial and legal documents, artwork, and diaries see Malay, *Anne Clifford’s Great Books of Record*, 1-31; Jessica L. Malay ed., *Anne Clifford’s autobiographical writing, 1590-1676* (Manchester: Manchester University Press, 2018) 6-9. Smyth has analyzed the autobiographical aspects of Clifford’s financial accounts in *Autobiography in Early Modern England*, 72-93.

⁵² Harris, “Defining Themselves”: 734-6.

⁵³ In reference to Shakespeare’s poetry, Watt claims that “testamentary power” can give “life to inanimate things” and so “connects the world of the living to the world after death”, *Shakespeare’s Acts*, 222. While he describes the effects of fictional literature, the same is true for Hardwick’s legal writing.