'My Testament In Englisshe Tonge': A Study In The Use Of The Vernacular In Medieval Wills

Alison J. Spedding

A Thesis Submitted to the University of Birmingham
For The Degree of Doctor of Philosophy

Department of English
College of Arts and Law
The University of Birmingham
April 2010

UNIVERSITY^{OF} BIRMINGHAM

University of Birmingham Research Archive

e-theses repository

ABSTRACT

Testamentary records have been extensively used by scholars to illuminate a range of topics from financial capacity and religious belief to genealogical and prosopographical research, as well as informing detailed studies of book ownership and literate practice. No in-depth linguistic study of vernacular dispositive processes has yet been made, however. This thesis surveys the gradual emergence and development of the English testament from the earliest surviving examples until 1499. It asserts that the re-emergence of vernacular will-making in the fourteenth and fifteenth centuries enabled the testator's personal involvement, and demonstrates that English-language testaments were far from being routinely produced documents reliant on formulaic phrases. The unique character of each text thus affords both linguists and historians new insight into later-medieval language use and the gradual spread of vernacular legal processes. The introductory section of this interdisciplinary study examines the religious and legal origins of the first vernacular dispositive acts, the oral roots of the testamentary process in the Anglo-Saxon period, and the development of the written will in the centuries before and after the Conquest, including detailed comparisons between early thirteenth-century texts from Worcester and Exeter. The second section begins by examining the processes of will-writing in later-medieval England in detail, analysing the essential linguistic components of the canonical testament before using two specific groups of wills from mid-fourteenth- and late-fifteenth-century London to explore nuances of composition and phrasing. Having established the context and structure of the developed form, a detailed comparative analysis of the testamentary language contrasts the phrasing of wills written in Latin and French with that used in the emerging English texts. The succeeding chapters focus on the testamentary archives of Bury St Edmunds and York, these case studies including examination of vernacular texts composed on behalf of women, trends in urban and rural usage, the effect of periods of high mortality on language choice, scribal methods, and the regional character of testamentary language.
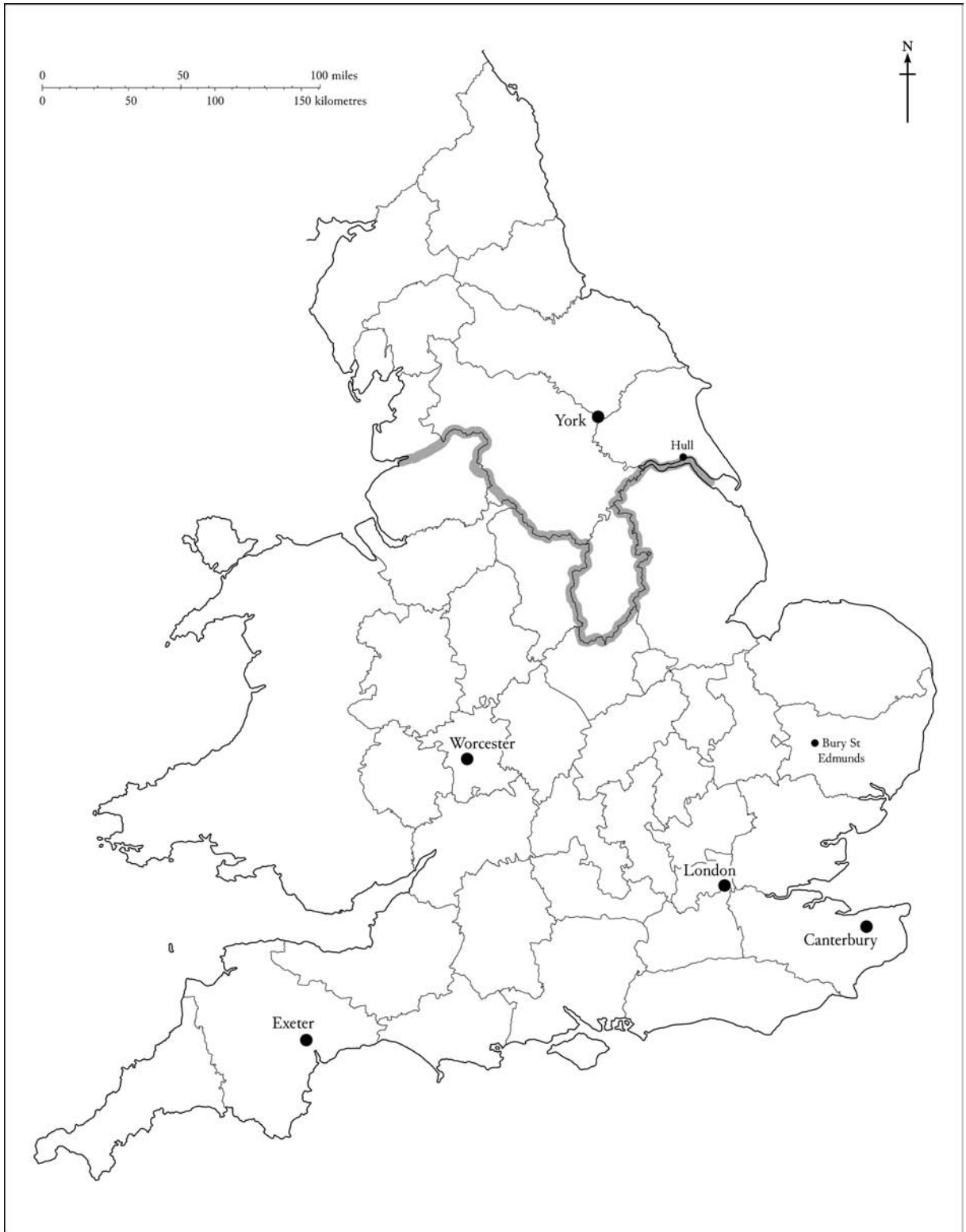
ACKNOWLEDGEMENTS

THE BOUNDARY BETWEEN THE LATE-MEDIEVAL ARCHIEPISCOPAL PROVINCES
(Shire boundaries shown at their pre-1974 extents)

CONTENTS

PART TWO

LIST OF FIGURES

LIST OF MAPS

LIST OF TABLES

LIST OF IMAGES

BI	Borthwick Institute, University of York.
BL	British Library.
BRO	Suffolk County Record Office, Bury St Edmunds Branch (Bury Record Office).
CRO	Cumbria County Record Office.
D&C	Dean and Chapter.
DCM	Durham Chapter Muniments (Formerly DPK).
FEEW	Frederick J. Furnivall (ed.), *The Fifty Earliest English Wills in the Court of Probate, London, A.D. 1387-1439; with a Priest's of 1454*, Early English Text Society, Original Series 78, (London: Trübner, 1882; facs, edn, Boston: Elibron Classics, 2005).
HR	Husting Court Roll.
LMA	London Metropolitan Archive.
LPL	Lambeth Palace Library.
OED	*Oxford English Dictionary On Line*
P	Pelteret Number.
PCC	Prerogative Court of Canterbury.
PCY	Prerogative Court of York.
PRO	Public Record Office.
RHC	E. F. Jacob (ed.), *The Register of Henry Chichele Archbishop of Canterbury 1414-1443*, 4 vols, Canterbury and York Society, 42, 45-7, 1937-47, vol. 2, *Wills Proved Before the Archbishop or his Commissaries*, Canterbury and York Series, Vol. 42 (Oxford: Oxford University Press, 1937.
S	Sawyer Number.
Test. Ebor.	James Raine (ed.), *Testamenta Eboracensia I-IV*, Publications of the Surtees Society (London: The Surtees Society, 1836-1868).
TNA	The National Archive.
WRO	Worcestershire Record Office.
YML	York Minster Library.

NB

It should be noted that during the period of this research the archive of the London Commissary Court was removed from its usual repository in the manuscripts section of the Guildhall Library and temporarily rehoused at the London Metropolitan Archive. At the time of writing it appears that these records will remain at the London Metropolitan Archive. While they have hitherto been identified as GL, 9171, in this study this reference has therefore now been amended to LMA, 9171.

In Dei nomine Amen. I Anne Countess of Stafford Bockingh' Herford' and Northampton and Lady of Breknoc of hool and avised mynde ordeyne and make my testament in Englisshe tonge for my most profit redyng and understandyng in þis wise.

- Testament of Anne, Countess of Stafford
16th October, 1438

INTRODUCTION

INTRODUCTION

For as long as there has been private ownership of property the cycle of birth and death has included the transmission of possessions from one generation to the next, a process that increased greatly in urgency and importance with the coming of Christianity and its pious imperative of alms giving. Such was the religious and social significance of transfers and donations made at or in anticipation of death for the benefit of the soul that the process was gradually bureaucratized, the formal spoken bequests made before witnesses ultimately being replaced by written dispositive instruments. Although such testamentary records have been used extensively by historians to provide information on a range of topics from financial capacity to religious belief, and to inform genealogical and prosopographical research, no specific and detailed study of the use of English for testamentary purposes during the medieval period has yet been made. The primary aim of this thesis, therefore, is to analyse the development and growth of formal non-Latin will-making in England in the fourteenth and fifteenth centuries with regard to both phrasing and structure.[1] It will assess the extent to which French or English testaments might have differed from the Latin model, ask whether the participation of the testator was enabled by formal will-making in their mother tongue, and to what extent a conventional testamentary document offered scope for individuality of expression by either the professional or the client.

Until relatively recently, however, formally executed testamentary acts were undertaken by only a fairly small percentage of individuals; many people at all levels in society giving informal spoken instructions concerning the disposal of personal items, either in tandem with or instead of documentary

---

[1] It is necessary to state at the outset that there is a difference between a 'will' and a 'testament' even though very often the two terms were, then as now, used synonymously. The former referred to immovable or real property, the latter was concerned with movables – goods and chattels – and made provision for the soul of the deceased and often the funeral obsequies. The division originated because under common law land held in fee simple passed automatically to the heir on the death of its former holder, either immediately in its entirety, or in part, with any section comprising the widow's dower reverting to the estate on her death. Only land that had been purchased rather than inherited, or land that was held by lease, could be bequeathed elsewhere, although the devise of real property was often less restricted in towns. In order to get around the restrictions a system was devised – the 'use' - by which the legal ownership of land could be assigned to feoffees, while its *use* remained with the former owner until his death at which point it was conveyed to those 'feoffees to uses' according to the last *will* of the deceased. The situation became so convoluted that the Statute of Wills of 1540 simply legalised the devise of land held in fee simple. In keeping with popular usage this thesis employs the terms 'will' and 'testament' non-specifically. Where it is necessary to emphasise the distinction the phrase 'will of realty' will be used to make it clear that a reference to such a document is intended.

will-making, according to wealth, status, and need.[2] Such an act was little changed by the passing of

time - the nuncupative 'quethe word' of the later-medieval period resembled the formal deathbed gift-

giving of the Anglo-Saxon period in both circumstance and intention. Orality, and consequently

vernacularity, have therefore been a constant if sometimes little-regarded feature of the testamentary

process that remained unaffected by changes in political regime or the language of record. Even during

an age of Latin record-keeping the process of will-making still unavoidably involved some use of the

vernacular, since irrespective of the prevailing language of record and irrespective of the formality or

informality of the occasion, it seems inevitable that some or all of the preliminary consultations would

have taken place in the mother-tongue of the donor. Whether in an Old English chirograph record of a

spoken dispositive act, a consultation between Latinate clerk and client, whispered instructions from a

deathbed, or the composition and recording of a self-penned English text, use of the vernacular runs like

a thread through the testamentary process. Even at the end of the sequence a last will and testament

written and recorded in Latin would have required a certain amount of translation for the convenience of

its beneficiaries.

To establish the continuity of intention (and to an extent method) in which the testamentary

form is rooted, the first part of this thesis follows that thread of vernacularity from descriptions of the

earliest deathbed donations to early examples of the established canonical form. It focuses initially on

the origins of the testamentary process and analyses the structure of contemporary vernacular records of

bequests. These documents are evidentiary texts rather than dispositive instruments but have much in

common with the 'will' as later generations would understand the term. Part One of the study then

examines the Latin component clauses of the emerging canonical testament on which the phrasing as

well as the structure of later English-language texts would be based. In order to compare the early

development and assimilation of testamentary conventions in different parts of the country this section

---

[2] It has been noted that the making of a formal last will and testament was still relatively uncommon well after the end of the medieval period. To take the example of Essex between the 1520s and 1820s, approximately 80,000 wills were proved during this time, a figure described as 'hardly more than two wills per household in three centuries'. J. S. W. Gibson, *Wills and Where to Find Them* (Chichester: Philimore, 1974) p. xv.

of the thesis concludes by discussing in detail the early dispositive texts preserved in Worcester and Exeter.

Having outlined the evolution of the last will and testament, the majority of the study is then devoted to a detailed examination of the development and use of non-Latin testamentary language and processes during the later-medieval period. Rather than concentrating on a single geographical or social microcosm these four chapters take a more holistic approach in order to draw broader conclusions. The texts studied encompass the earliest surviving English-language testaments countrywide as well as several geographically diverse regional case studies focusing on wills from London, Suffolk, and Yorkshire. Although each will is as individual as its maker, by focusing on those sections of text that are common to all – clauses hitherto often dismissed as 'formulaic' - and applying the same analytical methods across the groups of texts, it is possible to compare like with like, to establish common patterns and practices, and to reveal whether nuances of phrasing might be peculiar to a specific area or sub-group of texts. This multi-regional approach also facilitates comparison between north and south, and between urban and rural testamentary language. An important consideration in such minute analyses is the accuracy of the probate copies: where possible, duplicates were compared in order to confirm that the contemporary copyists had made faithful transcriptions of the original texts.

The vernacular will corpora chosen are compact enough to make data-collection feasible, but sufficiently complete to enable trends to emerge. From a practical point of view, while most of the register-copy volumes held in testamentary archives and local record offices across the country have been indexed over the last hundred years or so, these lists do not record the language in which the texts were written. Every surviving text in each corpus studied had therefore to be checked and classified according to language before copies of the vernacular texts could be made, either as electronic print-outs, photocopies of facsimiles, or digital photographs. These were then recorded in a master database and the relevant phrases transcribed onto spreadsheets according to type.

In much the same way as the index volumes omit any references to language, early published volumes of Latin wills were often made primarily with a view to giving the gist of the bequests they contain and the names of the beneficiaries, and often take the form of abstracts rather than recording every word of the texts in question. Furthermore, in early editions those clauses deemed formulaic were often abbreviated or silently omitted even from those editions that purported to be transcriptions rather than abstracts, so in every case it was necessary to work from images of the original documents.

Since accuracy not only of wording but often of orthography is fundamental to the focus and methodology of this thesis any quotations given here make as few alterations as possible to the appearance of the probate copy - idiosyncrasies of capitalization have been retained and the original spelling faithfully adhered to. The letters 'v' and 'u' (often indistinguishable in the original) have been used according to modern principles, however. In the post-Conquest documents several symbols have been employed by the many clerks and probate court scribes to represent 'and'; for all of these a modern ampersand (&) has been used, although in transcriptions of Old English texts a more appropriate 'ꝫ' has been used. Where expansions have been necessary these have been shown by the use of italics.

For clarity, all the testaments discussed in this thesis have been footnoted in full on each occasion they have been mentioned. If a printed edition of a will text is available then these details have also been included in the reference although it should be noted that not all such transcriptions are complete. The Appendix provides alphabetical lists of the English language testaments from the London parish of St Lawrence Jewry and those areas of Suffolk and Yorkshire that are relevant to the study, as well as the texts analysed in Chapter 5. The Appendix concludes with images of five testamentary texts composed between 1014 and 1479.

CHAPTER ONE

THE LAST WILL AND TESTAMENT

IN THE MEDIEVAL PERIOD

THE LAST WILL AND TESTAMENT IN THE MEDIEVAL PERIOD

Even though a comparatively small percentage of eligible individuals produced notarised wills during the years before 1500, the preservation of many of the registers into which these texts were transcribed at probate, augmented by other smaller collections of texts, has resulted in the survival of a considerable corpus of medieval testamentary documents. It is impossible, as yet, to state with complete accuracy how many wills have been preserved from the medieval period, nor is it possible to estimate what proportion of total testamentary production those surviving texts now represent. As will be seen later in this thesis, however, well over five thousand probate-court transcriptions dating from the years before 1500 have been preserved in west Suffolk alone. When it is also considered that there are around seven-and-a-half thousand extant testamentary documents in the records of York's Prerogative and Exchequer courts, and that the number of wills transcribed into the probate registers of the Prerogative Court of Canterbury is well in excess of that figure, some idea of the total corpus of medieval will texts archived nationwide can be obtained. More specifically, the publications of The Index Library had, by the year 2000, catalogued over forty-two thousand wills from the period up to and including the year 1500.[1]

The testamentary texts used in this thesis have been drawn from some of the many archives across the country where they are now held. It is appropriate, therefore, that some indication of the scope and provenance of these collections should be included here, as well as the ground-breaking work of the nineteenth-century antiquarians who first realised their value, before moving on to survey current scholarship in the field and ways in which testamentary evidence has been used to illuminate and inform academic research into the medieval period.

---

[1] Tabulated data is given in Nigel Goose and Nesta Evans, 'Wills as an Historical Source' in Tom Arkell, Nesta Evans and Nigel Goose (ed.), *When Death Do Us Part: Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head, 2000) 38-71, p. 39. It is also pointed out here that 'a minimum of three-quarters of a million wills' are available from the period 1501-1700, although 'the true figure is certainly far higher', giving some idea of the rapid increase in the scale of will making during succeeding centuries.

I.   ARCHIVAL HOLDINGS AND ANTIQUARIAN ACTIVITIES

That medieval testamentary documents survived in such quantity is largely due to the practice of transcribing the texts verbatim for record purposes when probate was granted, rather than the preservation of original wills, and the areas of responsibility of the various types of probate court operating during this period will be examined in detail in Chapter 4 of this thesis. These multiple probate registries continued to function until early in 1858 when, after a series of command papers reporting on their procedures and holdings, ecclesiastical jurisdiction over testamentary matters was abolished under the Courts of Probate Act. Over the next eighty years half the registries were closed and after the Second World War most of the wills that pre-dated the 1858 Act were relocated to the county record offices corresponding to the areas of jurisdiction of the courts that had originally held them. Superior court wills were assigned according to province – those from the Prerogative Court of Canterbury to the National Archive in London, while those from the northern province are now held at the Borthwick Institute in York. Other than these major holdings, therefore, a large proportion of the surviving medieval testamentary texts are archived today in the counties to which they pertain, with others to be found in academic and ecclesiastical libraries. These include not only the office-copies of the provincial probate courts but also many of the cartularies and early episcopal registers, a considerable number of which also contain will transcripts, plus civil and municipal records where available. Testaments registered in the London probate courts – always a larger and more diverse jurisdiction than was necessary in the provinces – are distributed amongst various repositories in and around the City.[2]

The first scholarly investigations of early wills were undertaken before the passing of the Courts of Probate Act, and long before the medieval register-copy texts were relocated from the multiple small probate courts to the county record offices. John Nichols' 1780 publication *A Collection of all the Wills … of the Kings and Queens of England … from the reign of William the Conqueror to that of Henry VII* was the

---

[2] See Anthony J. Camp, *Wills and Their Whereabouts* (Canterbury: Philimore, 1963) and Gibson, *Wills and Where to Find Them*, although it should be noted that while descriptions of the extent of archival holdings remain largely constant some of the information concerning the locations of county records offices, many of which have been consolidated or relocated to larger purpose-built premises, is no longer up to date.

pioneering work in the field of medieval testamentary examination and would remain the only text of its kind for well over forty years.[3] While Nichols' publication was confined to the transcription in Latin, French, and English of the testaments of well-known royal and noble figures, the next to appear, *Testamenta Vetusta* compiled by Sir Nicholas Harris Nicolas in 1826, acknowledged the value of all wills 'to illustrate the manners and customs of past ages'.[4] Similarly aware of the value of such texts to scholars and historians, the Surtees Society was responsible between 1835 and 1860 for the publication of two volumes of wills from Durham and five volumes from York while in 1850 the Camden Society published a selection of texts drawn from the wills registered in Bury St Edmunds. This was followed in 1863 by *Wills from Doctors' Commons* edited by John Gough Nichols (grandson of the antiquarian John Nichols) and John Bruce. The introductory narrative to this volume also acknowledged the importance of all medieval wills to 'the general historian, the philologist, the genealogist, the biographer [and] the topographer', while the titles of the volumes produced by the Surtees Society also refer to the contribution of wills to our understanding of the language of the period when they were composed.[5] Contemporary language use was also acknowledged in an article of 1909 commenting on Redstone's calendar of the wills registered in Bury St Edmunds, which had appeared in 1906. Using as an example the earliest of the vernacular texts registered in Bury, Redstone remarked in his preface on the nine words and phrases it contained that he considered archaisms, a resource that the writer of the 1909 article considered '[a] mine ... contain[ing] ore for students of the English language'.[6]

---

[3] John Nichols (ed.), *A Collection of all the Wills Known to be Extant, of the Kings and Queens of England, Princes and Princesses and Every Branch of the Blood Royal, From the Reign of William the Conqueror to That of Henry the Seventh Exclusive.* (1780; New York: Kraus, 1969).

[4] Sir Nicholas Harris Nicolas (ed.), *Testamenta Vetusta* (London: Nichols and Sons, 1826), p. 14.

[5] James Raine (ed.), *Testamenta Eboracensia or Wills Registered at York Illustrative of the History, Manners, Language Statistics, &c., of the Province of York from the year MCCC. Downwards. Parts 1-5*, Surtees Society, Vols. 4, 30, 35, 53, 79 (London: J. B. Nichols, 1836-1884); James Raine (ed.), *Wills and Inventories Illustrative of the History, Manners, Language, Statistics, &c. of the Northern Counties of England from the Eleventh Century Downwards. Parts 1 & 2*, Surtees Society, Vols. 2 and 30 (London: J. Nichols, 1835 and 1855); Samuel Tymms (ed.), *Wills and Inventories from the Register of the Commissary of Bury St Edmunds and the Archdeacon of Sudbury*, Camden Society Vol. 49 (London: Camden Society, 1850); and John Gough Nichols, and John Bruce (ed.), *Wills from Doctors Commons: A Selection from the Wills of Eminent Persons in the Prerogative Court of Canterbury, 1495-1695*, Camden Society Vol. 83 (London: Camden Society, 1827).

[6] Charles Partridge, 'Tabular Lists from Mr. Redstone's Calendar of Bury Wills', *Proceedings of the Suffolk Institute of Archaeology and Natural History*, Vol. XIII (1909). The publication under discussion was V. B. Redstone, 'Calendar of Pre-Reformation Wills, Testaments, Probates, Administrations, Registered at the Probate Office, Bury St. Edmunds', which had appeared in the 1906 edition of the *Proceedings*. The testament in question was that of Joan Heryng, 1419, BRO, R2/1/155. The testamentary archive of Bury St Edmunds is examined in detail in Chapter 6 (below).

The problems faced by the editors of these early volumes make their contribution to testamentary study all the more remarkable. Frederick J. Furnivall, whose publication of 1882 was the first to concentrate specifically on wills composed in English, focusing on those from 1387 (the earliest surviving vernacular text so far discovered) to 1454, notes that the documents from which he needed to work could only be handled by 'an Officer of the Probate Court', that they were housed in a small and inadequately lit room and were 'dusty [and] dirty'.[7]

While the contribution of these scholars in preserving a selection of the early wills and bringing them to academic and public attention must not be underestimated and undoubtedly the level of scholarship was extremely high, it should be noted that even amongst the best editions from this period details of the transcription procedures followed are rarely given. The Surtees Society publications in particular made silent alterations to the original texts, while for pragmatic reasons of cost and space the medieval testaments registered in the Court of Husting in London were reproduced at the end of the nineteenth century as abstracts in translation.[8] While this gargantuan task succeeded in its aim 'to afford the reader an insight into the domestic lives of families and individuals intimately associated with the municipal history of London' the resulting volumes concentrated on producing a compact digest of the bequests, and though they are informatively glossed they give little idea of what was left out and only occasionally hint at the language in which any individual text was composed. Published editions of episcopal registers, many of which contain testamentary business, are similarly representative of the editorial conventions of their day.[9]

---

[7] Furnivall, Frederick J. (ed.), *The Fifty Earliest English Wills in the Court of Probate, London, A.D. 1387-1439; with a Priest's of 1454*, Early English Text Society, Original Series 78 (London: Trübner, 1882; facs, edn, Boston: Elibron Classics, 2005) pp. viii-x. It might also be noted that *Testamenta Vetusta* did not contain any of the wills held at Doctors' Commons since Nicolas had refused to countenance 'the rude manner of address to which the applicants are subject and the still more insolent tone in which it is sometimes uttered', while John Gough Nichols, when he tackled that archive after the changeover to the new probate system, remarked on the reputation for unawareness of those previously running that repository as well as the restrictive regulations and high fees that had been charged for access to the texts. See Nicolas *Testamenta Vetusta* p. 13; Nichols, *Wills from Doctors' Commons*, pp. i-ii.

[8] Reginald R. Sharpe (ed. and trans.), *Calendar of Wills Proved and Enrolled in the Court of Husting, London, A.D. 1258-A.D. 1688*, 2 vols (London: John C. Francis, 1889-1890) p. ii.

[9] The will abstracts in translation in the early published edition of Exeter's thirteenth-century episcopal registers give only a brief digest of their contents. By contrast, the extensive testamentary business undertaken by Archbishop Henry Chichele is published *in extensio* in the Canterbury and York Society's series and contains detailed notes. F. C. Hingeston-Randolph (ed.), *The Registers of Walter Bronescombe and Peter Quivil, Bishops of Exeter, With Some Records of the Episcopate of Bishop Thomas de Bytton* (London: Bell, 1889); E. F. Jacob (ed.), *The Register of Henry*

Transcription and analysis of testamentary texts has been facilitated both for the early scholars and increasingly for later generations as more were published, by the index volumes produced under the auspices of various national and local societies. As with the anthologies and the episcopal record texts there are too many to list individually here.[10] It is relevant to the topic of this thesis to note, however, that none of the index volumes gives any indication of the language in which the texts listed were originally produced, despite the fact that approximately ten per cent of the wills composed before 1500 were in English, plus a small but significant number in French.

II.   SCHOLARLY USES OF TESTAMENTARY TEXTS: THE ANGLO-SAXON PERIOD AND THE
         WORK OF MICHAEL SHEEHAN

When the great legal historian W. S. Holdsworth published his *History of English Law* over a century ago he remarked of the later-medieval testaments he was discussing that 'wills bring us into closer touch with actual men and women than any other kind of legal, perhaps than any other kind of historical, document of this period'.[11] C. L. Kingsford also recognized the worth of such texts as (at that time – the view was expressed in 1925) 'new and little-used sources of enlightenment in the study of the fifteenth century'.[12] In the years since these opinions were offered testamentary scholarship has indeed informed and advanced the study of the medieval period, and by 1973 wills were being seen as amongst 'the most important evidence of men as individuals', if properly used.[13] To this end, examples from will texts were being drawn upon to support and illustrate writings on topics ranging from kinship structures to book ownership, from the rôle of women to demographics and epidemiology, and perhaps most extensively as the basis of research into religious views, piety, and charitable giving in the later-medieval

---

Chichele Archbishop of Canterbury 1414-1443, 4 vols, Canterbury and York Society, 46, 42, 45, and 47, 1937-47, vol. 2, *Wills Proved Before the Archbishop or his Commissaries,* Canterbury and York Series, Vol. 42 (Oxford: Oxford University Press, 1937).

[10] See, for instance, the many volumes continuing to be produced under the auspices of the British Record Society since its foundation in 1889 such as J. Challenor C. Smith (ed.), *Index of Wills Proved in the Prerogative Court of Canterbury 1383-1558* (London: The British Record Society, 1893) and more recently the large project to index the probate records of the various London courts. Full details are available at www.britishrecordsociety.org. David M. Smith (ed.), *Guide to Bishops' Registers of England and Wales: A Survey from the Middle Ages to the Abolition of Episcopacy in 1646* (London: Royal Historical Society, 1981) together with its *Supplement* (Canterbury and York Society, 2004) includes details of all the published editions of episcopal registers.

[11] W. S. Holdsworth, *A History of English Law*, 12 vols, vol. 3 (London: Methuen, 1909) p. 433.

[12] C. L. Kingsford, *Prejudice and Promise in XVth Century England* (Oxford: Clarendon, 1925; facs. edn, London: Cass, 1962) p. 21.

[13] J. P. Cooper, Introduction to K. B. McFarlane, *Nobility of Later Medieval England* (Oxford: Clarendon, 1973) p. xxxvii.

period, topics that will all be examined in the next section of this chapter. Similarly, scholarly investigations of the society, culture, language, and prosopography of the early medieval period have been enhanced by the close study of Anglo-Saxon *post-obit* bequests.[14] Dorothy Whitelock's 1930 edition of many of the surviving Anglo-Saxon testamentary records contributed to much of the research produced in that field during the following decades and is still the standard work on the subject.[15]

While it was the early transcription and indexing of medieval testaments that initially brought testamentary texts to the attention of historians, it was the work of Michael Sheehan whose scholarly, thorough, and ground-breaking study first analysed the origins and development of the last will and testament.[16] His comprehensive text, *The Will in Medieval England,* was published in 1963 and remains the only comparatively recent large-scale survey of the history and structure of formal documents of bequest.[17] As the foremost work in its field it has been extensively drawn upon by medieval historians so it is fitting that it should be discussed in some detail here.

---

[14] See for instance, Christine Fell, *Women in Anglo-Saxon England* (London: Colonnade, 1984) pp. 102-107 on the books, jewellery and household items in Anglo-Saxon women's wills; David A. E. Pelteret, *Slavery In Early Mediaeval England* (Woodbridge: Boydell, 1995), pp. 109-130 (Chapter IV, "'After their lifetime half the men are to be free': The Evidence of the Wills') concerning manumission clauses in the testamentary texts; and Victoria Thompson, 'Women, Power and Protection in Tenth- and Eleventh-Century England', in Noël James Menuge (ed.), *Medieval Women and the Law* (Woodbridge: Boydell, 2003) 1-17, a paper that examines the degree to which women's voices can be heard through the wills and examines the extent to which female Anglo-Saxon testators attempted to exercise power through their wills and project it into the future.

[15] Dorothy Whitelock (ed. and trans.), *Anglo-Saxon Wills* (Cambridge: Cambridge University Press, 1930). Before the appearance of this collection, a selection of Anglo-Saxon testamentary texts had been available in such publications as Benjamin Thorpe (ed.), *Diplomatarium Anglicum Ævi Saxonici. A Collection of English Charters from the Reign of King Æthelberht of Kent, A.D. DC. V to That of William the Conqueror* (London: 1865); John M. Kemble (ed.), *Codex Diplomaticus Aevi Saxonici*, 6 vols (London 1839-48); Walter de Gray Birch (ed.), *A Hand-book of the Land-charters and Other Saxonic Documents* (Oxford, 1888); F. E. Harmer (ed. and trans.), *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge: Cambridge University Press, 1914); and A. J. Robertson (ed. and trans.), *Anglo-Saxon Charters*, Cambridge Studies in Legal History (Cambridge: Cambridge University Press, 1939). Some of the texts are gradually being reissued in the volumes of the Anglo-Saxon Charters Project series under the coordinating editorship of Susan Kelly.

[16] Previous publications predate Sheehan's study by a considerable margin. See for instance Henry Swinburne, *Treatise of the Testaments and Last Wills,* Seventh Edition (1590; Dublin: Lynch, 1793; facs. edn, Whitefish MT: Kessinger); H. Spelman, 'Of the Original of Testaments and Wills and of their Probate', in *The English Works of Sir Henry Spelman*, 2nd ed. (London, 1727) 127-132; or more general legal histories such as Lyndwood's *Provinciale* (W. Lyndwood, *Provinciale (seu Constitutiones Angliæ)* continens *constitutiones provinciales ... cum annotationibus, auctore Gul. Lyndwood* (Oxford, 1679)); and somewhat more recently the extensive legal histories published by Pollock and Maitland and by Holdsworth, of which F. Pollock and F. W. Maitland, *The History of English Law to the Accession of Edward I,* 2nd ed., 2 vols (Cambridge: Cambridge University Press, 1911) and Holdsworth, W. S., *A History of English Law*, vols 2 & 3 (London: Methuen, 1909) are the volumes appropriate to the period covered in Sheehan's text.

[17] Michael M. Sheehan, *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto: Pontifical Institute of Medieval Studies, 1963). Although, tragically, he was killed in an accident before he had undertaken the second volume of this study (intended to cover the years 1300-1500) Michael Sheehan did, amongst his many other publications, produce several papers on testamentary matters: 'A List of Thirteenth-Century English Wills', *Genealogists' Magazine* 13 (1961) 269-165; 'English Wills and the Records of the Ecclesiastical and Civil Jurisdictions', *Journal of Medieval History* 14 (1988) 2-12; 'The Bequest of Land in England in the High Middle Ages: Testaments and the Law', in Lloyd Bonfield (ed.), *Marriage, Property, and Succession*, Comparative Studies in Continental and Anglo-American Legal History 10 (Berlin: Duncker und Humblot, 1992) 326-338. All these papers were reprinted, together with others Sheehan had written on related topics that also included testamentary matters, in James K. Farge (ed.), *Marriage, Family and Law in Medieval Europe: Michael M. Sheehan CSB, Collected Studies* (Toronto: University of Toronto Press, 1996).

Sheehan's text traces the origins of the last will and testament starting with the early Christian practice (supported by the legal ideas that developed out of Roman law) of bequeathing property as alms and the influence of this tradition upon first the Germanic inheritance customs of the Anglo-Saxons, then the practices of the Normans. The book then goes on to chart the development of the canonical testament in the thirteenth century. The early chapters of Sheehan's study were facilitated by the Anglo-Saxon testamentary documents that had been published by Dorothy Whitelock in 1930, and the extensive 'General Preface' to that volume contributed by H. D. Hazeltine, whose analysis – particularly regarding the oral nature of the Anglo-Saxon dispositive process – Sheehan endorsed and acknowledged.[18] For those chapters dealing with the immediate post-Conquest period and the development of the canonical testament up to 1300 – an area that had not previously been studied - Sheehan was able to draw on the steadily growing number of thirteenth-century testamentary texts then being located, and the editions of the public records pertaining to the reigns of Richard I and John that were also appearing at that time, as well as the new studies of the church courts and canon law that were being undertaken.

In seeking to move on from the picture of early bequests given by Pollock and Maitland, Michael Sheehan's self-professed aim was not simply to investigate the evolution of the testamentary form, but to interpret its development 'in terms of the desires and needs of society, to show the motives that caused it to appear, and its effects on the law of succession and on the accumulation of family fortunes'.[19] To this end he argued persuasively in his study's opening chapters that the coming of Christianity played a fundamental part in motivating the early pious bequests upon which the formal dispositive acts of the Anglo-Saxons and later the canonical testament of the thirteenth century would be founded. In the post-Conquest section of the text he went on to analyse the part played by the Church in establishing the legal structure of the developed will, and in supporting (and ultimately

---

[18] H. D. Hazeltine, General Preface, in D. Whitelock (ed. and trans.), *Anglo-Saxon Wills*, vii-xl.
[19] Sheehan, *The Will*, p. 2.

enforcing) a testamentary form that, while still piously motivated, incorporated features that went beyond alms giving.

In discussing those earliest dispositive acts made during the Anglo-Saxon period Sheehan differentiated between three main types of testamentary transfer: the gift made by *verba novissima* – a deathbed bequest; the *post-obit* gift – a gift made during life for the good of the donor's soul, that would take place after death, generally of a property or group of properties to a single beneficiary; and the *cwide* – an often complicated bundle of legal transactions bestowing multiple gifts on many recipients that tended to be the preserve of the rich and powerful.[20] All these descriptive terms have informed this thesis, together with Whitelock's designation of the simpler record of a testamentary act as a 'bequest', and their essential characteristics and components are discussed in detail in Chapter Two (below).

It was Sheehan's contention that even though the basis of the last will and testament was established in Common law by 1285, the deathbed gift continued to be employed not only by the humblest in society but also by the highest, whether to make additional bequests or to confirm donations that were already the subject of formal documentation. Even when it was no longer possible after the end of the thirteenth century to bequeath land in this way, orality, and therefore the vernacular, in the form of personally spoken wishes still played a vital rôle, either complimenting or (for many) instead of a formally executed dispositive instrument. Sheehan also pointed out that even the written testament, despite its growing importance, continued to rely for its validity on the witnessed moment when it was made, particularly in the case of a nuncupative will.[21]

The notion that the last will and testament as we know it today is a logical development of the earliest bequests is clearly expressed by Sheehan. The motives and procedures that had evolved during the Anglo-Saxon era were not fundamentally changed under Norman rule and were incorporated into the canonical will, even though the more expansive form, the *cwide,* disappeared at the Conquest and only the others persisted. Although the *cwide* was, like the other legal acts undertaken at this time, oral,

---

[20] Ibid. p. 20.
[21] Ibid. pp. 186-7.

and the extant examples are therefore evidentiary texts rather than dispositive instruments, this scale of testamentary document would not appear again until the written bequests of the thirteenth century. That legal acts undertaken during the Anglo-Saxon period were oral, binding, and irrevocable, is noted by Sheehan: an element of his study that is of particular relevance to this thesis. He emphasized that the irrevocability of such an act was not a potential difficulty, but a facility that ensured the completion of that act on the death of its maker, a quality that it would retain – being, once again, an important attribute with regard to those testaments that were nuncupative. The rôle of orality in preserving this continuity is something that can logically be extended not only from the Anglo-Saxon era to the years following the Conquest, but through the time of Anglo-Norman rule to the end of the medieval period and beyond, finding expression (although this comes outside the scope of the volume Sheehan completed) in the vernacular will-making of later centuries.

III.   SCHOLARLY USES OF TESTAMENTARY TEXTS: LATER-MEDIEVAL TOPICS

Although Michael Sheehan's is the only full-length study of the development of the testament and it concentrates primarily on the years up to 1300, considerable detailed analysis of later-medieval testamentary data has been undertaken by scholars focusing on particular research questions or topics of more general socio-economic interest. Many of these studies are built around, or use examples from, a particular regional corpus of will texts, and none makes a specific study of oral processes, vernacularity, or nuances of phrasing. This section will survey the findings of testament-based research into the problems of using wills as historical sources; the rôle of women; material culture, book ownership, and literate practices; and particularly the use of wills in the study of contemporary attitudes towards religion and the Church.

III. i.   WILLS AS HISTORICAL SOURCES

Medieval will records were already being used as sources of historical and socio-economic information before Sheehan's monograph on the subject appeared in 1963, although not extensively.[22]   The availability of Sheehan's text, however, as well as the publication in the same year of Anthony Camp's *Wills and Their Whereabouts* heralded an increase in the use of testamentary material that would grow steadily in the decades to come.[23]   While most of the work published would be directed towards a specific topic or area of research, Michael Zell, in a paper published in 1979, surveyed the field of testamentary study in general, pinpointing some of the areas in which wills might be useful. These include biographical evidence about the testator, their family, and friendship networks; patronage; literacy, education, and book ownership; and pious practices before, during, and after the Reformation. Zell also urged caution in the interpretation of data gleaned from wills, since they were not written by all (even property holders sometimes did not make formal wills) so do not represent an accurate cross-section of society, nor were testamentary texts uniform with regard to the information given.[24]   These points had also been remarked upon by Joel Rosenthal seven years before, who pointed out that:

> '[w]e have no idea what proportion [of testaments] have survived. Furthermore, wills lack the uniformity of form and style which mark an official government document (...) [S]ome wills are so brief they only commend their maker's soul to God, and yet others fill pages with their elaborate provisions.'[25]

Clive Burgess also made the dangers inherent in the use of testamentary evidence plain, referring to the possibility of scribal influences, the number of texts that have been lost, the skewed demographic the surviving wills represent, and the danger of assuming that the abundance of information they seem to present provides a complete picture.[26]   In a more specialised example, Nigel Goose and Nesta Evans

---

[22] See for instance Margaret Spufford, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (Cambridge: Cambridge University Press, 1974) p. 56, where it is remarked that 'wills are largely unused by local historians', while just three years later Alan Macfarlane would remark that wills 'were little used by historians until a few years ago'. Alan Macfarlane, *Reconstructing Historical Communities* (Cambridge: Cambridge University Press, 1977) p. 67.

[23] Anthony J. Camp, *Wills and Their Whereabout* (Canterbury: Phillimore, 1963). A remarkably similar but updated guide to locating testaments in local archives appeared a decade later: J. S. W. Gibson, *Wills and Where to Find Them* (Chichester: Phillimore, 1974).

[24] Michael L Zell, 'Fifteenth- and Sixteenth-Century Wills as Historical Sources', *Archives* vol. XIV, No. 62, Autumn 1979, 67-74.

[25] Joel T. Rosenthal, *The Purchase of Paradise: Gift Giving and the Aristocracy, 1307-1485* (London: Routledge & Kegan Paul, 1972) p, 21.

[26] Clive Burgess, 'Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered', in Michael Hicks (ed.), *Profit, Piety and the Professions in Later Medieval England* (Gloucester: Sutton, 1990) 14-33.

noted the difficulties associated with allowing for the influence of inflation when assessing financial

matters through the value of testamentary bequests, and although their work is predominantly

concerned with the early-modern period this factor is equally relevant with regard to the centuries before

1500.[27] The pitfalls inherent in basing an assessment of wealth on the value of high altar bequests have

also been noted.[28] Such caveats notwithstanding, testamentary texts have informed numerous areas of

research, some of which will be outlined below, beginning with matters relating to women.

III. ii.   WOMEN

Since the testamentary capacity of women was limited (a large proportion of the wills made by women

are those of widows, who were free to dispose of their goods and chattels, whereas married women

required the permission of their husband to do so) women's wills account for only about ten per cent of

extant texts for the years before 1500.   Nevertheless, because of the size of the testamentary corpus

surviving from this period the total number of women's will texts available is still considerable – nine

hundred and twenty-one women's testaments have been preserved in the York registry alone for the

period before 1500.[29] The archival holdings of register copies of will texts across the country have

contributed to research into matters pertaining to the position and activities of women in the medieval

period, a field that has also seen a massive growth in academic interest since the groundbreaking work of

the economic and social historian Eileen Power.[30]   Michael Sheehan also elaborated on matters

---

[27] Nigel Goose and Nesta Evans, 'Wills as an Historical Source', pp. 51-53. It is also worth noting the observations made by John S. Moore, in 'Probate Inventories – Problems and Prospects', in Philip Riden (ed.), *Probate Records and the Local Community* (Gloucester: Sutton, 1985) 11-28, since even though the focus of his paper is largely post medieval many of the problems enumerated with respect to the interpretation of early-modern inventories can be applied to the use of medieval testamentary evidence. The work of W. K. Jordan on charitable giving between 1480 and 1660 was widely criticised for failing to allow for inflation. See the reviews of G. R. Elton in *The Historical Journal*, iii (1960) 89-92; D. C. Coleman in *the Economic History Review,* 2nd ser. xiii (1960-1) 113-115; and R. Ashton in *History*, xlvi (1961) 136-139. See also p. 32 and n. 52 (below).

[28] See, for instance, Rodney Hilton, 'Review of R. S. Gottfried *Bury St. Edmunds and the Urban Crisis*', in *Urban History Yearbook*, 1983, 183-186, p. 185. Robert Dinn, on the other hand, notes Hilton's reservations, but has successfully combined high-altar bequests with other data to provide an indicator of relative wealth. Robert Dinn, 'Death and Rebirth in Late Medieval Bury St Edmunds', in Steven Bassett ed., *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (London: Leicester University Press, 1992) 151-169, pp. 151-152.

[29] This is the figure for complete texts. Many sentences of probate were entered in the registers without accompanying texts, two hundred and seventy-nine of these apply to women.

[30] See, for instance, Eileen Power *Medieval Women*, ed. M.M. Postan (1975; Cambridge: Cambridge University Press, 1997). Power's research into the rôles and expectations of medieval women helped to initiate a reappraisal of perceptions of their status upon which later scholarship would be built, until, as Mavis E. Mate remarked in 1999, '[m]ore has been written about medieval women in the last fifteen years than in the previous one hundred and fifty.' Mavis E. Mate, *Women in Medieval English Society* (Cambridge: Cambridge University Press, 1999) p.1.

pertaining specifically to women's position in law and clarifying their testamentary capacity, providing further foundations for the scholarship that would draw on information contained in women's wills.[31]

Women's testaments have contributed alongside those of men to research into contemporary culture and religious beliefs and these will be examined in more detail below. This section, however, is concerned with specific research that has either drawn heavily on women's testaments or has contributed to understanding of women's use of, or rôle in, the testamentary process, beginning with a survey of work published in essay form. Amongst the earliest, the research of Ann Kettle, although directed specifically towards marriage and property, does so by investigating not only the laws governing property ownership and the position of women in this respect, but also through examination of their testamentary capacity in marriage and widowhood and how they were affected by their husbands' wills, both as beneficiaries and administrators.[32] The rôle of the executrix was examined specifically by Rowena Archer and B. E. Ferme, while Richard Helmholz has focused on the sometimes contradictory legal position of married women testators.[33] Perhaps one of the richest single collections of scholarly papers focusing on the intersection of research into medieval women and testamentary matters is the volume edited by Caroline Barron and Anne Sutton that draws together fourteen essays focusing on the lives and activities of London widows.[34] All the individual essays make use of testamentary evidence to investigate topics ranging from executorial duties, and economic matters, to friendship networks and funerary preferences.[35] Moving on from the testament as a source of insight into the practicalities of women's everyday lives to the will as a form of autobiographical text, a paper written by Katherine Lewis

---

[31] Michael Sheehan, 'The Influence of Canon Law on the Property Rights of Married Women in England' , *Medieval Studies* 25 (1963) 109-124, reprinted in *Marriage Family, and Law*, 16-30. See particularly pp. 28-29 in this edition.

[32] Anne J. Kettle, '"My Wife Shall Have It": Marriage and Property in the Wills and Testaments of Later Mediaeval England', in Elizabeth M. Craik (ed.), *Marriage and Property* (Aberdeen: Aberdeen University Press, 1984) 89-103.

[33] Rowena Archer and B. E. Ferme, 'Testamentary Procedure with Special Reference to the Executrix', *Reading Medieval Studies*, 15 (1989) 3-34. Richard H. Helmholz, 'Married Women's Wills in Later Medieval England', in Sue Sheridan Walker (ed.), *Wife and Widow in Medieval England* (Ann Arbor: University of Michigan Press, 1993) 165-182. On testamentary provision for widows, see Barbara A. Hanawalt, 'The Widow's Mite: Provisions for Medieval London Widows', in Louise Mirrer (ed.), *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe* (Ann Arbor: University of Michigan Press, 1992) 21-45.

[34] Caroline M. Barron and Anne F. Sutton (ed.), *Medieval London Widows 1300-1500* (London: Hambledon, 1994).

[35] While there are too many texts to name them all individually here, of particular interest and relevance for current purposes are: Robert A. Wood, 'Poor Widows, c. 1393-1415' 55-70; Jenny Stratford, 'Joan Buckland (d. 1462)' 113-128; Anne F. Sutton, 'Alice Claver, Silkwoman (d. 1489)' 129-142; and Kay Lacey, 'Margaret Croke (d. 1491)' 143-164.

explores the differences between men's and women's wills and how women's texts can be read as an attempt to document their informal networks and to project and preserve a particular self image.[36]

Turning now to monograph texts, although Joel Rosenthal's study of family networks is not specifically concerned with testamentary evidence and does not focus exclusively on women, it makes sufficient use of the intersection of those two areas of study to justify inclusion in this section.[37] Jeremy Goldberg's analysis of work and life between 1300 and 1520, however, focuses particularly on the status of women, making extensive use of the testamentary archives of Yorkshire to examine the economic constraints under which they lived.[38] Furthermore, a paper by P. H. Cullum that appeared the same year also uses the York archives to assess female charitable giving, and supports Goldberg's assertion that female independence declined in the second third of the fifteenth century.[39] Cordelia Beattie, writing in 2007, made passing reference to the testamentary records in the York archive in her discussion of single women in the late-medieval period, while Barbara Hanawalt used the testamentary archives of London, amongst other resources, in her study of the contribution of women to the economy of the capital that was published the same year.[40]

III. iii.   BOOK BEQUESTS AND MATERIAL CULTURE

It is arguable that a survey of scholarly investigation into medieval book bequest and the domestic items bestowed in wills should constitute a subdivision of the previous section, since such things were so much more a feature of women's testaments than those of men. Yet the focus has not always been gendered, particularly in the earlier written scholarship. A journal article published in 1897, for instance, discussed and reproduced the inventory of the goods of Thomas of Woodstock, which while not motivated by the

---

[36] Katherine J. Lewis, 'Women, Testamentary Discourse and Life-Writing in Later Medieval England', in Noël James Menuge (ed.), *Medieval Women and the Law*, 57-75.

[37] Joel T. Rosenthal, *Patriarchy and Families of Privilege in Fifteenth-Century England* (Philadelphia: University of Pennsylvania Press, 1991).

[38] P. J. P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford: Clarendon, 1992).

[39] P. H. Cullum, '"And Hir Name was Charite": Charitable giving by and for Women in Late Medieval Yorkshire', in P. J. P. Goldberg (ed.), *Woman is a Worthy Wight: Women in English Society c. 1200-1500* (Stroud: Sutton, 1992) 182-211.

[40] Cordelia Beattie, *Medieval Single Women: The Politics of Social Classification in Late Medieval England* (Oxford: Oxford University Press, 2007). Barbara Hanawalt, *The Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007).

usual testamentary necessity, having been undertaken when the items listed were confiscated in association with the duke's arrest and dubious execution, nevertheless resulted in a document of similar content.[41] Of specifically testamentary interest, on the other hand, is a paper published in 1903 enumerating the problems of tracing individual books through will texts.[42] Perhaps the groundbreaking work in the field of book bequests, however, was that of Margaret Deanesly who, in 1920, drew on the 7,568 medieval wills then available in print to calculate the character and scope of books mentioned in testaments.[43] Joel Rosenthal, sixty years later, also made extensive use of the evidence preserved in wills, focusing on those of parliamentary peers made between 1350 and 1500 to draw conclusions about the literate practices of the aristocracy, while Jeanne Krochalis, in 1988, used testamentary evidence to assess the book ownership and literary tastes of the royal family and high aristocracy in the late fifteenth and early sixteenth centuries.[44]

It was upon these preliminary writings that the later research into the testamentary evidence for women's involvement with literate practices and the bequest of books and other chattels was based. Carol Meale's 1993 paper '... "alle the bokes that I haue of latyn, englisch, and frensch"....' takes as its title some words from the earliest vernacular woman's will preserved in the prerogative court of Canterbury's archive, and makes extensive use of testamentary evidence to discuss female book ownership and what it reveals about literate practices, preferences, and the transmission of texts.[45] A publication of the same year by Anne Dutton concentrates on the bequest of religious texts by women, referring to wills as 'one of the most important sources for the study of women's access to literature', citing the work

---

[41] Viscount Dillon, 'Inventory of the Goods and Chattels Belonging to Thomas, Duke of Gloucester, and Seized in his Castle at Pleshy, Co. Essex, 21 Richard II. (1397); With Their Values, as Shown in the Escheator's Accounts', *Archaeological Journal,* 54 (1897) 275-308.

[42] H. R. Plomer, 'Books Mentioned in Wills', *Transactions of the Bibliographical Society*, Vol. VII (Oct. 1902-March 1904) 99-113.

[43] Margaret Deansley, 'Vernacular Books in England in the Fourteenth and Fifteenth Centuries', *Modern Language Review*, 15 Number 4 (1920) 349-358.

[44] Joel T. Rosenthal, 'Aristocratic Cultural Patronage and Book Bequests, 1350-1500', *Bulletin of the John Rylands University Library of Manchester*, 64 (1982) 522-548. Jeanne E. Krochalis, 'The Books and Reading of Henry V and His Circle', *Chaucer Review*, 23, Number 1 (1988) 50-77.

[45] Carol M. Meale, '... "all the bokes that I haue of latyn, englisch, and frensch": laywomen and their books in late medieval England', in Carol M. Meale (ed.), *Women and Literature in Britain 1150-1500* (Cambridge: Cambridge University Press, 1993) 128-158. Testament of Lady Alice West, 1395, TNA, PRO PROB 11/2A f. 29v.

of Deanesly, Rosenthal, and Meale.[46]   Also concerned with women's ownership and testamentary bequest of religious texts is Mary Erler's monograph, *Women, Reading, and Piety in Late Medieval England*, which traces the book ownership of seven women between 1350 and 1550, including Margery de Nerford and Margaret Purdans.[47]

Moving on for a moment from the bequest of books, Kristen Burkholder focuses on textile items – largely clothing and furs – mentioned in wills, once again predominantly those by women, examining the items according to the social status of the testators in the light of contemporary sumptuary laws.[48]   Similarly the present writer's edition of the testament of Cecily Neville includes not only a detailed examination of her book bequests, but also the many richly jewelled items, furred clothing, and multiple sets of costly vestments that were listed in her will.[49]

III. iv.   RELIGIOUS BELIEF AND PIOUS PRACTICES: DOCTRINAL AND REGIONAL STUDIES

Although some assessment of pious practices can be made from the religious books and items bequeathed in wills, as documents couched in the language of Christian observance testamentary texts have been widely used to investigate matters of belief, pious practices, and charitable giving in the later-medieval period.   Since the 1950s testamentary texts have been drawn upon to gauge personal belief during times of religious upheaval both during the medieval period and later.   In 1959 A. G. Dickens examined the religious preambles to seven hundred testaments from York that had been made between 1538 and 1553 to assess the beliefs of common people, while the following year Ronald Marchant examined the wills of the puritan clergy of the same diocese between 1560 and 1642.[50]   Also focussing on the early modern period Margaret Spufford wrote, a decade later, about the contribution of scribes to

---

[46] Anne M. Dutton, 'Passing the Book: Testamentary Transmission of Religious Literature to and by Women in England', in Lesley Smith and Jane H. M. Taylor (ed.), *Women the Book and the Godly* (Cambridge: Brewer, 1995) 41-54, p. 41.

[47] Mary C. Erler, *Women, Reading, and Piety in Late Medieval England* (Cambridge: Cambridge University Press, 2002).

[48] Kristen M. Burkholder, 'Threads Bared: Dress and Textiles in Late Medieval English Wills', in Robin Netherton and Gale R. Owen-Crocker (ed.), *Medieval Clothing and Textiles,* vol. I (Woodbridge: Boydell, 2003) 133-152.

[49] Alison J. Spedding, 'At the King's Pleasure: The Testament of Cecily Neville", *Midland History*, September 2010 [forthcoming].   The testament of Cecily Neville, 1495, TNA, PRO PROB 11/10, ff. 195r-196v.

[50] A. G. Dickens, *Lollards and Protestants in the Diocese of York* (Oxford: Oxford University Press, 1959).   Ronald A. Marchant, *The Puritans and the Church Courts in the Diocese of York 1560-1642* (London: Longmans, 1960).

the pious preambles of the wills made for Cambridgeshire villagers between 1570 and 1700.[51] The work

of K. B. McFarlane on Lollardy in the late middle ages appeared the following year (1972).[52] This

monograph includes an appraisal of the characteristic features of the three extant wills of the so-called

'Lollard knights', together with a general discussion of contemporary will making practices.

It is notable however, that a large proportion of the testamentary scholarship dealing with

religious matters focuses on a particular regional corpus of texts in order to draw conclusions about

practices in a specific town or community. Initially, the work of W. K. Jordan between 1959 and 1962

examined charitable giving in various areas, including London, Kent, and Lancashire between 1480 and

1660, assessing the influence of protestant ideals.[53] Some of Jordan's research was reworked by J. A. F.

Thomson in 1964, focusing on London before and after the Reformation using testaments from the

Prerogative Court of Canterbury archive.[54] With reference to research related to the northern archives,

M. G. A. Vale was prompted by McFarlane's work on the Lollard knights to assess the evidence for

pious and literate practices (the two topics intersecting in the bequest of religious books) amongst the

testators of Yorkshire. His lecture on the subject, given to the York Historical Association in 1975, was

published in the 'Borthwick Papers' series the following year.[55] Also concerned with Yorkshire was the

work of Peter Heath on the Hull wills, which appeared eight years later, one of the few studies to make

a detailed comparison of the words and formulae used in individual texts although without clear

distinction between Latin and English examples, all of which are quoted in modern spelling.[56] Norman

Tanner, however, whose monograph on the church in Norwich appeared the same year and included a

chapter on bequests to the Church, assessed types of bequest and the sort of religious foundation

---

[51] M Spufford, 'Religious Preambles and the Scribes of Villagers' Wills in Cambridgeshire, 1570-1700'. This paper appeared first in the journal *Local Population Studies*, 7 (Autumn, 1971), was revised and reprinted in M. Spufford, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (Cambridge: 1974); and can currently be found in print in Tom Arkell, Nesta Evans, and Nigel Goose (ed.), *When Death Do Us Part: Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head, 2000) pp. 144-157.

[52] K. B. McFarlane, *Lancastrian Kings and Lollard Knights* (Oxford: Clarendon, 1972) Chapter 6, 'Lollard Wills', pp. 207-220.

[53] See, for instance, W. K. Jordan, *Philanthropy in England, 1480-1660: A Study of the Changing Pattern of English Social Aspirations* (London: Allen and Unwin, 1959) and W. K. Jordan, 'Social Institutions in Kent, 1480 to 1660 : A Study of the Changing Pattern of Social Aspirations', *Archaeologia Cantiana Vol. 75,* Kent Archaeological Society, 1961.

[54] J. A. F. Thomson, 'Piety and Charity in Late Medieval London', *The Journal of Ecclesiastical History*, Vol. 15 (1964) 180-195.

[55] M. G. A. Vale, *Piety, Charity and Literacy Among the Yorkshire Gentry, 1370-1480*, Borthwick Papers No. 50 (1976).

[56] Peter Heath, 'Urban Piety in the Later Middle Ages: The Evidence of the Hull Wills', in R. B. Dobson (ed.), *the Church, Politics and Patronage in the Fifteenth Century* (Gloucester: Sutton, 1984) 209-234.

favoured by a sample of seven hundred and four of the city's 1,804 lay and clerical testators.[57] Also

published in 1984 was a paper by P. W. Fleming that focuses on the south-east of the country, reviewing

the evidence for charitable giving and pious practices in the testaments of two hundred of the Kent

gentry.[58] Clive Burgess acknowledged the work of Thomson, Tanner, Heath, and Fleming in his work

on the piety of Bristol testators, in which he was also able to draw on the other documentary sources

available for that city, the Great and Little Red Books and the St Ewens and All Saints' Church Books,

as well as the deeds available at the Bristol Record Office.[59]

While those texts referred to above use testamentary evidence associated with a particular

geographical area, study of regional corpora has not been entirely confined to research into the religious

mores of testators. The work of Robert Dinn centring on the town of Bury St Edmunds does indeed

focus on funeral rituals and the different expenditure of rich and poor as an indicator of status, but the

writings of Robert Gottfried focusing on the same town make extensive statistical use of testamentary

evidence in assessing population levels and the effect of epidemic disease.[60] Similarly, the volume on

Exeter edited by David Lepine and Nicholas Orme includes wide-ranging documentary sources related to

mortality in that city from the tenth to the fifteenth century, including testamentary matters, together

with explanatory introductory narratives.[61]

Few published studies that have drawn on testamentary texts have made more than a passing

reference to the role of vernacularity in will production or looked in depth at the language and structure

of the last will and testament. As can be observed from the survey above, published papers have

generally been thematic, using data collated from wills to build a picture of personal or commercial

---

[57] Norman P. Tanner, *The Church in Late Medieval Norwich 1370-1532* (Toronto: Pontifical Institute of Mediaeval Studies, 1984).

[58] P. W. Fleming, 'Charity, Faith, and the Gentry of Ken 1422-1529', in A. J. Pollard (ed.), *Property and Politics: Essays in Later-Medieval English History* (Gloucester: Sutton, 1984) 36-58.

[59] Clive Burgess, '"By Quick and By Dead": Wills and Pious Provision in Late Medieval Bristol', *The English Historical Review*, vol. 102, no. 405 (Oct. 1987) 837-858. See also Clive Burgess 'Late Medieval Wills and Pious Convention', which also uses evidence from Bristol.

[60] Robert Dinn, 'Death and Rebirth in Late Medieval Bury St Edmunds', in Steven Bassett (ed.), *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (London: Leicester University Press, 1992) 151-169. See also Robert Dinn, 'Baptism, Spiritual Kinship and Popular Religion in Late-Medieval Bury St Edmunds', *Bulletin of the John Rylands University Library of Manchester* 72 (1990) 93-106.

[61] David Lepine and Nicholas Orme (ed.), *Death and Memory in Medieval Exeter* (Exeter: Devon and Cornwall Record Society, 2003). Nicholas Orme has also produced a volume of testaments associated with Cornwall: Nicholas Orme (ed.), *Cornish Wills 1342-1540* (Exeter: Devon and Cornwall Record Society, 2007).

activities in a specific location, or to furnish socio-economic evidence, while testamentary material has also been used in a more general sense to provide vignettes with which to illustrate descriptions of medieval life. This thesis will survey the mother tongue processes, both spoken and written, that were such a vital part of testamentary production throughout the medieval period.

CHAPTER TWO

ANGLO-SAXON ORIGINS

OF THE TESTAMENTARY PROCESS

ANGLO-SAXON ORIGINS OF THE TESTAMENTARY PROCESS

The main focus of this thesis is a detailed study of the development and use of vernacular language in will-writing during the later-medieval period. To place such a study in context, however, and to appreciate the continuity of intention underlying testamentary texts, it is necessary to examine the earliest origins and development of the will form in the eighth to eleventh centuries, the scope of these dispositive acts, and their motives and regulation in religion and in law: factors that formed the foundation of testamentary practice in the post-Conquest world and still inform the wills of today.

Although attitudes to individual ownership of property in the earlier part of the Anglo-Saxon period are problematic and little understood, the pious custom of alms-giving, and in particular the benefit to the soul that Christian doctrine attributed to charitable gifts made at the point of death, may have been influential in introducing the concept, even the perceived need, for free alienation of land and chattels outside the kin group, rather than abandoning it on death to traditional patterns of familial inheritance. Whether instructions for such bequests were given *inter vivos* ('in life') or as *verba novissima* bequests (gifts made by 'last words' on the deathbed) these earliest dispositions were entirely oral and have left little direct trace in the documentary record. This chapter will begin, therefore, by examining the evidence to be found in other narratives from the Anglo-Saxon period, sources which illuminate in particular the early clerical involvement in the distribution of alms and deathbed bequests. The second section will survey the characteristics of the more formalised written records of instructions for the *post-mortem* disposal of lands and goods that began to emerge in the eighth century, from the early *landboc*-style texts preserved in abbatial cartularies to the more all-embracing records of the elaborate dispositive acts of the wealthy high-status landowners that have survived from the later part of the period. Part three of this chapter will look in detail at the structure of the surviving records of bequests from the Anglo-Saxon period. In all these dispositive acts, however they were constructed, the Church was a major beneficiary of penitential gifts and endowments and partly for this reason was instrumental in

developing an administrative structure around those processes that eventually became formalised under English law as early examples of the will form. In view of this, the final section of this chapter will move on to examine the early legal codes in order to trace the process by which the place of the Church in the administration of the wishes and obligations of the deceased became enshrined in law – a position that it would retain in some form until January 1858, when the Courts of Probate Act brought into being a centralised jurisdiction that replaced the multiple ecclesiastical probate courts that operated until that time.

*   *   *

The number of documents that constitute the surviving corpus of Anglo-Saxon 'wills' – written records of oral dispositive acts – that survive from the Anglo-Saxon period has been variously described as 'less than a hundred ... from the last three-hundred years of the Anglo-Saxon kingdom'[1] and '[o]ver fifty ... [although]only a small proportion ... fifteen in all, are preserved in the contemporary form'.[2] Apparent discrepancies in the assessment of the number of wills extant could be explained by the variety of documents, particularly from the earlier period, that are concerned either wholly or in part with gifts to the Church, with alms, or indeed with the transfer of property at or in anticipation of death. In fact P. H. Sawyer lists, numbers, and classifies as 'wills and bequests', sixty-one pre-Conquest documents.[3] Of these, the nine 'bequests' are relatively short post-obit dispositions dealing with donations of specific estates to the Church, written copies of which have been preserved as a record of their transfer. Only five of the wills listed are in Latin, the rest are in the Old English vernacular. In addition to the documents specifically designated by Sawyer as 'wills and bequests' at least another dozen provide for the

---

[1] Michael M. Sheehan, *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto: Pontifical Institute of Mediaeval Studies, 1963) p. 22 and n. 15. Although not 'wills' in the later (and strictest) sense of 'a dispositive instrument for the bequest of real property after death', the term 'will' is used here as the simplest and most concise term available. For a fuller definition of the term in the post-Conquest period see Chapter 1, p. 18, n. 2 (above).

[2] Dorothy Whitelock (ed and trans.), *Anglo-Saxon Wills* (Cambridge: Cambridge University Press, 1930) xli.

[3] S 1482 – S 1539. See *The Electronic Sawyer*, an online version of the revised edition of Sawyer's *Anglo-Saxon Charters* Section One (S 1-1602) prepared under the auspices of the British Academy / Royal Historical Society Joint Committee on Anglo-Saxon Charters by S. E. Kelly and adapted for the WWW by S. M. Miller, http://www.trin.cam.ac.uk/chartwww/ (accessed January, 2008 – April, 2010). All charters will, where possible, be identified by this standard system of numbering, preceded by the initial S.

post-obit disposal of property in some form, in both Latin and the vernacular and with a possible date range of 762-1070.[4] Furthermore, to the Sawyer-numbered wills can be added a vernacular will made shortly after the Conquest, between 1066 and 1068 – that of Ulf and Madselin. Of the whole surviving corpus, forty texts are preserved in a contemporary or a near-contemporary hand or in copies datable to the twelfth century or earlier. The remainder are transcriptions ranging from the thirteenth to the seventeenth centuries.

Examination of the extant texts indicates that survival of such documents was patchy with regard to both location and date; most of those that have survived did so because they were preserved in abbatial cartularies, notably those of Abingdon, Bury, Christchurch, and Winchester, as records of bequests received.[5] Indeed the pious custom of alms-giving and emphasis by the Church on the importance of charitable gifts made during life or at the point of death was influential in formalising the process by which an individual's property might be disposed of outside the kin group, rather than entrusting its distribution to custom or familial tradition. Unsurprisingly, most of the surviving examples date from the later Anglo-Saxon period,[6] and these are predominantly from Mercia, Wessex, and the region associated with Danish rule, while the earlier texts also include some from Kent. No wills from Northumbria have survived.[7] The nuances in the structure and phrasing of the surviving testamentary texts will be examined in the third of this chapter's four sections, but it is the rôle of the Church in the formulating of dispositive acts that this chapter will now address.

I.   EARLY DISPOSITIVE ACTS AND THE INVOLVEMENT OF THE CHURCH

From shortly after the coming of Christianity to Britain until well after the Conquest, by far the most usual method of disposing of chattels and making offerings to the church of burial, as well as issuing

---

[4] S 157; S 1182; S 1187; S 1195; S 1197; S 1200; S 1202; S 1227; S 1231; S 1234; S 1268; S 1413.

[5] Whitelock (ed. and trans.), *Wills*, p. xli.

[6] Reference to 'the later period' indicates, for purposes of this thesis, the years after 940 until the Conquest. During the hundred years before this time almost no wills survive. Wills from before the demarcation formed by this apparent hiatus are therefore designated as 'earlier period' texts.

[7] For a detailed analysis by region and date see Sheehan, *The Will*, p. 23 and notes. Names of geographical regions are given as an indication only and do not refer to usage at any particular time.

instructions for gifts to the poor, was orally near the point of death by *verba novissima,* a practice which

seems likely to have developed out of the pious act of making death-bed grants of alms for the benefit of

the soul.[8] Arguably, it is because this earliest precursor of what would later become the testament not

only had a religious motive and encompassed bequests to ecclesiastical foundations but also tended to

coincide with the final obsequies, that practical administrative duties connected with such dispositions

were gradually assumed by the officiating priest. Evidence for the details of these practices tends to be

literary rather than legal, however, since written records were not necessary in respect of transactions that

could be carried out immediately. Such literary sources, which at this time were rooted in ecclesiastical

textual production, also help to throw light on the theological doctrine surrounding pious bequests,

particularly (as examination of the texts will show) the ideological roots of the Church's early interest in

the material possessions of the dead and dying, and the connection between the efficient transfer of the

earthly goods belonging to the deceased and his (or her) hopes for deliverance.

The importance of deathbed alms-giving in contemporary theological doctrine, as well as the

emphasis placed on the benefit such an act would confer on the soul of the deceased, can be deduced

from a letter written in 716 by Boniface (as Winfrith) to Eadburga, Abbess of St. Mildred's in Thanet,

which describes the visions seen by a monk from Wenlock during a time of apparent death. The monk

had recounted to Boniface how he had been shown many scenes of the suffering of sinners, including

that of a man to whom he had personally ministered on his deathbed and for whom he had subsequently

performed funeral rites ('in infirmitate exitus sui ministravi et exsequia prebui' – 'I served him in his

sickness of death [on his deathbed] and performed his funeral').[9] The man had requested that for the

---

[8] Alms-giving was not something confined to the deathbed. Indeed Sheehan, citing the example of the vision of Drythelm, points out that the giving of alms during the lifetime was preferable since it required a material sacrifice on the part of the donor. See *The Will,* pp. 14, 16. Sheehan also tentatively suggests (p. 37, n. 92) that since such oral bequests were closely related to legacies as they were defined under Roman law, then this may be a point where a connection between Roman law and the underlying theory of Anglo-Saxon law could be discernable. It is worth noting, though, that under Irish law bequests were also made orally. See Fergus A. Kelly, *A Guide to Early Irish Law*, Early Irish Law Series (1998; Dundalk: Dundalgan Press, 2005) p. 123.

[9] Bonifatius-Briefe 10, p. 13, ll. 29-30 in Michael Tangl (ed.), Die *Briefe des Heiligen Bonifatius und Lullus,* Monumenta Germaniae Historica: Epistolae Selectae I (Berlin: Weidmannsche, 1955) 8-15. See also 'Description of a Vision Seen by a Monk of the Monastery at Wenlock', in Ephraim Emerton (ed. and trans.), *The Letters of Saint Boniface,* Records of Civilization Sources and Studies, 31 (New York: Columbia University Press, 1940) 25-31, p. 30. Also Sheehan, *The Will,* pp. 14-15, 35-36.

sake of his soul the monk arrange for the manumission of a bondwoman he owned jointly with his brother:

> Qui mihi moriens precepit, ut fratri illius germano verbis illius testificans demandarem, ut ancillam quandam, quam in potestate communiter possederunt, pro anima eius manu mitteret.[10]
>
> (When dying he asked me to testify to his brother to his words requesting that a slave woman held in common ownership, for his soul be made free.)

The miserly brother had not complied with this request ('Sed germanus eius avaritia impediente petitionem eius non implevit' – 'But the greed of his brother got in the way and he did not comply with the request') and as a result the soul of the dead man was in torment:[11]

> Et de hoc supradicta anima per alta suspiria accussans fratrem infidelem et increpans graviter quaerebatur.[12]
>
> (And because of this the aforementioned soul sighing deeply was accusing the treacherous brother and was protesting grievously.)

The anxiety of the visionary monk that the charge laid upon him should be satisfactorily accomplished is an indication of the importance to the soul of piously motivated deathbed bequests, and also illustrates the now established ecclesiastical view that granting manumission was a meritorious act, a point that would assume increased importance as the vernacular will form developed and later, something that will be discussed in more detail in the next chapter. Yet (and this point is arguably of fundamental importance to an assessment of the Church's contribution to the development of the last will and testament and thus its future rôle in testamentary administration) the generous intention alone was not in itself sufficient. The act of donation had to be carried out, a doctrinal position rooted in scriptural authority, and the rôle of individual ecclesiastics, and therefore by implication the agency of the Church

---

[10] Ibid., ll. 30-33. Manumission clauses were common in the written wills (*cwide*) of the later period, see below, pp. 53-54.
[11] Ibid., ll. 33-34.
[12] Ibid., ll. 35-36.

in ensuring the completion of such acts of piety, was of paramount importance in facilitating the deceased's entry into paradise.[13]

Bede's account of the life of St Fursa tells of a similar cautionary vision of the next world, and once again betrays ecclesiastical concern with the materiality of the deathbed gift, although on this occasion the story also addresses the need for true penitence in the giver and the possibility of clerical abuses. While Fursa is being escorted by three angels back to earth from a visionary journey to heaven their passage takes them through the fires of hell where a devil throws a burning sinner at the saint, scorching his jaw and shoulder. One of the angels throws the sufferer back, but Fursa has had time to recognize the damned man as someone to whom he had ministered on his deathbed. Aware of the spiritual merit that the bestowal of alms would confer on the dying man's soul, Fursa had accepted some of his clothing as a gift. It seemed, however, that the donation had not been motivated by true penitence and so the outward act alone had proved insufficient to save the man's soul. The devil responsible for throwing the sinner tells Fursa that because he accepted the possessions of an unrepentant sinner he must also share in his punishment – '... nam sicut bona eius peccatoris suscepistis, ita et de poenis eius participes esse debetis.'[14] ('... for just as you have received the profit of his sins, so you should share his punishment.')

Although one of the angels acknowledges that it was care for the man's spiritual wellbeing rather greed that had motivated Fursa's acceptance of the clothing it is explained that Fursa's own act had helped to kindle the fire that burnt him. The fact that his motive was pure was worthless and of help to neither man. Furthermore, as the tale of Fursa's experience illustrates, it was theologically unacceptable for a priest to benefit from a gift such as this: once a sinner had repented then his alms must be

---

[13] St James's gospel stresses the need for good works in demonstration of faith: 'faith without works is dead' (James 2:2); and in connection with Abraham's willingness to sacrifice Isaac, 'Seest thou how faith wrought with his works, and by works was faith made perfect .... Ye see then how that by works a man is justified, and not by faith only .... For as the body without the spirit is dead, so faith without works is dead.' (James 2:22, 24, 26).

[14] Bertram Colgrave and R. A. B. Mynors (ed. and trans.), *Bede's Ecclesiastical History of the English People* (Oxford: Clarendon, 1969) p. 274. (Book iii, Ch. 19.)

distributed to the poor.[15] Sheehan suggests that Bede's approval of the principles involved indicates not only that the practice of making pious bequests was familiar, but that clerical abuse of pious bequests may also have occurred, at least in eighth-century Northumbria.

Although the visionary experience recorded by Boniface, and Bede's retelling of the story of St Fursa, illustrate the importance placed by theologians on deathbed bequests, contemporary records of the final hours of St Wilfrid and of Bede himself, arguably provide us with witness accounts of the actual deathbed disposal of belongings. In the case of Wilfrid, his biographer, Eddius Stephanus, was present during his final hours and he recounts how Wilfrid's followers prayed for him to recover from a serious illness specifically so that he should have time to distribute his lands and property, a measure of the importance attached to such a gesture. The saint did recover and made the necessary dispositions, personally carrying out the distribution of his possessions with immediate effect. The greater part of his wealth was sent to Rome, and of the remainder one third was given to the poor for the good of the dying man's soul. Succumbing to illness once more, Wilfrid, at the last, repeated in his *verba novissima* the details of the gifts he had already bestowed, and included some additional and final bequests.

Cuthbert's letter on the death of Bede records a similar instance of the actual distribution of gifts being performed on the deathbed, although in Bede's case the items involved were on an understandably more modest scale, enough to fit into a box. Cuthbert repeats the instructions Bede gave him:

> 'Quaedam preciosa in mea capsella habeo, id est piperum, oraria et incensa. Sed curre uelociter, et adduc presbiteros nostri monasterii ad me, ut ego munuscula, qualia mihi Deus donauit, illis distribuam.'[16]

> (I have treasures in my chest, there is pepper, cloths [for the liturgy], and incense. Quickly fetch the priests and the elders of our monastery to me, so that I can share with them whatever small presents God has given to me.)

---

[15] See Sheehan, *The Will*, pp. 14-15. Sheehan points out that these additional items of dogma are to be found in Bede's Latin source text.
[16] 'Epistola de Obitu Bedae', in Colgrave and Mynors (ed. and trans.), *Bede's Ecclessiastical History*, 580-587, p. 584.

The distinguishing feature of *verba novissima* ('last words') bequests, like that made by Bede, is the timing. A dispositive act of this sort bestowed on the deathbed property for which, as the end of life approached, the donor naturally expected to have no further use.[17] Its loss would hardly, therefore, be an inconvenience. It was possible, of course, for a gift or transfer to be made *inter vivos*, during life, with immediate effect, and the spiritual credit accrued from pious donations made at this point, when a real sacrifice was involved, would have been the greater.[18] Both *verba novissima* bequests and wills *inter vivos* were oral and carried out immediately, if not by or in the presence of the donor, then by those to whom their spoken wishes had been made known, within hours or at most a few days of the testator's death. This spoken last will, executed before witnesses, whether it was made when the testator was in health and expecting to remain so, or as a deathbed will when the donor was *in extremis*, was a legally binding speech act and was in its intent a direct precursor of the nuncupative testament of the post-Conquest period and later.

The *post obit* gift, on the other hand, was characterised by the delay between enacting and completion, in a dispositive act that might incorporate the large-scale distribution of alms, endowment of land to religious foundations and acts of charity that would benefit the soul of the deceased and sometimes others who were designated. It was a less hurried creation performed and recorded well in advance of the testator's death but would only come into effect *post mortem*. The complicated nature of such dispositions made it advisable that the details should be written down, and it is this written record that is closest to the 'last will and testament' as later generations would come to understand it, which will now be addressed.

---

[17] With regard to the difficulties that could arise should the 'dying' man or woman make a spectacular and unexpected recovery having already assigned property for which they expected to have no further earthly use, it is worth noting Sheehan's suggestion that 'the fact that the distribution to the poor, the payment of the mortuary, even the delivery of land, frequently took place by the grave of the deceased, makes it clear that the last legal act, the completion of the gift by a third party, ordinarily did not occur until the donor had passed beyond all further need of his possessions.' Sheehan, *The Will*, p. 38.

[18] It is interesting that in Ireland, though so closely linked doctrinally in the days of the early church, the opposite view was taken, reasoning that since it is impossible to know at that stage whether the soul is destined for Heaven or Hell, then the deathbed bequest is the 'noblest and highest form of speech'. Fergus Kelly, *A Guide to Early Irish Law*, Early Irish Law Series (1998; Dundalk: Dundalgan Press, 2003) p. 123 and n. 158.

II.   THE EVIDENTIARY RECORD

The definitive feature of the *post-obit* bequest - the transaction that developed into the 'will' as we have come to understand it - was that of seeking to bring about the gift or transfer it recorded at a point in the future contingent on the death of the donor. Initially, in order to ensure satisfactory completion, when the donation of an estate or parcel of land was made, often to a religious foundation or to the king by an act *inter vivos* (a gift of the sort that might frequently have been recorded in a landbook), reversionary clauses might be included. Alternatively, a contractual relationship, perhaps involving a reciprocal agreement releasing the property to the use of the donor during his lifetime, prayers for the soul of the donor, or protection of the donor's interests, might be entered into.[19] More simply, it could be specified that the donation should only come into effect after the death of its maker or (in the case of husband and wife acting together) makers, and possibly also the death of their offspring. Brihtric Grim enacted just such an agreement on bequeathing his estate at Rimpton to the old Minster 'æfter his dege'. He gave over the title deed ('þa boc') immediately on condition that he retained the use of the land during his lifetime ('þet he hæbbe þone bryce þes landes swa lange swa his tyma sy'). Similarly, when Ordnoth and his wife transferred ten hides of land at Condover in Hampshire to Winchester Cathedral they handed over the title deed as proof of the bequest, but only on condition that the document should be available for correction at any time, after which it would be returned to the minster – 'þa seo boc heam sy geara gyf hy hyre hwer beþurfan to ænire rihtinge . �7 gang seo boc æft into þære stow'.[20] The record of the disposition then lists the reciprocal benefits that had been agreed upon concerning the couple's burial and commemoration, underlining the contractual nature of the agreement.

As land transfers (or potential land transfers) these largely eighth- and ninth-century dispositions were recorded in landbooks, and these can be seen to have influenced their structure. The earliest surviving vernacular example of a will in this form is one made jointly by Æthelnoth, the reeve of Eastry

---

[19] For a comprehensive discussion of Anglo-Saxon wills as 'contractual gifts' see H. D. Hazeltine, general preface in Dorothy Whitelock (ed. and trans.), *Wills*, vii-xl, pp. xviii-xl. Sheehan (*The Will*, pp. 28-9) is also of the opinion not only that donations of this sort were reciprocal arrangements – contracts – but that despite certain bequests that reserved the right to amendments, the *post-obit* gift was in fact both legally binding and an irrevocable act.
[20] Whitelock (ed. and trans.), *Wills*, p. 16.

in Kent, and his wife Gænburg in the first decade of the ninth century, which is preserved in a contemporary manuscript.[21]   In this will Æthelnoth and Gænburg leave their property in the first instance to each other, the surviving partner to inherit. It would seem that they had no offspring at the time of making this disposition since there is only provision for inheritance by a child should one be born to them subsequently. If the couple were to die childless, however, then their estate would pass to Archbishop Wulfred, implying trust in his discretion:

> gif hio ðonne bearn næbbe ך Wulfred archibiscop lifes sie þonne foe he to ðæm londe ך hit forgelde ך ðæt wiorð gedæle fore hiora gastas suæ ælmeslice ך suæ rehtlice suæ he him seolfa on his wisdome geleornie .[22]

> (if they do not have a child and if Archbishop Wulfred still lives he shall inherit the estate & pay for it & use that money suitably in alms for their souls & act as his wisdom dictates.)

Characteristic of this landbook style was the list of appended signatures, a feature that is absent from the developed form of Anglo-Saxon will texts. The will of Æthelnoth and Gænburg has five signatures, including that of Archbishop Wulfred, in addition to those of the couple themselves.[23] The presence of all the signatories is also recorded at the beginning of the text.

As a written document of record began to emerge as an adjunct to the legally-binding oral act, the terminology used made the relationship between them clear. As the will of Æthelnoth and Gænburg demonstrates, at the beginning of the ninth century the use of the word *sprece* (speech, statement, narrative) when referring to the spoken dispositive act, and of *gewrit* (writing) to indicate the written record, already made the distinction plain:

---

[21] The very earliest record of this sort to survive is in Latin, and dates from 762, in which Dunwald assigned land that he held to the monastery of St. Peter and St. Paul in Canterbury after his death ('post obitum meum') (S 1182). The Latin text is reproduced in Benjamin Thorpe (ed.), *Diplomatarium Anglicum Ævi Saxonici. A Collection of English Charters from the Reign of King Æthelberht of Kent, A.D. DC. V to That of William the Conqueror* (London: 1865), p. 36, as well as by Kemble, see John M. Kemble (ed.), *Codex Diplomaticus Aevi Saxonici*, 6 vols (London: 1839-1848) (Charter 109); and in Walter de Gray Birch (ed.), *A Hand-Book of the Land-Charters and Other Saxonic Documents* (Oxford, 1988); while Harmer (ed. and trans.), *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge: Cambridge University Press, 1914; facs. edn, Stamford: Paul Watkins, 1989), item 72, p. 460 supplies a translation. All these editions are taken from MS Cambridge Trinity Hall, I, 69v (S. xv).

[22] (S 1500) A. J. Robertson (ed. and trans.), *Anglo-Saxon Charters,* Cambridge Studies in Legal History (Cambridge: Cambridge University Press, 1939) p. 4. All translations are my own unless otherwise indicated.

[23] It is unlikely that autograph signatures were made.

ꞇ ða **sprece** nænig mon uferran dogor on nænge oðre halfe oncærrende sie numne suæ
Þis **gewrite** hadað....[24]

(& that **speech** [spoken will] let no-one turn to any other meaning at a later date.
This **writing** [document] has ....)

By the middle of the ninth century, though, the word *cwide* (saying, utterance) was also starting

to appear to describe the spoken form, although such usage was not common. By the later period,

however, *cwide* was starting to be used to describe the written will, alongside the word *gewrit*. While

both expressions could be used synonymously, the term *cwide* seems particularly associated with the

complicated division and bestowal of multiple estate holdings and chattels and might be used to

encompass a group of related legal acts. The modern English verb *to bequeath* is a direct descendant of

the OE verb *cwiden* (to say, utter) preserved because of its specific application to will making and attests

by its survival to the unbroken sequence of the oral, vernacular, testamentary process from the Anglo-

Saxon period to the late medieval and beyond.[25] Dispositions following the form of the *post-obit* gift

made up part of the bundle that could constitute a *cwide*, but the legal provisions necessary might also

include duplicates of other contractual agreements that had a bearing on the property of the testator or

the lands and chattels held by the testator's spouse. As such it appears that '*cwide*' could often be said to

describe the will form used by the rich and well connected, who had access to powerful, even royal,

support to ensure that their large-scale transfers and bequests were carried out.[26] A proportionally much

---

[24] (S 1500) Robertson (ed. and trans.), *Charters,* p. 4, l. 23. My emphasis. (Robertson's footnotes also record alternative spellings for *sprece* – *prece and wrece*.) This example is also cited in Sheehan, *The Will,* p. 55. For an examination of the developing shades of meaning conveyed by words associated with the act of writing see Christine Fell, 'Wax Tablet of Stone', in Carol Hough and Kathryn A. Lowe (ed.), *'Lastworda Betst': Essays in Memory of Christine E. Fell With Her Unpublished Writings* (Donington: Shaun Tyas, 2002) 249-265, especially p. 255.

[25] Sheehan (see *The Will,* p. 59) also points out that 'as early as the mid-ninth century ... the word *cwide*, in itself descriptive of the spoken rather than the written act, appears applied to the document' and refers to the wording used in a history of the estate of Wouldham that illustrates both the meaning of the term and its use in practice: he cwæþ his cwide beforan him . ꞇ he sette ænne cwide to Cristes cyrican.... (he spoke his will before him & he sent a [copy of the] will to Christchurch.). (S 1458) See Robertson (ed. and trans.), *Charters,* p. 84 ll. 22-23. H. D. Hazeltine also makes the point that *cwide* means 'speech, discourse, *dictum*' (H. D. Hazeltine, general preface in Whitelock (ed. and trans.),*Wills* p. xiii) while Christine Fell points out that *cwydeleas*, which indicates intestacy has the literal meaning 'speechless' or 'silent'. Fell, *Women,* p. 95. It is also worth noting that as late as the fifteenth century the term 'quethword' was used by Margaret Paston specifically to indicate a spoken bequest. Norman Davis (ed.), *Paston Letters and Papers of the Fifteenth Century*, 2 vols., Early English Text Society SS 20 and SS 21 (Oxford: Oxford University Press, 2004) I, p. 350, l. 28. (Letter 208 to John Paston II of 28th October, 1470). Alison J. Spedding, "I Shalle Send Word in Writing': Lexical Choices and Legal Acumen in the Letters of Margaret Paston', *Medium Ævum*, vol. 77, no. 2 (2008) 241-259, p. 250.

[26] It is worth noting that Sheehan makes a distinction between the written wills of the later period based on size. Although many, regardless of their scale, were referred to internally as *cwide*, Sheehan, for the purposes of his study, reserves the term for the more complicated multiple groups of gifts. See *The Will,* p. 55. Holdsworth uses the term *cwide* to indicate the 'written instrument' of 'the ninth, tenth, and eleventh centuries'. W. S. Holdsworth, *History of English Law*, 12 vols (London: Methuen, 1903-1938) vol 2, p. 84. This thesis follows Holdsworth in

larger group of these testamentary records survives from the later period, and their style is more narrative than those preserved in the charters. Many of the earliest surviving examples of these wills were written using an informal combination of the first and third person, frequently, at least in part, setting down the wishes of the donor in the form of an address to interested parties (a feature that would occasionally reappear in the later-medieval testamentary texts)[27] and beginning by stating the purpose of the document in the third person, introducing the first-person words of the testator. The immediacy of such first-person phraseology is not only evocative of the underlying spirit of such an document, but may also reflect the process by which it was created, since the legal component of the transfer of property - land as well as goods and chattels – was, as with other official acts at this time, oral. Like the simpler landbook-style records, the written form of the will was purely evidentiary, created for record purposes. Other examples were phrased as an address to the king, while some of the latest began to take on characteristics of the writ.

The case of Eadwine and Eadwen from Herefordshire, which took place between 1016 and 1035 provides some insight into the language used in the oral stage of the bequest process and its relationship with the evidentiary text that was subsequently set down. The record was preserved as the outcome of a dispute, however, so does not necessarily record the process under less acrimonious circumstances.[28] In the case in question, Eadwine raised a claim against his mother at the shire moot with regard to the ownership of some land (Eadwen was presumably a widow since she acted independently and the text makes no reference to a husband). Rather than summoning Eadwen to appear before the court, three thegns (including one whose wife would subsequently be named as Eadwen's sole beneficiary) travelled to her home to enquire about the matter. Eadwen's response, recorded in the vernacular and purporting by its use of the first person to record the exact words she used, exhibits not only her understanding of the

---

using the term '*cwide*' to indicate evidentiary records, but differentiates between these and those shorter earlier records of individual transfers (or conceivably in some cases specific relevant portions of once-longer documents), referring to these as 'bequests'. An closely-contemporary image of an Anglo-Saxon *cwide,* that of (S 1503) Ætheling Æthelstan, 1014, BL MS Stowe Ch. 37, can be found in the Appendix, p. 300.

[27] For instance, the testament of Joan Buckland begins: 'To all thos that this p*re*sente writing indented shall come or is seen or hered....' testament of Joan Buckland, 1462, PRO PROB 11/5 ff. 93v-94r. Similarly, the draft will of the Agnes Paston, made in 1466, commences: 'To all to whom this p*re*sent writing xal come....' Norman Davis (ed.), *Paston Letters and Papers of the Fifteenth Century*, 2 vols., Early English Text Society, vol. 1, SS 20 (Oxford: Oxford University Press, 2004) p. 44.

[28] Hereford, D. & C. P. i, 134rv, reproduced in Thorpe (ed.), *Dip. Ang.* pp. 336-8.

legal process, but her familiarity with the conventional expressions used in the testamentary process, even though she seems to have been reliant on male help to bring the case to her and to convey her wishes to the assembly, indicating that her death might have been imminent or that she was in the infirmity of old age. Angered by her son's action (although what precipitated it is not revealed) she gave formal instructions as to the *post-mortem* disposal of her property, both lands and chattels, naming a female kinswoman as sole beneficiary and indicating the necessary delay before completing the transfer with the phrase commonly used for that purpose in contemporary records of the oral dispositive act, 'æfter minon dæge' – 'after my day'. She then instructed the thegns to announce her intentions to the moot and to call upon all present to bear witness, as was required in cases where a deathbed bequest had been made:

⁊ gecleopade ða Leoflæde hire magan to hire . Ðurcilles wif . ⁊ beforan heom to hire þus cwæð. Her sit Leoflæd min mæge þe ic geann ægþer ge mines landes . ge mines goldes . ge ræglæs . ge reafes . ge ealles þe ic ah . æfter minon dæge. And heo syððan to ðam þegnon cwæð. Doð þegnlice ⁊ wel . abeodað mine ærende to þam gemote beforan eallum þam godan mannum . ⁊ cyðaþ heom hwæm ic mines landes geunnen hæbbe . ⁊ ealre minre æhte . ⁊ minan agenan suna næfre nan þing . ⁊ biddað heom beon þisses to gewitnesse.[29]

& called Leoflæd her kinswoman to her, Thurkill's wife, & before them spoke to her thus. Here sits Leoflæd my kinswoman to whom I give both my land and my gold as well as clothing and garments and everything that I own after my day. And after that she declared to the thegns, do nobly & well, proclaim my message to the council before all the good men & declare to them to whom I have given my lands & all my property & to my own son never any thing, & bade them to witness this.

Although women were technically permitted to act independently, and were often sufficiently versed in legal procedures and correct linguistic formulæ to be able to plead for and defend themselves, or appear in the shire and hundredal court as oath-helpers, witnesses, or guarantors of surety, it would appear that a woman in Eadwen's situation still found male assistance of practical use.[30]

---

[29] Ibid. pp. 337-8.

[30] See also Marc Meyer, 'Land Charters and the Legal Position of Anglo-Saxon Women' in Barbara Kanner (ed.), *The Women of England from Anglo-Saxon Times to the Present* (Hamden, Conn.: Archon, 1979) 57-82, p. 79, note 104. Similarly, the appeal by the widow of Æthelric of Bocking in about 1000 concerning the upholding of her husband's will, while evidence of her involvement with the technicalities of the testamentary process, provides another instance of male intercession being required in the form of her *forespeca*, Archbishop Ælfric, who spoke (perhaps lending an aura of ecclesiastical sanction) on her behalf. Canterbury D & C Chart. Ant. B. 2, reproduced in Whitelock (ed. and trans.),

By the mid-eleventh century, the written record of the *cwide*, still made as it had been spoken in the Old English vernacular, could take the form of a chirograph, or triplicate copy, which was read out to the witnesses then separated and copies given to interested parties, although it still constituted an evidentiary text rather than a dispositive instrument.[31] Leofgifu's *cwide*, created in the first half of the eleventh century, is one which concludes with a record of how the three versions were to be assigned:

> Nu sinden þise write þre . on is mid þise kinges halidome . and oþer at seynt Eadmunde . ꝫ þridde mid Leofgiue seluen.[32]

> (Now there are three of these writings . one is with the King's holy ordinance [under his jurisdiction] and another is at St Edmunds & the third is with Leofgifu herself.)

Although such wills had come to involve detailed bequests of land, household items, and articles of clothing, and encompassed gifts left to both family members and to servants, the primary motive for their creation remained religious, and although broadly flexible in structure the first bequests to be recorded were still generally of a pious nature. Leofgifu's will, for instance, although it commences with a greeting to 'her lady' ('hiyre leuedi') immediately announces that:

> ic kithe þe mine quide wat ic Crist an and his halegan mine louerdes soule to alisednesse and mine into þe holy stow þer ic self resten wille þat is at seynt Eadmundes byri.[33]

> (I make known to you my will what I grant to Christ and his saints to redeem my lord's soul and mine into the holy place where I myself shall rest that is at Bury Saint Edmunds.)

She then details what property the Abbey is to receive. Such was the importance attached to pious bequests that all the surviving wills incorporate donations to the Church or to the poor, and it seems

---

Wills, pp.44-47. A contemporary chirograph image, (S 1503) Ætheling Æthelstan, 1014, BL, MS Stowe Ch. 37, can be found in the Appendix, p. 300.

[31] For a summary of the origins and implications of *chirographa* see Hazeltine, General Preface, pp. xxiv-xxv and note.

[32] (S 1521) Whitelock (ed. and trans.), *Wills*, p. 78. See also eg. (S 1527, S 1530, S1531). For a summary of the origins and implications of *chirographa* see Hazeltine, general preface, pp. xxiv-xxv and note.

[33] (S 1521) Whitelock (ed. and trans.), *Wills,* p. 76. See also notes p. 187.

likely that the omission of such considerations was virtually unknown.[34] Indeed, by the first half of the ninth century an accepted standard for such gifts already appears to have evolved, as can be observed in the will of Abba the Reeve, recorded in or around 835.[35] Having made careful provision for his wife's future wellbeing and the rights of any child that might be born in their marriage, Abba goes on to specify the details of an annual food rent to be paid to the monastery at Folkstone. A theoretical line of descent for the property is given, reverting at last to the church should the family die out altogether ('ꝺ gif þæt gesele þæt min cynn to ðan clane gewite ðæt ðer ðeara nan ne sie ðe londes weorðe sie...').[36] After an endorsement by Archbishop Ceolnoth ('Ic Ceilwulf subdiac ðis write ꝺ ðeafie') Heregyth, Abba's wife, whose wishes are recorded on the other side of the leaf, also makes elaborate provision for Christchurch to take effect after the death of her husband and herself.[37] Her heirs and successors were reminded of the necessity to make this donation annually, presumably in perpetuity, and directed to do so at the time when the community is bled ('ðæt sie simle to higna blodlese ymb twelf monað agefen') although whether this is merely a convenient chronological marker or motivated by a suspicion that extra nourishment might be appropriate at such a time is not revealed.

That Abba, making his dispositions in the first half of the ninth century, saw fit (as had Æthelnoth and Gænburg) to make provision for an as yet unborn but arguably still conceivable child, implies a will made long before the encroaching of old age and with no suggestion of the urgency engendered by mortal sickness that would prove so characteristic of will-making practices in the later-medieval period and beyond. The execution of a document of this sort, made well in advance of the point of need, indicates that considerable developments in the sophistication of testamentary practices had taken place by this time.

---

[34] See Sheehan, *The Will,* p. 63, in which it is suggested that 'it seems reasonable to conclude that wills that did not make such a bequest were very rare, if they occurred at all.'

[35] (S 1482) The date is given in a fourteenth-century hand, although internal evidence means that it is unlikely that the will could have been made after 839. See F. E. Harmer (ed. and trans.), *Documents,* p. 3-5. Harmer expands on the dating evidence in a note on pp. 75-76.

[36] Ibid. p. 4, ll. 17-18.

[37] Although broadly similar to Abba's provision, that of his wife is arguably both more practical and more generous. The perishable commodities (lard, cheese, and loaves) are slightly reduced, the gift of malt is replaced by ale, and poultry is added, together with tapers if it is winter ('ðritig teapers gif hit wintres deg sie') plus honey, butter, and salt ('sester fulne hininges sester fulne butran sester fulne saltes'). Ibid., p. 5, ll. 7-8.

These developments in the written record of the will during the later period brought about a change in the rôle of the Church and clergy with regard to the supervision of the bequests such documents recorded, particularly at a local level. Dispositions that had been made in advance of death were not, of course, associated with the last rites, although churchmen were often entrusted on an individual basis with the distribution of the deceased's goods. Individual ecclesiastics might act as witnesses, facilitate the transfer of property, or oversee donations of alms and pious bequests; the burden of administration no longer rested entirely with those persons, whether lay or spiritual, officiating at the deathbed. This was the case in the will of Ælfgifu, who requested the administrative assistance of clerics even though, as was common, many of the individual clauses and bequests in her *cwide* were framed as a direct appeal to the king:

> And leof be þinre geþafiunga þæt ic motæ bætæcen þam bisceope . and þam abbodæ . þonæ ofæreacan to þære stowe botæ . and earmum mannum for me to dælænne swa swa him þincæ þæt mæ for godæ þearflucustþ si.[38]

> (And, sir, with your consent, that I may entrust to the Bishop and the Abbot the surplus [of a previous bequest] to mend the place and to share for me with poor people just as seems to them to be best before God.)

Wills such as this were on a much larger scale than the necessarily minimal *verba novissima* bequests and pious donations of an earlier age could encompass, and included far more than provision for burial, alms to the poor, and gifts for the good of the soul that had characterised the simpler *inter vivos post-obit* bequests of an earlier age, although the whole range of possible clauses is rarely found in every surviving text. Section III (below) will examine more closely the type and juxtaposition of the available formulae.

III.   TEXTUAL ANALYSIS

Forty-four of the surviving vernacular testamentary records from the Anglo-Saxon period are comprehensive texts, rather than recording only a bequest of land made to the abbey to which the

---

[38] (S 1484) Whitelock (ed. and trans.), *Will*, pp. 20, 22.

document owes its preservation. It is these forty-four longer texts that are suitable for the comparison and analysis of their multiple component clauses.[39] These can be identified and defined, and the order of their appearance noted. Although flexible in form, the testaments nevertheless reveal considerable consistency within a structure broadly divisible into 'preamble', 'bequests' (both pious and secular) and 'closing remarks', much like the later-medieval texts which will be analysed along similar lines in subsequent chapters. Furthermore, comparison of the presence, absence, position, and juxtaposition of clauses reveals a remarkable similarity of structure and content between the testaments of men and women.

The one feature that is common to all the surviving wills, is an immediate statement of the testator's identity, ranging in style from the utterly simple 'Þis is Æþelflæde cwyde'[40] ('this is Æthelflæde's will') to the more elaborate 'Hyer swuteleð on þesen ywrithe hu Wolgiþ yan hire þing . efter hir forthsiþe þe hire se almiyti god yuþe on lyue to brukene.'[41] ('Here is made clear in these writings how Wulfgyth grants her possessions after her death that the Almighty God gave [her] to enjoy in life.') The *cwide* might then contain, at or near its beginning, a petition to the ruler for permission to make a will, or an acknowledgement that such permission had been granted, a feature that is not found after the Conquest. A direct appeal of this sort, or an acknowledgement that such permission had been received, was confined to five wills, representing two male and three female testators from the second half of the tenth century. In only two instances is this item immediately preceded by instructions for payment of the heriot, the feudal service due to the lord in respect of military service and equipment which was returned on the death of the tenant, and which later became a levy under customary law and also disappears from the testamentary record at the Conquest. In the other two wills that include both a permission clause

---

[39] Æthelgeard's bequest of the estate at Sotwell (S 1496) and the bequest of Thurkil and Æthelgyth to Bury of of the estate at Wereham (S 1529), although they record dispositions to be made after the testators' deaths are so brief that it seems likely that only the portion of much longer documents that are relevant to the Abbeys in question have been preserved. Bishop Æthelmaer's bequest of four estates and some silver to Bury St. Edmund's (S 1499) makes it clear that this particular clause should remain independent of any future changes to his will - that this particular disposition should stand. Again it is a portion of a longer will that has not survived, in much the same way that Thurstan's bequest of Wimbish to Christchurch (S 1530) comprises an abstract of a surviving and much more comprehensive will (S 1531) from which it is not significantly different. See Whitelock (ed. and trans.) *Wills*, pp. 189, 192 for an evaluation of the relationship between the two texts.

[40] (S 1494) Whitelock (ed. and trans.), *Wills*, p. 34.

[41] (S 1535) Whitelock (ed. and trans.), *Wills*, p. 84.

and heriot, they are kept separate. As far as the sample as a whole is concerned, however, from the mid-tenth century two thirds of the wills contain clauses that were either clearly, or could be interpreted as, heriot even though that precise term is not always used.[42] The heriot was not always confined to the opening preamble, but when it did occur at that point (notably in *cwide* from the second half of the tenth century) was almost always at the very beginning. Alternatively, it could be associated with the sections recording bequests, either pious or secular, and was only once consigned to the closing remarks.[43] It was unusual for heriot payments and *sawlesceatta* to be made in the same section, since both tended to be given precedence in the sections in which they occur.[44]

It was also typical for the *cwide* to include manumission clauses, and more than half (fifty-five percent) of the sample do so, some in more than one section. Though more likely to be associated with the part of the will dealing with bequests, manumissions can be found in the opening preamble and on occasion with the closing remarks, although as with heriot and *sawlesceatta* clauses, manumissions tend not to be closely juxtaposed with any other additional clauses when they do occur in the bequest sections, but to take priority.[45] Where manumission and heriot do occur in the same sections the manumission always takes precedence, whether the will in question is that of a man or a women.[46] All but one of the nine women's wills include manumissions, the only marked difference in the content ratios between male and female wills. The exception, the will of Wulfwaru (S 1538), made at the beginning of the 11th century, emphasises repeatedly that the estates which she bequeaths are to be 'mid mete ꝸ mid mannum . ꝸ mid eallre tylðe', ('with produce & with people . & with all profits'). Alliterative phrases of this sort were common in the linguistic formulae of Anglo-Saxon legal

---

[42] Whitelock remarks that the earliest surviving instance of a heriot payment in a will is in that of Ealdorman Æthelwold (S 1504) which dates from 946-955 [see F. E. Harmer (ed. and trans.) *Documents*, p. 33] and that the will of Wulfgyth (S 1535) contains the only known use of the term 'heriot' in a woman's will. Whitelock (ed. and trans.), *Wills*, pp. 100, 198. Whether Ealdorman Æthelwold's will in fact marginally predate those of Bishop Theodred (S 1526) which refers to heriot specifically and Aelfgar (S 1483) which contains heriot payments, is debatable, however.

[43] This exception is the will of Æthelmær (S 1498) which appears from its wording to have been made when the testator was on his deathbed. See Whitelock (ed. and trans.), *Wills*, p. 25.

[44] An exception is the notably concise will of Æthelwold of 987 or later (not to be confused with Ealdorman of the same name referred to above) in which 'ane cuppan him to sawlesceatte' precedes the heriot payment, although the latter could be interpreted as occurring unusually early in the secular bequests since these begin immediately after it. (S 1505) Whitelock (ed. and trans.), *Wills*, p. 31.

[45] Unqualified references to 'slaves', 'slavery', and 'freedom' do not necessarily convey precisely the status of those who were manumitted. For a comprehensive discussion of the situation see Pelteret, *Slavery*, pp. 121-125.

[46] Specific examples are the wills of Ælfsige (S 1491), Ælfgifu (S 1484), Wulfsige (S 1537), and Thurstan (S 1531).

documents, whether writs, charters, or wills, although this particular phrase is unusual in a *cwide*, being more common in other documents.[47]

The phraseology used for testamentary manumissions was concise and matter-of-fact, in general merely stating that all or a proportion of the people be made free ('alle mine men fre') sometimes stating that this was for the good of the soul of the testator and perhaps family members too, even though who should be manumitted was frequently a matter of chance.[48] Two women's wills, those of Wynflæd (S 1539) and Æthelgifu (S 1497) from the middle and towards the end of the tenth century respectively, are the only surviving instances of testamentary manumissions referring to specific, named individuals.

Although manumissions proper might be undertaken for pious reasons, because of the particular circumstances of will production there was a strong tendency (even though it is not always specifically stated) for testamentary manumissions to be undertaken for the good of the soul of the testator.[49] Æthelflæd, for instance, required that half the people in each of her villages be freed for the sake of her soul ('man frigæ hæalue mine men ... for mine sawlæ').[50] On other occasions, as in Ælfgifu's will, only the penally enslaved were to be freed, although there is no indication in any of the wills how the process should be carried out: '...heo wylæ bæ þinre geþafunga þæt man freóge on ælcum tunæ ælne witæþæownæ mann þæ undær hiræ geþeowuð wæs'.[51] ('...She wishes with your approval that they free in every estate each person in penal slavery [as a consequence of crime] who was in servitude under her'.)

Administrative details of this type were not always left to chance, however, and towards the end of her will Ælfgifu designated the Bishop of Winchester and the Abbot of the New Minster to act for her in distributing any surplus for repairs to the Old Minster buildings, having already made what appears to be a personal bequest of land to Bishop Æthelwold in return for his intercession on behalf of her mother

---

[47] See Whitelock (ed. and trans.), *Wills*, pp. 62, 64. Further examples of alliterative formulae can be found in F. E. Harmer (ed. and trans.) *Anglo-Saxon Writs* (Manchester: Manchester University Press, 1952) pp. 85-92.

[48] For an analysis of the proportion of wills freeing half or all the available slaves in this way see Pelteret, *Slavery*, pp. 129-130.

[49] The connection between testamentary manumissions, manumissions proper, and their associated formulaic phrases will be investigated in the next chapter.

[50] (S 1494) Whitelock (ed. and trans.), *Wills*, p. 36.

[51] (S 1484) Whitelock (ed. and trans.), *Wills*, p. 20. Note also that the synod at Chelsea's canon on the freeing of slaves of 816 ruled that on the death of a bishop every Englishman enslaved in his episcopate must be freed. See Pelteret, *Slavery*, p. 149.

and herself.[52]   Such a third party, if appointed, was more likely to be responsible for overseeing the

distribution of chattels than of land, and Ælfgifu's instructions are consistent with this.[53]   As

Holdsworth remarks, 'there are no traces of ... [an executor] in the Anglo-Saxon codes', pointing out

that contractual rules were so simple at this time that such a function as it would be understood in the

later-medieval period, was not a legal requirement. [54]

In the absence of any individual with an executorial function, or a formal probate process, the

closing remarks of a testament often included a plea for support of the will or for the protection of

kinfolk or dependants after the testator's death. Sometimes both such requests were made, and Ælfgifu's

cwide conforms to that pattern:

> Þis ys Ælfgyfæ gegurning to hiræ cinehlafordæ . þæt is þæt heo hyne bitt for godæs lufun
> and for cynescypæ þæt heo mote beon hyre cwydes wyrðæ. (....) And ic biddæ minnæ
> cinelaford for godæs lufum . þæt næ forlæte minæ mænn þe hinæ gesæcen . and him wyrðæ
> syn.[55]

> (This is Ælfgifu's request [in writing] to her lord king . that is that she asks for the love of
> God and for royal dignity that she may be worthy to [make] her will. (....) And I ask my
> royal lord for the love of God that he not abandon my men who seek him and are worthy
> of him.)

Where such a clause is included it tends to appear as part of the closing remarks. Although half of the

surviving women's wills incorporate some similar plea for protection, this should not be ascribed entirely

to feelings of gendered vulnerability, since thirty-eight per cent of the men's wills make similar requests.

It should perhaps be considered, though, that references to requests of this sort might have been

included at least in part as a courtesy, or in recognition of the ruler's status.

Whether or not such pleas for protection had been made, almost half the surviving will texts in

the sample conclude with an anathema clause, with only a witness list, mention of duplicate copies – a

---

[52] It can be hard to distinguish between bequests made to bishops for their personal use, and those intended for their benefice. In this
particular case the gift is associated with a request for intervention but even here it is not made perfectly clear whether the estate was to benefit
Æthelwold personally, although such a reading seems the more likely.
[53] Sheehan, *The Will*, p. 42 and n. 123.
[54] Holdsworth, *A History of English Law*, II, p. 85.
[55] (S 1484) Whitelock (ed. and trans.), *Wills*, p. 20.

chirograph – or occasionally a previously-overlooked bequest sometimes being appended.[56]   Such

anathema clauses provide the opportunity for a more individualised narrative, such as that which is to be

found at the conclusion of Æthelgifu's will:

> gif hpa bidde þ ðes cpide standan ne mote purðe he aporpen on þa pynstran hand þonne se
> hæland his dom deme ⁊ he purðe gode spa lað spa Iudas þæs þy hyne selfne aheng buton
> hio hit get self apende ⁊ þa ne lybben þe hit nu becpeden ys.[57]

> (if anyone asks that this will might not stand he deserves to be cast on the left hand when
> the Saviour considers his judgement & he deserves to be as loathed by God as Judas that
> hanged himself except she [ie. Athelgifu] yet change it herself & those not live [to whom]
> it is now bequeathed.)

IV.   THE POSITION IN LAW

Though laity and clergy acted together in formulating dispositive procedures, the necessity for a careful

division of property between religious and secular beneficiaries owed its initial and continued impetus

not only to Christian teaching with regard to the virtue of alms-giving both to the poor and to religious

foundations, but also to the gradual formalising of payments to the designated church of burial.

The Church had always stressed the importance of giving alms to the poor at any stage of life, and

permitted a payment to the priest officiating at funeral rites as a voluntary act of piety, perhaps in a

development of the custom in the early church of making a donation at the graveside when burial took

place.[58]   Unlike the requirement to render church-scot (*ciricsceatta*) which had been encoded under the

laws of King Ine between 688 and 694, paying *sawlsceatta*, or alms for the soul, was very much a custom

rather than an obligation in the earlier period.[59]   Although the term is recorded in a lease of land by

---

[56] Of the eleven testators who made a plea for protection eight also included an anathema clause, while a further thirteen testators trusted in an anathema clause alone.

[57] (S 1497) Julia Crick (ed. and trans.), *Anglo-Saxon Charters*, XII: *Charters of St. Albans*, The British Academy (Oxford: Oxford University Press, 2007), 144-147, p. 147.

[58] Sheehan points out that free choice amongst Christians of the place of their burial was customary in the Empire from the fourth century. Sheehan, *The Will,* p. 79. See, however, John Blair, *The Church in Anglo-Saxon Society* (Oxford: Oxford University Press, 2005) p. 437 n. 45 for caveats regarding the possibility of such choice of burial place in later centuries. Blair concludes that 'it is ... possible that ... [there was] ... local variation: whereas tenants on certain monastic estates were tied to the head churches, other people still had freedom to pay their soulscots to burial churches of their choice'. Ibid. p. 437.

[59] Church-scot was a levy of grain due from each home at Martinmas (11 November) or possibly at the mid-winter threshing. Failure to render church-scot would incur a fine of sixty shillings in addition to the required amount of grain multiplied by twelve ('be XII fealdum agife þone ciricsceat').   For Ine's ruling see F. L. Attenborough (ed. and trans.), *The Laws of the Earliest English Kings* (Cambridge: Cambridge University

Ealhferth, Bishop of Winchester between 871 and 877,[60] there is no evidence that it was a formally enacted legal requirement until the first code of Æthelstan in or around 925, a body of legislation which dealt exclusively with ecclesiastical matters:

> ꞟ ic wille eac, þæt mine gerefan gedon, þæt man agyfe þa ciricsceattas ꞟ þa sawlsceattas to þam stowum þe hit mid rihte togebyrge....[61]

> (& I also wish that my reeves ensure that people give the church-scots & the soul-scots to that place where it should be given by right)

It has been suggested that by this date the perceived purpose of *sawlsceattas* may have changed from that of a payment for rites associated with death and commemoration to a fee payable to the church for the grave itself, even though such a practice had previously been forbidden by Gregory the Great. Under Æthelred's sixth law code of 1008, the *sawlsceattas* were more firmly linked to the grave, even though payments of this type were still due to the home parish even if the body was buried elsewhere:

> ꞟ sawlsceat is rihtast þæt man symle gelæste æt openum græfe.
> § ꞟ gif man ænig lic of rihtscriftscire elles hwar lecge gelæste man sawlesceat swa ðeah into ðam mynstre þe hit to hirde.[62]

> (& it is right that soul-scot always be paid at the open grave.
> § & if any person's body is buried elsewhere outside the proper parish the soul-scot is to be paid to the minster to which the person belongs.)

It has been pointed out that the gradual enacting of such law codes was motivated by anxiety on the part of the tenth-century kings to safeguard the financial stability of the parochial mother churches

---

[Press, 1922; facs. edn, Felinfach, Llanerch Publishers, 2000) p. 36, cap. 4. [Identification of the laws according to the so-called 'chapter numbers' is a convention to which editors of printed editions of the laws adhere and which are included here for clarity. They were an addition made by Lieberman in his *Die Gesetze der Angelsachsen* and do not appear in the manuscript sources.] On church-scot, see Blair, *The Church,* p. 434-437.

[60] Under the charter Bishop Ealhferth of Winchester leased some land to Earl Cuthred and his wife Wulfryth. The property was unencumbered except for the obligation to build bridges, provide military service, and to pay eightfold church-scot, priest's dues and soul-scot ('eahta ciricsceattan ꞟ mæsseprestes gereohta ꞟ saulsceatta'). (S 1275) Robertson (ed. and trans.), *Charters,* p. 26.

[61] I Æthelstan 4. Attenborough, *The Laws,* p. 124. See, however, Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century,* I: *Legislation and its Limits* (1999; Oxford: Blackwell, 2001) p. 295, where it is pointed out that the requirement to render soul-scot does not appear in a contemporary Old-English text. Wormald suggests, therefore, that 'the demands for soul-scot and plough-alms ... were Wulfstan's intrusions'.

[62] V Æethelred 12 and 12.1, in A. J. Robertson (ed. and trans.), *The Laws of the Kings of England from Edmund to Henry I*: *Part One – Edmund to Canute* (Cambridge: Cambridge University Press, 1925; facs. edn, Felinfach: Llanerch Publishers, 2000) p. 82.

and protect the ecclesiastical structure at a local level, while limiting the overall scope of the minsters.[63]

It is arguable, though, that even as a by-product of this policy, making the render of soulscot obligatory also indicates a movement by the judiciary towards a declaration in support of the formal disposal of property at or in anticipation of death, and was thus, I would suggest, at the very least a tacit acceptance of the practice of will making. This marked an advance on the legal position under Æðelberht in the early decades of the seventh century, when the law protecting a widow's rights would, in addition to safeguarding her position within her marital kinship, have had the added effect of pre-empting the need for a formal or declared will in the first place, by providing that '[g]if hio cwic bearn gebyreþ healfnde scæt age gif ceorl ær swylteþ'.[64] (If she bears a living child, she has half the money if the man dies.)

By the time of Cnut in the first quarter of the eleventh century, secular law had reached the point of legislating specifically to protect the position of a widow whose husband had died without having made a will (*cwydeleas* – literally 'speechless', effectively 'intestate'), implying that the execution of a formal testament was now a legally-accepted norm:

> Gyf of ðysum life man gewite cwydeleas, sy hit ðurh his gymelystre sy hyt ðurh færlicne deaþ ðonne ne teo se laford nan mare on his æhte butan his rihtan heregeate.[65]

> (If a person departs from this life speechless [intestate] if through his carelessness or if through sudden death then his lord shall not take more from his property than his rightful heriot.)

It is further remarked (cap. 79) that one who has acted dutifully in support of his lord shall have the right of free choice in bequeathing his property ('to gyfane ðam ðe him leofost sy').[66]

---

[63] Blair, *The Church*, p. 433.

[64] Attenborough (ed. and trans.), *The Laws*, p.14, cap. 78. It had also been directed under the laws of Æðelberht that in cases where a woman had no child to inherit, then her belongings and her *morgengifu* should be returned to her kin, protecting her position and that of her natal family by statute in advance of the practice of will making. 'If she does not bear a child, [her] father's kin have goods and morning gift' ('Gif hio bearn ne gebyreþ fædeeringmagas fioh agan ⁊ morgengyfe.') Attenburgh (ed. and trans.) *The Laws*, p. 14, cap. 81. Fell makes the point that it is more probable that this law was intended for situations where a woman had died childless rather than been repudiated because they were barren, a situation for which no specific record survives. See *Women*, p. 75.

[65] II Cnut 70, in Robertson, *Laws*, p. 209. By way of balance, it should also be noted that under Cnut's laws a period of one year had to elapse after the husband's death before his widow be permitted to remarry ['And sitte ælc wuduwe werleas twelf monað' – II Cnut Cap. 73, Robertson (ed. and trans.), *Laws*, p. 210]. Crick points out that the will of Eadwine of Caddington (S 1517) from the middle years of the eleventh century not only contains a very rare direct reference to widowhood (*wudewanhad*) but supplies an example of provision being made for the woman while she is a widow ('ðe heo on þudepanhade riste', Crick (ed. and trans.), *Charters*, 210-211, p. 211) as well as making detailed provision for the distribution of the lands in the event of her remarriage. Crick considers that the period of widowhood was 'clearly regarded in this instance as a potentially temporary state [and that the widow] will forfeit any claim on remarriage'. Crick, Ibid., p. 213. It should be noted that the Will of Abba the Reeve (833x839) is similarly precise in providing for the widow as long as she does not remarry or enter a convent. Instructions are given for reassignment of the land under such circumstances.

Unlike gifts of chattels, the right of the individual to the devise of land in anticipation of death was not automatic, but was generally dependent upon royal permission. Nevertheless, that there was a mechanism that could encompass the bequest of almost any type of property, moveable or immoveable, and could also confer or transfer profits, jurisdictions, and the rights to certain payments, is an indication of the refinements that developed in the testamentary process during the later Anglo-Saxon period. That will-making at this level of sophistication was a privilege of the rich is clear from the value of the lands and chattels described in the texts that survive. The high status of the individuals mentioned is also often a matter of record. It is likely, however, that the informal, undocumented distribution of personal items undertaken as the end of life approached had always been the most common form of bequest for the majority of the population and would continue to be so throughout the medieval period and well into modern times. It seems probable, moreover, that the simplicity of such a practice would have helped it to transcend the change of regime at the Conquest, something that the more sophisticated *cwide* failed to do. Despite retaining much of the English legal structure, the arrival of a new Francophone Norman social and administrative elite resulted in the gradual Latinising of what hitherto, in the case of the majority of the surviving testamentary records, had been a vernacular diplomatic process, a phase in the development of formal dispositive writing that will be examined in the next chapter. In the interim, the Conquest had also brought about the abrupt replacement of that royal and semi-royal class that had found the *cwide* such an appropriate vehicle for recording the *post-mortem* allocation of property. As a result, although the laws regarding distribution and transfer of property at death remained for a time largely the same, the vernacular *cwide* became redundant as an evidentiary form and ceased to be used. It is the evidence for vernacular oral acts in this transitional phase between the end of Old English vernacular record keeping and the coming of the Latin canonical testament that will be analysed in the opening section of the next chapter.

---

[66] Ibid. p. 214.

CHAPTER THREE

ORAL BEQUESTS

AND

DEVELOPMENT OF THE TESTAMENTARY FORM

IN THE POST-CONQUEST PERIOD

ORAL BEQUESTS AND DEVELOPMENT OF THE
TESTAMENTARY FORM IN THE POST-CONQUEST PERIOD

The displacement of the Anglo-Saxon elite at the Norman Conquest brought an abrupt end to the use of the Old English vernacular *cwide*, the precursor, to all intents and purposes, of the 'last will and testament' as it would later come to be understood. Not until the mid-thirteenth century would transcripts of testamentary documents start to be preserved more systematically and thus to survive in any quantity.[1] It seems probable, however, that with respect to moveable property at least, the change of regime in 1066 made little difference to majority practices and that despite the fact that Latin dispositive instruments were produced on behalf of the highest in society the accustomed methods of private and undocumented gift-giving, pious donation, and deathbed bequest continued, unaffected by changes in the language of the ruling class or their administrative procedures. Other than for the wealthy, the disposal of chattels at or in anticipation of death had always been an informal oral (and therefore necessarily vernacular) process and would continue to be so well into the modern age. The situation with regard to real property was different, however. Although the Conquest had been relatively rapid it was far from being a neatly defined moment of legal or administrative transition. It was, however, instrumental in accelerating changes in kinship structures and notions of heritability that would contribute in large part to the eventual end of the testamentary devise of land to individuals for some centuries to come.

This chapter will look first at the mechanisms that continued, as they had done in the pre-Conquest period, to parallel some of the functions of the *cwide*, and remained in use between the disappearance of that dispositive form and the emergence of the canonical Latin testament in the thirteenth century. These were formal processes of donation, transfer, and bequest that often took the form of performative speech acts, were therefore made in the vernacular, and might be carried out in significant or symbolic locations, only being recorded in writing (and in Latin) later. It is therefore the

---

[1] Michael M. Sheehan, *The Will in Medieval England* (Toronto: Pontifical Institute of Medieval Studies, 1963) pp. 107-108.

surviving records of the vernacular spoken word that are of interest here, scant though they are, after some necessary initial contextualization. The second half of the chapter will outline the development of the Latin canonical testament, examining texts ranging from the last quarter of the twelfth century to the early examples of the developed form composed in the thirteenth century. It was upon the Latin phrasing that emerged at this time that the vernacular testament of the later-medieval period would be closely modelled, its underlying scope and character dictated by the motives and legal framework that had been developed and expressed by the twelfth-century canonists.

I. ANGLO-NORMAN PIOUS BEQUESTS

As outlined in the previous chapter, one of the original motives for the disposal of certain types of property on death was religious. These pious intentions remained unaffected by the arrival of a new social elite and the accompanying linguistic realignment from Old English to Norman French and Latin. That there was no immediate change in procedure from the systems of bequest that had been in place under Anglo-Saxon rule may imply that in such matters continental Norman practices were broadly similar during the mid-eleventh century to those that had applied in England before the Conquest.[2] Despite the new regime's reluctance to interfere with the efficient bureaucratic processes of the late Anglo-Saxon state, this was a period of administrative transition and it has been argued that during the social and political unrest that characterised the immediate post-Conquest period there was great fluidity in the purchasing, granting, and confiscating of land to the extent that most of the Norman aristocracy held newly-acquired estates. Succession to such fiefdoms remained in the lord's gift (albeit generally along hereditary lines) rather than being an automatic process by which they passed to hereditary heirs.[3] Transfer of land by life-time succession rather than inheritance by right persisted until the assize of *mort d'ancestor* of 1176 ended the reversion of such holdings. By *c.* 1200 landed property had become

---

[2] No evidence of continental Norman legal practices has survived, if indeed there ever was any. Sheehan considers testamentary procedures followed in Brittany to be a suitable substitute, however, since part of the Conqueror's army was drawn from this region. The evidence from Brittany suggests that Norman practices are likely to have been similar to those followed in the rest of France. Sheehan, *The Will* pp. 108-109.
[3] J. C. Holt, 'Feudal Society and the Family in Early Medieval England: I. The Revolution of 1066', *Transactions of the Royal Historical Society,* Fifth Series, vol. 32 (1982) 193-212, pp. 204-205. John Hudson, *Land, Law, and Lordship in Anglo-Norman England* (Oxford: Clarendon, 1994) p. 66. W. S. Holdsworth, *History of English Law*, 12 vols (London: Methuen, 1903-1938) vol. 3, pp. 67-74.

heritable by the heir (or heiress) rather than a matter of grant and re-grant, although for purposes of bequest a distinction was made between inherited and acquired land, alienation of the latter by *post-obit* bequest being possible, albeit only with the consent of the heir. It was these changes (although they were as yet incomplete) from which Common-law restrictions on the scope of the later-medieval testamentary documents surveyed in this thesis originated and which would persist until the mid-sixteenth century.

Unlike the bestowal of a deathbed bequest, the performative location of which is clear, the procedures followed and the words used to execute donations made *inter vivos* can be harder to deduce from the surviving records. It seems safe to assume, however, that the occasion on which a large-scale (and of course oral) conveyance of property was carried out would have been considerably more impressive than that upon which a more modest transfer was made. A dispositive act undertaken by one of the highest in the land might conceivably have been a very grand affair indeed, undertaken publicly before representatives of church and state either (as was often the case) in a religious context, or at a civic event, and involved the enunciation of formulaic vernacular statements of intent. The gravitas of these occasions can be deduced from the status of the witnesses, which might include nobility, royalty, and senior ecclesiastical figures. Records indicate that even a relatively humble bequest made to a religious foundation might be witnessed by its whole community, indicating that the oral transfer was enacted on church premises, perhaps at a chapter meeting or, more likely, before the altar. It seems, too, that on such occasions it was possible to accompany the oral act with a ceremonial handing over of the relevant documents for safe-keeping, symbolically reinforcing or perhaps guaranteeing the agreement. It was necessary for transfers of this sort to be confirmed by the family of the benefactor because the alienation of property by donations carried out in this way was binding and irrevocable at the time when it was spoken.

While it seems likely that the words used would have echoed those of the *cwide* in previous decades, those records that have survived from the Anglo-Norman era are now limited to third-person

narratives of the essential facts pertaining to what would have been a vernacular (or perhaps partly-vernacular) oral agreement, such as the *post-obit* grants made by Bishop Gundulf of Rochester to Eadmer between 1077 and 1087, of which a narrative remains but not the exact words spoken.[4] In addition to grants of this sort, records also survive confirming donations made for the souls of others, as do official records that attest to the witnessing of deathbed bequests, but again as Latin narratives of what had initially been vernacular oral acts, not a transcript of the words (presumably formulaic quasi-legal phrases) that were used.[5]

Scant though the contemporary evidence is with respect to the details of the bequeathing process and the words used, some indication of the procedures followed in Anglo-Norman times can be gleaned from records surviving from the pre-Conquest period, such as the account of the final dispositions made by Siferth of Dunham that is preserved in *Liber Eliensis*. Although the incident took place in the mid ninth century it might arguably have been similar in form to pious bequests of that type made in the immediate post-Conquest period. This particular case records Siferth's bequest of land to his daughter and to the abbey of Ely (as it then was) in return for burial there. Unusually, although written in Latin the text purports on this occasion to reproduce the words of the testator, albeit not in the language in which they would probably have been spoken:

> 'ideoque', inquid, 'o karisimi mei, volo ut conventio mea coram vobis renovetur, videlicet quomodo hic elegi mihi locum sepulture mee et post diem meum Deo et sancte Æðeldriðe dedi duas hydas, quas in Dunham habeo, et filie mee duas hydas do in Wibertune et precor, o amici mei, ut hoc oblivioni non tradatis, immo, ubi necesse fuerit, illud recognoscatis'.[6]

> 'And therefore,' he said, 'most dear people, I desire that my agreement be renewed before you, namely how I have chosen the place of my burial here, and have given to God and St Æthelthryth, after my day is over, the two hides which I have at Downham, and how I give to my daughter two hides at Wilburton. And I beg, my friends, that you do not cast this into oblivion, but rather, when it becomes necessary, acknowledge it.'[7]

---

[4] George W. Greenaway (ed.), *English Historical Documents*, vol. 2, 1042-1189 (London: Eyre and Spottiswoode, 1953) p. 954.

[5] See, for instance, the grant by Gilbert de Lacy for the health of the soul of his lord, Henry Foliot (1185-1193), and the grant by Isabel for the soul of her late husband Roger de Byri (1195-1210), in William Farrer (ed.), *Early Yorkshire Charters*, 6 vols. (Edinburgh: printed for the author by Ballantyne, Hanson & Co., 1916) vol. 3., p. 404 and pp. 406-7. Also, notification by Robert de Gant that he witnessed the deathbed bequest of his brother. Ibid. ii. p. 456.

[6] E. O. Blake (ed.), *Liber Eliensis*, Camden Third Series, vol. 92 (London: Royal Historical Society, 1962) pp. 86-87.

[7] Janet Fairweather (ed and trans.), *Liber Eliensis: A History of the Isle of Ely from the Seventh Century to the Twelfth* (Woodbridge: Boydell and Brewer, 2005) p. 110.

Similarly, it would appear from comparing other narrative records made both before and after the Conquest (although it is possible that not all are necessarily genuine) that the process of making deathbed bequests continued in the twelfth century very much as it had during the Anglo-Saxon period despite the change of regime, even though the Latin texts in question do not preserve the vernacular words spoken by the donors. Thus, *Liber Eliensis* preserves the salient details of Æthelgifu of Thaxted's deathbed including the scope of her donation to the abbey, the location of the land in question, and the status of those present who, it seems, had indeed gathered round her bed as death approached in order to bear witness to the oral gift-giving even though the details were (or would be – the timing is ambiguous) recorded in writing.[8] Although Æthelgifu must have died before 1016, the conduct of her final hours can be compared with the deathbed of Grenta of North Stoke, c. 1120, which is recorded in a Bath Cartulary and would also appear to have been attended by representatives of the monastic community that hoped to benefit. Irrespective of the accuracy of the witness lists and of the purported scope of the transfer (the record survived because of the ensuing dispute), the description of the transfer indicates a continuity in the conduct and scope of deathbed bequests in the years before and after the Norman Conquest. As a means of donation such *in vivos* bequests remained acceptable to ecclesiastical foundations, so written records of these transactions were kept even though an informal expression of intent made in this way did not have the same weight as a formal statement of immediate transfer.[9]

II.   MANUMISSIONS

In addition to the bequest of lands to the Church for the benefit of the soul of the deceased, another disposition undertaken as part of the *cwide* had been the manumission of individuals of slave, unfree, tied, or partly-bound status, a process that could also be undertaken by a specific individual act of manumission. Although testamentary manumission clauses generally used less specialised manumitting language than the manumission proper, wills have features in common with the separate manumission

---

[8] Fairweather (ed and trans.), *Liber Eliensis*, p. 156.
[9] John Hudson, *The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta* (London: Longman, 1996) pp. 105-106.

texts that seem to indicate a degree of shared motivation and perhaps even, as will be shown, a connected evolutionary process, one which then continued to fulfil at least part of the rôle of the *cwide* even after that form ceased to be available after the Conquest. As was usual with legal processes at this time, both forms were vernacular oral acts. It is relevant, therefore, to examine records of manumissions in detail and to compare their wording with that of testamentary manumission clauses in order to establish the scope of both, their differences, and their similarities.

Like wills, manumission documents and those quittances that are generally classed with them, constituted the written record of a legally-binding oral act that had taken place before witnesses (their names were often listed) in a formal manner, often in a pious context. Indeed, as with the testamentary manumission clauses, a significant proportion of those dedicated manumissions of which records survive were undertaken for the benefit of the soul of the manumittor or specified individuals and many of those that have endured in written form until the present day did so because they were recorded in valuable religious texts.[10] While forty-four of the individual entries in the surviving corpora of such manumission texts are in Latin there are also more than seventy that survive in the Old English vernacular, ranging in date from the end of the first quarter of the tenth to the mid twelfth century. Furthermore, the comparison of Latin and vernacular manumission texts reveals the wording of most of those in Latin to be uniform and formulaic,[11] while those in the vernacular are more individual in phrasing and sentiment. This tendency towards more individual phrasing when the vernacular is used instead of Latin can also be observed in the pre-Conquest will texts, even though only four complete Latin testaments survive from this period. (This tendency towards greater flexibility of expression in the vernacular is also observable when comparing the Latin and vernacular testamentary texts of the later-medieval period - see Chapter

---

[10] Pelteret considers it possible that some manumissions may have taken place in fulfilment of wishes expressed by the dying, as seems to have been the case in the example given below (see n. 71 and text) in which Eadgifu acts on Ordgar's behalf. See David A. E. Pelteret, *Slavery In Early Mediaeval England* (Woodbridge: Boydell, 1995) p. 143.   It also seems feasible that on other occasions manumissions were undertaken in order that the estate in question should not be burdened with dependents whose support would otherwise have been incumbent upon the beneficiary.

[11] Thirty-seven of the surviving Latin manumissions are from those recorded in the Bodmin Gospels (BL, MS Add. 9581). The first, in Thorpe's edition, reads: 'Hæc sunt nomina illorum hominum ... pro redemptione animæ suæ, super altare Sancti Petroci, coram istis testibus ... ut libertatem habeant cum simine suo sine fine; et maledictus sit qui fregerit hanc libertatem.' Almost all the rest of the Latin texts are abbreviated and simplified versions of this pattern. See Benjamin Thorpe (ed.), *Diplomatarium Anglicum Ævi Saxonici. A Collection of English Charters from the Reign of King Æthelberht of Kent, A.D. DCV to That of William the Conqueror* (London: 1865) 623-631.

5, following.) That more individuality in vernacular examples can be observed in both the manumissions and the testaments supports the hypothesis that the surviving vernacular texts, in all their diversity, constitute faithful records of a personalised oral act, rather than a standard format imposed by the scribes who recorded them, and so an assessment of nuances in the vocabulary used may provide additional insight into contemporary use of language, particularly specialist legal terminology. It is the specifics of word-use and formulaic phrasing to which I shall now turn, beginning with a small but significant feature that wills and manumissions do not share.

II. i.   TEXTUAL ANALYSIS

Perhaps the most consistent and easily defined difference in language use between wills and manumissions is that of verb tense. Since the act undertaken in a manumission proper had already taken place by the time it was recorded, the verb chosen to describe that manumission in the written version is used in the past tense, as in the examples that are bound into the *Leofric Missal*, such as 'Eadgyfu gefroede leofrune aet curritune for ordgar....' [12] (Eadgyfu freed Leofrun at Coryton for Ordgar....). In a corresponding testamentary manumission clause such as the instruction in Wynflæd's will, 'ꝺ freoge man Wulfware....'[13] (& Wulfwaru is to be freed), the manumitting verb indicates that the manumission would take place in the future since, after the manner of wills, the dispositions made were to take effect at a later date. The verb *freogan* ('to free from legal bondage or obligation')[14] is used consistently in the vernacular examples from the so-called Bodmin manumissions (these have a maximum date range of 946-1075) and in eleven of the fifteen texts associated with the *Leofric Missal,* which are also mostly from the pre-Conquest period. Without exception all the pre-Conquest testamentary manumission clauses from the earliest (the will of King Alfred dating from 873-889) also use the verb *freogan*. By the post-Conquest period, however, examination of the language used in the manumissions that are now part of

---

[12] MS Bodley 579, f. 8, comprising a list of manumissions at St Peter's, Exeter, inscribed on the eighth leaf of *Leofric's Missal* or *Sacramentarium*. The texts are reproduced in J. B. Davidson, 'Some Anglo-Saxon Boundaries, Now Deposited at the Albert Museum, Exeter', *Report and Transactions of the Devonshire Association* 8 (1876), 396-419, p. 418

[13] (S 1538) Dorothy Whitelock (ed and trans.), *Anglo-Saxon Wills* (Cambridge: Cambridge University Press, 1930) p. 10.

[14] The definitions of legal terminology in Pelteret, *Slavery*, Appendix I, pp. 261 – 334 are extensive and detailed.

the *Exeter Book,*[15] all but two of which are in the vernacular, shows a greater variety of verbs being used for the act of manumission. Although *freogan* is used, *alysan* ('to let loose, release, deliver, liberate') appears more than twice as often, in twenty-five per cent of the texts. More popular again is the concept that an individual had been 'bought' out of servile or tied status (*bycgan* – 'to buy') either by himself or another, with nine of the manumissions recording this. The verb *cweþan* ('to declare, speak, proclaim') a word that had been associated with the *cwide* rather than the manumission proper until the former lapsed at the Conquest, can now be found in more than a third of the manumission texts, though requiring another specialist term or formula in qualification, such as *freoh ꝼ saccles* ('free & chargeless') or *of elcre craﬁgge* ('[free] from every demand').[16]

The use of only one type of manumitting verb in those manumissions that only extend to a brief statement of fact within a testamentary document gives in itself little idea of the scope of that manumission – for instance whether, as sometimes happened, the freedom bestowed was intended to be complete or only partial. It is possible, however, that those testamentary manumission clauses that are couched in such simple terms do indeed imply complete and unconditional freedom, since further examination of those testamentary texts that incorporate slightly more complex manumission clauses reveals that different levels of manumission could indeed be conferred and the extra detail given indicates how much. Some people were freed unconditionally, while for others certain requirements had to be met, and the use in the will of Thurkill and Æthelgyth of terminology referring to the grant of an estate that was to include 'þo men halffre þeowe ꝼ lisingar'[17] ('those people half free servile & redeemed') acknowledges that such medial status was recognized in practice. The will of Wynflæd, for instance, contains many manumissions, some unconditional, as in the case of Wulfwaru, who could serve anybody she liked ('folgyge þam þe hyre leofost'). Influence was exerted over how Ælfflæd might spend her future life, however; even though now supposedly free, she was only to be manumitted on condition that she

---

[15] The Exeter Gospels, a translation produced under Leofric's episcopy (1050-1072) were given to Mathew Parker in 1566, and subsequently became known as *The Cambridge Gospels* when they passed into the care of Cambridge University Library. At some point before the text left Exeter, however, the eight leaves at the beginning and end were removed, rebound out of sequence as a self-contained quire and added to the beginning of the *Exeter Book*.

[16] See D. W. Probert, 'Manumission Formulae in Post-Conquest Exeter' (in preparation).

[17] (S 1529) Whitelock (ed. and trans.), *Wills*, p. 92.

serve Æthelflæd and Eadgifu ('þæt hio folgige Æþelflæde ⁊ Eadgyfe').[18] Freedom could also be granted

permitting an individual to keep all his possessions, but generally carefully excepting the land he had

formerly worked, such as in the will of Ketel:

> And ic wille þat alle þo men þe ic an fre . þat he habben alle þinge þe he vnder hande
> habben buten þat lond.[19]

> (And I wish that all those people that I free . that he have every thing that he owns except
> the land.)

On other occasions the manumission was more generous, such as that of Thurketel of Palgrave, who

freed all his men and permitted them to keep their homes and their livestock, specifying 'and alle mine

men fre . and ilk habbe his toft and his metecu ⁊ his metecorn'[20] ('and all my men free . and each have

his plot of land and his [food] cow & his [food] corn').[21]

In the later manumission texts such as those now bound into the *Exeter Book,* which have a

maximum date range of c. 1072-1143, after the point when the *cwide* ceased to offer an opportunity to

manumit, the extent of the manumission started to be conveyed by formulaic, sometimes alliterative

phrases such as those referred to above or *inna tune ⁊ ut of tune* (on the estate & off the estate). Those

from the pre-Conquest *Leofric Missal* manumissions are much more simply stated. The linguistic

comparisons between wills and manumissions undertaken for the present study make it tempting to

speculate that during the post-Conquest period, with the displacement of the sector of society that had

used the *cwide*, and the consequent disappearance of that particular dispositive method, the manumission

proper was ideally suited to take on at least that part of the function of the *cwide* and became more

elaborate as a result. Indeed, a manumission text associated with Bath Abbey (CCCC 140 f. 1v) dating

from roughly the time of the Conquest and thus contemporary with only the latest dated of the surviving

cwide provides for the manumission of Sæþryþe, bought by Ægelmær for three mancuses from Abbot

---

[18] (S 1539) Whitelock (ed. and trans.), *Wills,* p. 10.
[19] (S 1519) Whitelock (ed. and trans.), *Wills,* p. 88.
[20] (S 1527) Whitelock (ed. and trans.), *Wills,* p. 68.
[21] For observations on the subtle differences in status conveyed by testamentary manumission clauses, see Aysu Dinçer, 'Social and Economic Change in Medieval England: Revolution of the Year 1000?', unpublished PhD thesis (University of Birmingham, 2003) pp. 24 – 27.

Sewolde, but the manumission is only to take effect 'ofer his dæg ⁊ his wifes dæg' (after his day and his wife's day) – a form of words identical in structure and intent to the key formulæ used in many of the surviving will texts, possibly even acquired from that tradition, to make it clear that the dispositions made were without doubt *post-obit* bequests.

As the available and accepted way to confer free status, whether for pious, altruistic, or more pragmatic reasons, the manumission also assumed, post-Conquest and post-*cwide*, some of the linguistic flexibility previously associated with the testamentary form, developing shorthand formulae to permit the refinements of intention that had been conveyed in some of the elaborate testamentary documents of the pre-Conquest era, in order to make the pious motives clear. To this end the phrase *his saule to alisednesse* ('to redeem his soul') began to appear in the manumissions now bound into the *Exeter Book* as well as the practice of concluding manumissions with a version of the 'anathema clause' that had become a feature of the Anglo-Saxon will, calling down divine retribution on anybody who disregarded the testator's or manumittor's wishes. Again, the inclusion of an anathema clause as part of the structure of the manumission proper seems largely to be a post-Conquest, post-*cwide* development. In the surviving vernacular manumissions from the pre-Conquest era such clauses are scarce. King Æthelstan's manumission of Eadhelm et al (which can be precisely dated to 924-925 since it is associated with his accession and is therefore the earliest of all the approximately one hundred and fifteen surviving manumissions) includes an anathema clause.[22] Apart from this one isolated instance no pre-Conquest manumission employed an anathema clause until a group of texts associated with Durham in the mid eleventh century. Of these six texts, which had a probable date range of 1030x1040 to *c.* 1050, four incorporate anathemas.[23] Such a clause was sufficiently unusual at this time to suggest that although there would have been some administrative interaction of an episcopal nature between Winchester and Durham, there might not have been the sort of contact between the north-east of the country and the

---

[22] 'Se þe ðæt onwende hæbbe he Godes unmiltse ⁊ ealles þæs haligdomes þe ic on Anglecyn begeat mid Godes miltse' (he who undoes this, have he God's condemnation & [rejection] according to [in proportion to] the *haligdomes* that I have attained in England with God's mercy. [Note that 'haligdomes' is a word that defies concise accurate translation and could indicate relics, a portable altar, or a treasure chest.]

[23] The texts in question are P 6.1 and P 6.2 (Cotton Domit. Vii f. 47r) and P 7.1, P 7.2, P 7.3, and P 7.4 (Cotton Otho B.ix). All are reproduced in H. H. E. Craster, 'Some Anglo-Saxon Records of the See of Durham', *Archaeologia Æliana*, 4th ser., I (1925) 189-198.

south-west that would have resulted in the transfer of quasi-legalistic vernacular formulae in either direction, at least in this context.

The anathema clauses used in manumissions tended to be uniform and shorter than those that had been associated with the *cwide*, in keeping with the more concise format of the manumission generally, as in the following example which occurs with only the most minor variations in the vernacular *Exeter Book* manumissions: 'se þe þis undo . habbe he Godes curs' ('he who undoes this . have he God's curse').[24] It is also worth noting that of the fifteen post-Conquest, post-*cwide* manumissions associated with Bath Abbey, with a maximum date range of 1061-1122, seven contain an anathema clause, all begin by stating 'Her swutelað on þisse Christes bec' ('Here is shown on this Christ's book'), and five refer, self-reflexively, to the manumission document as a *gewrit,* all features that are characteristic of the testamentary records of the pre-Conquest era.

III.   THE GIFT IN ALMS

Irrespective of the interim rôle of the manumission in continuing to facilitate one of the dispositions to benefit the soul that could no longer be effected by the *cwide*, survival of such records and indeed the survival of similar grants and transfers, can be attributed in large part to the pious motives underlying their composition, the religious context in which they were executed, and the administrative methods of the ecclesiastical foundations within which the evidentiary texts were preserved. Similarly, those documents of bequest that have survived from this period did so because they record the transfer of land from private ownership into the hands of religious communities and as such they constituted proof of ownership. Discrete legacies of this sort - gifts in alms, rather than testaments as they would later be understood - continued to be irrevocable and legally binding acts and were often part of a contractual arrangement under the terms of which the donor or another specified individual became entitled to certain tangible or spiritual benefits during their life time or beyond. Similar dispositions might be undertaken at the end of life for pious purposes. Such acts resembled the contractual gift-giving and bequests made in France during the period before the Norman

---

[24] Exeter Cathedral Library, MS. 3501, f. 209v.

Conquest of England, and which continued, in France as in England, into the twelfth century. The cartulary of the Abbey of Mont-Saint-Michel records twelve *post-obit* bequests, dispositions or grants of land made for pious purposes between 1027x1035 and 1149. These were made either on the deathbed or before, sometimes in exchange for certain pre- or post-mortem rewards for the benefit of the testator or others.[25]

As the twelfth century progressed, the procedures granting gifts in alms developed into increasingly complicated reciprocal arrangements, even starting to take on some of the ambulatory quality that was also beginning to emerge in continental *post-obit* bequests by this time.[26] Although reciprocal transactions of the gift-in-alms type continued to be used until the fourteenth century, their function slowly became more specialised, while the deathbed bequest remained the more widely applicable and thus more generally used dispositive method for all levels of society for the bestowal of property in anticipation of death. It is from this practice therefore, rather than the gift in alms, that the canonical testamentary form was gradually developed.[27] For that reason, the next section opens with a brief outline of the processes that contributed to the development of the Church's position on testamentary matters in the twelfth and early-thirteenth centuries, since it was within this framework that the sophisticated Latin dispositive instruments of the later-medieval period were developed and which would in time provide the context within which the vernacular last wills and testaments that form the principal focus of this study were regulated. The nature and scope of the testamentary clauses developed at this time would inevitably have dictated the range of vocabulary that gradually came to be associated with their composition, and the formulaic phrases that developed, first in Latin, then in the vernacular.

IV.   TOWARDS THE CANONICAL TESTAMENT

It is clear from contemporary writings and the canonical and civil rulings based upon them that during the eighty years between the death of Henry I in 1135 and the death of John in 1216, Anglo-Norman

---

[25] See K. S. B. Keats-Rohan (ed.), *The Cartulary of the Abbey of Mont-Saint-Michel* (Donington: Shaun Tyas, 2006), entries 13, 20, 33, 37, 59, 73, 81, 87, 89, 93, 111, and 117, between p. 91 and p. 186.
[26] An 'ambulatory' will, then as now, accommodates changes in circumstance between composition and execution, permitting the bequest of possession not yet owned.
[27] See Sheehan, *The Will*, pp. 114-115.

methods of bequest were slowly starting to give way to newer practices, with canons and a treatise on the nature and jurisprudence of the testament being produced by the end of the twelfth century, and elaborated upon over succeeding decades. The underlying precepts were based on Roman testamentary theory and built on the writings that Bernard of Pavia had produced in the last quarter of the twelfth century, including the *Compilatio prima* and *Summa decretalium*, which defined, described, and discussed the nature and effect of the testament including such matters as testamentary capacity, witnesses, and revocability.[28] In keeping with the earliest ideas underlying the making of pious bequests, Bernard of Pavia and the canonists whose works were grouped with his to form the *Quinque Compilationes Antiquae*, together with Gregory IX whose *Decretals* of 1234 dealing with related matters were based on Bernard of Pavia's thinking, were concerned with pious legacies and how to enforce them. This was a matter of particular concern to the Church, which was anxious to legislate with regard to property, both that which it already owned or administered and that for which it might become responsible on the death of a donor. To this end it sought to codify penalties against any individual who obstructed pious legacies, to assume the power to implement them, and for dispositions made by bishops to be enforceable. The procedures that were devised were simple and unencumbered by unnecessary formalities.

In practical terms, the testamentary form developed by the canonists was (building on Roman law) both revocable and ambulatory, resulting in a flexible testamentary act that could be made in advance and applied only when needed. This was seen as an increasingly useful facility at a time when travel for pilgrimage and crusade was becoming more general. The testamentary measures developed by the Church did not seek, initially, to regulate the entire dispositive process, however. The procedures it developed were only intended to satisfy the requirement to make pious donations and make provision for the giving of alms, and did not touch on the other fundamental component of testamentary disposition, matters to do with rights of inheritance. Yet despite seeking only to regulate matters within their own domain, that the courts Christian became responsible for testamentary validity was, at least in part, because (pursuant to procedural changes with regard to the devise of land during the reign of Henry II)

---

[28] Ibid. pp. 120.

real property ceased to fall within the scope of the personal bequest, and was thus taken out of the realm of testamentary litigation and therefore out of the hands of the common-law courts to any significant extent.[29]   Furthermore, procedures under civil and canon law were developed in tandem by judges and justices who were also often bishops, equally at home in the civil courts and in the Church and thus aware of the strengths and capabilities of both systems.[30]   It was logical under such circumstances that the ecclesiastical courts should extend their responsibility over a wider range of testamentary matters.[31] The following section will briefly survey the earliest mechanisms developed to administer canonical testaments in both civil and ecclesiastical contexts before examining the earliest surviving texts in detail.

IV. i. ADMINISTRATION OF THE CANONICAL TESTAMENT: THE COURT OF HUSTING

The first systematic civil registration of comprehensive testaments made in the City of London (as distinct from the specialised and discrete gifts in alms recorded by ecclesiastical administrators) was begun in January 1259 at the Court of Husting, a court specifically designated for the registration of the devise of land and property within the liberties of the City.   Sixteen wills of London citizens were granted probate by that court during its first year of operation.[32]   A further ten testaments were recorded in the following year, four the year after that, and registrations continued to be sporadic during the 1260s with the volume of texts presented for probate remaining low for some time.   Registrations increased during the 1270s, however, after which numbers continued to rise, so that in the first hundred years of the court's testamentary function more than two-and-a-half thousand registrations had been entered there in total, a notably large percentage of these in 1349, when probate applications on behalf of plague victims resulted in the registration of 328 texts, nearly twelve times the average annual figure.

---

[29] The process is complicated, and its underlying motives the subject of some uncertainty and debate. See Sheehan, *The Will*, pp. 266-271.

[30] F. Pollock and F. W. Maitland, *The History of English Law Before the Time of Edward I,* 2nd ed., 2 vols (Cambridge: Cambridge University Press, 1898), i. p. 132.

[31] It is beyond the scope of the present study to elaborate in detail on the development of the canonical theory of the testament. For an analysis see Sheehan, *The Will*, pp. 119-138.

[32] Testaments were registered on Mondays, and the first day's entry consisted of three texts, those of Henry le Huphelder, John le Bon and William Eswy, a mercer, 1258/9, LMA, HR 2 (17), 2(19), and 2 (22) respectively. All are reproduced as abstracts in translation in Reginald R. Sharpe (ed. and trans.) *Calendar of Wills Proved and Enrolled in the Court of Husting, London, A.D. 1258-A.D. 1688*, 2 vols, Part I, A.D. 1258-1358 (London: John C. Francis, 1889).

Table 3.1   PROBATE REGISTRATIONS IN THE COURT OF HUSTING BY DECADE, 1260S-1350S

DECADE	NUMBER OF PROBATE REGISTRATIONS
(1259)	(16)
1260s	17
1270s	140
1280s	223
1290s	262
1300s	265
1310s	336
1320s	276
1330s	270
1340s	553
1350s	189
TOTAL	2,548

IV. ii.   ADMINISTRATION OF THE CANONICAL TESTAMENT: EPISCOPAL REGISTERS

Of the seventy-two extant registers of named bishops that cover the period up to 1350 (disregarding records kept during *sede vacante* periods) only a comparatively small proportion, just over fifteen per cent, contain any testamentary business. The earliest testamentary text to have been transcribed *in extensio* into an episcopal register is the 1268 testament of William Beauchamp, preserved in the register of Godfrey Giffard, Bishop of Worcester from 1268 to 1302.[33] This is the first of fourteen transcripts of testamentary documents in that register upon which probate was granted over a thirty-year period, all of which are in Latin. They are discussed more fully below.

Evidence of episcopal testamentary business from five years before William Beauchamp's testament is preserved in the register of Walter Bronescombe, Bishop of Exeter (the earliest surviving episcopal register) in the form of a letter written in 1263/4, warning a diocesan official that the correct procedures must be followed with regard to the will of Thomas Pincerna, Archdeacon of Totnes, although the

---

[33] Testament of William Beauchamp, 1268, Register of Godfrey Giffard, WRO, b 716.0093-BA.2648/1(i), f. 11v, reproduced as an abstract in translation in J. W. Willis Bund (ed. and trans), *Episcopal Registers, Diocese of Worcester: Register of Bishop Godfrey Giffard, September 23rd 1268 to August 15th 1301*, Worcestershire Historical Society 15, 1898-1902, 2 vols, (Oxford: for the Worcester Historical Society, 1902), vol. 1, pp. 7-9.

register does not contain a transcript of the will itself.[34] It is clear from the fluency and familiarity with which procedural matters are referred to in this letter (there is no attempt to define or explain the course of action required, its understanding apparently assumed) that although this correspondence predates the earliest actual transcript of a testament to appear in an episcopal register the procedure for issuing probate in the consistory court was already an accepted and familiar one, at least in the Exeter diocese. That the procedure was well understood is unsurprising - the Court of Husting had, after all, been carrying out registrations for five years by this date, and wills are preserved in cartularies and dean and chapter archives from before this time.[35] References to the regulatory guidelines issued by the Lambeth Council of 1261, however, in which it had been stated that a testament must be accompanied by an inventory and that the administrators appointed to deal with such matters should be competent for the task required, imply that before that date the formalities of probate might not have been strictly observed in practice.

V.   THE DEVELOPING TESTAMENT IN USE: BURY ST EDMUNDS

According to literary evidence, the legal position with regard to testamentary administration seems to have been familiar to Abbot Samson of Bury St Edmund's as early as 1197. Jocelin of Brakelond recorded in his *Chronicle* that upon hearing that a wealthy citizen, Hamo Blund, had been able to make only a token testament because his wife and brother (his heir) had not permitted him to have visitors in his final illness, the Abbot had stepped in and required an inventory to be made of the dead man's goods. These were divided into three parts. The heir and the dead man's wife each received a third, and the remaining third was to be expended for the good of the soul of the deceased, in this case by helping his poor relations and other poor people ('et tercia pauperibus consanguineis suis et aliis pauperibus').[36] The

---

[34] F. C. Hingeston-Randolph (ed.), *The Registers of Walter Bronescombe and Peter Quivil, Bishops of Exeter, With Some Records of the Episcopate of Bishop Thomas de Bytton* (London: Bell, 1889) p. 283. [The item in question is incorrectly identified as a will in this edition. In the original text it appears on f. 29v.] Also O. F. Robinson (ed.), *The Register of Walter Bronescombe Bishop of Exeter 1258-1280*, 3 vols, Canterbury and York Society 82, 87 & 94 (Woodbridge: Boydell, 1995-2003) vol. 2, p. 7.

[35] Cartularies containing records of wills predating those in the Court of Husting are: Gloucester (from 1179), Osenay (from 1231), Chichester (from 1241), Reading (from 1248), Malton (from 1250). Dean and Chapter records date from 1212 (Wells), 1226 (St Pauls), 1228 (Westminster). Early registers include Lincoln, dating from 1214x1217, and Exeter from 1257.

[36] H. E. Butler (ed. and trans.), *The Chronicle of Jocelin of Brakelond* (Edinburgh: Thomas Nelson, 1949) p. 92v

precedent for reserving a third of one's possessions for charitable works for the good of the soul – a cornerstone of testamentary practice under common law - had been established as early as the death of St Wilfred (as outlined above in Chapter 2) and would be described by Glanville in the late 1180s. Glanville would also note that in the absence of lineal descendants, then the brother of the deceased should become the heir ('Deficientibus autem hiis qui recta linea descendunt, tunc frater uel fratres succedunt'),[37] the principle observed in the Bury case. That the procedures followed by Abbot Samson were consistent with those that would later be confirmed formally by legal commentary and Church guidelines suggests that they had become accepted as best practice by 1197 when he applied them to the case of Hamo Blund. The literary record of the incident is therefore an indication that the testamentary processes were already well established and understood amongst testators and potential beneficiaries considerably before the late twelfth century when the surviving texts allow developments in the composition of such documents to be charted, albeit only through the Latin record rather than the necessarily vernacular initial stages of will production. Contemporary documentary records do support the implication that testamentary production was a familiar procedure even amongst those of lower status, however. A case is recorded in the archdeaconry of Lincoln, *c.* 1190x1203 concerning the settlement of a dispute over tithes and other payments in which it is ruled that should any of his peasant parishoners ('parochium rusticorum') make a will, then the first payment should go to Honyngton, the mother church. ('Si vero contigerit aliquem illorum testamentum facere, primum legatum cecet ecclesie de Honyngton.)[38] Amongst testators of the status of the Bury townsman Hamo Blund or the rural peasantry of Lincolnshire, it is even more likely than with those of high rank that, if professional will-making was available to them, then their experience of that process would have been in the vernacular, even if the resulting documents were automatically written in Latin.

In view of the references to testamentary documents from before the thirteenth century, it seems possible that the apparent deficiency in extant records with a testamentary purpose from before that date

---

[37] G. D. G. Hall (ed. and trans.), *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill* (Edinburgh, Thomas Nelson, 1965) p. 79v.

[38] B. R. Kemp (ed.), *Twelfth-Century English Archidiaconal and Vice-Archidiaconal Acta*, The Canterbury and York Society (Woodbridge: Boydell, 2001) p. 186-187.

was due to the non-survival of copies of record (or indeed because such transcripts were not made) rather than resulting from a complete absence of any instruments of bequest. It would also seem, therefore, that the practice of composing specific Latin wills may have been of significantly more than two hundred years' standing before the advent of the first English-language testaments in the fourteenth century – the earliest extant English-language text dates from 1387. The evolution of the earliest non-Latin testaments will be analysed in detail in Chapter 5.

VI.   THE DEVELOPING TESTAMENT IN USE: EARLY TEXTS

Looking in more detail at those texts that have survived from the last quarter of the twelfth century, and extending the survey to cover the fifty-year period starting in 1179 (the first available) until 1228/9, suggests that progress towards a written Latin testament in the form that would start to be registered in large quantities in the civil and episcopal courts from the mid-thirteenth century, was reasonably rapid.[39] The first of these twelfth-century texts comprises a bequest executed by Bertha Giffard and preserved in the cartulary of St Peter's in Gloucester in favour of that abbey to take effect 'after her day'.[40] Although the document can be defined as a testament in that it was non-contractual and had some of the characteristics that define such a text, being ambulatory, sealed, and witnessed, it makes no reference to executors, and in terms of its content fulfils the function of a *post-obit* gift in alms made for the good of the donor's soul ('pro salute animæ maæ'). The first phrase, 'Sciant præsentes et futuri', is a commonly used opening salutation in official documents rather than the pious invocation that would later come to be associated with the preamble to testamentary texts.[41] By the time Roger of Scarborough made his will, though, between 1202 and 1229 at the latest, the opening phrase 'Hoc est testamentum' had come into use, the term *testamentum* having moved gradually from its earlier meaning of 'a document' towards connotations of a dispositive act.[42] Roger's text is still of an exclusively pious nature, although a little

---

[39] The extant royal testaments from this period, those of Henry II and King John have been disregarded, since the unique position of their authors inevitably makes the content and construction of these documents unlike those composed by less exalted testators.
[40] Bequests by Bertha Giffard to St Peter's, Gloucester, 1179, in William Henry Hart (ed.), *Historia et cartularium monasterii sancti Petri Gloucestriæ* vol. 1, Rolls Series 33 (London: Longman, Green, Longman, Roberts and Green, 1863) p. 188.
[41] Such opening pious invocations are discussed in Chapter 4, below, and analysed in detail in Chapter 5.
[42] For details of the development in language associated with bequest see Sheehan, *The Will*, pp. 138-140.

more extensive, involving the income associated with several properties funding numerous bequests in favour of three separate ecclesiastical foundations, and comprising building work and offerings, with food and other items for the support of the communities named.[43]

The third testament in the sequence, that of Agnes de Condet, was made during the lifetime of her husband Walter Clifford, who died in 1222/3.[44] This document is far more elaborate than that of Roger of Scarborough, although the wide possible date range of Roger's text makes it feasible that both were composed at a similar time. The scope of the dispositions made in Agnes's will, however, brings that text closer to the form of the developed testament than had been the case with its surviving precursors. She too made many bequests to named church works, but also included pious bequests of textile items that appear to have been used in her household rather than purchased specially with money allocated for that purpose. By contrast with the documents of bequest examined above, Agnes also used her testament to make numerous secular gifts of money to family and other individuals and leaves gold rings to each of her children. The wording of this testament is also much closer in style to that of the developed canonical testament. While the document still identifies its testator by beginning 'Hoc est testamentum....' it then makes a pious invocation, 'In nomine Patris et Filii et Spiritus Sancti Amen' before turning to the bequests. Her executors are also named, as required.

The 1225 testament of William Longespee, Earl of Salisbury, takes further steps towards the content and phraseology of the soon-to-be-established form.[45] It reverses the order of the opening remarks, making the pious invocation first in what would become the traditional manner, to read, 'In nomine Patris et Filii et Spiritus Sancti Amen.' 'Hoc est testamentum ....' (rather than the later 'Ego') is then the form used, as previously, to identify the maker of the testament, and the date is then recorded, before specific bequests are listed. These comprised extensive gifts in cash and in kind to numerous religious foundations and secular individuals, and specified rewards for the executors. It is reasonable to

---

[43] Bequests by Roger son of Haldane of Scarborough, 1202-1229, *Chartulary of Malton,* Claud. D. xi, f. 143v, reproduced in William Farrer (ed.), *Early Yorkshire Charters*, Yorkshire Archaeological Society Extra Series, 1914, vol. 1, p. 288.

[44] Testament of Agnes de Condet, before 1222/3, London BL Harl. Ch. 48, C 25, reproduced in C. W. Forster (ed.), *Registrum Antiquissimum of the Cathedral Church of Lincoln*, vol. I, Lincoln Record Society 27, 1931, pp. 293-295.

[45] Testament of William de Longespee, Earl of Salisbury, 1225, *Rotuli litterarum clausarum,* vol. 2, 1224-1227 (London: Record Commission, 1844) p. 71.

suppose that an individual of Longespee's high status (as indeed was Agnes de Condet) would have had access to the most competent and up-to-date professional help when composing their testament, hence the efficiency with which the comparatively recently formulated best practice was employed.

The testament of Richard de Elmham, canon of St Martin Le Grand in London, was composed just three years after William Longespee's, in 1228.[46] As in the previous texts no reference is made in this testament to his obsequies beyond the offering to the church of burial. Nor is any reference made to settlement of debts. In the fifty years since the first of the surviving dispositive documents examined here, however, the testamentary form had (as can be seen from Elmham's text) developed much of the formal and linguistic structure within which such documents would continue to be created in greater and greater numbers, and within which the vernacular texts that are the main focus of this study would also be composed. Richard de Elmham, originally from Norfolk, with benefices in London and Oxfordshire, made bequests embracing the geographical areas of his interests. Legacies include money and effects, notably a glossed Psalter to an executor, as well as other texts testifying to a level of literacy and proficiency in Latin consistent with Elmham's professional rôle. He also designated money for the upkeep of London Bridge, a form of philanthropic donation that would become increasingly common. The opening of this testament is phrased in a way that can now be seen as the standard form, commencing with pious invocation, statement of identity, precise date, and bequest of the maker's soul to God, with the characteristic inclusion of 'ego' when identifying the testator, and of 'in primis' initiating the bequest section:

> In nomine patris et filii et spiritus sancti, Ego, Ricardus de Elmham dictus, canonicus ecclesie Sancti Martini London, in vigilia Apostolorum Petri et Pauli anno Incarnationis Domini Millesimo ducentesimo vicesimo octavo, condidi testamentum meum. In primis, legavi Deo et Beate Marie et Beato Martino corpus meum....

---

[46] Testament of Richard de Elmham, 1228, reproduced in Joseph Burtt (ed.), 'Will of Richard De Elmham, Canon of the Church of St Martin Le Grand, London. Dated June 28, 1228', *Archaeological Journal*, vol. 24 (1867) pp. 343-4.

VII.   TESTAMENTS PRESERVED IN WORCESTER AND EXETER

Only a handful of testamentary texts survive from the fifty-year period discussed above. As the form became more established though, and procedures for processing and recording such wishes became more formal, dispositive texts gradually started to be preserved more efficiently and have therefore survived in larger numbers. During the mid-thirteenth century certain ecclesiastical and civil authorities started to maintain records from the areas over which they exercised jurisdiction. Two such regional corpora, Worcestershire and Exeter, have been analysed here, since they provide a snap-shot of the testamentary form as recorded in two discrete and geographically separate regions during the early part of the thirteenth century. When compared they reveal the similarities and differences between the construction of testamentary documents in these two locations.

VII. i.   WORCESTER

The pre-1541 diocese of Worcester embraced not only the county of Worcestershire (apart from a few western parishes that fell within the jurisdiction of Herefordshire) but also South Warwickshire and that part of Gloucestershire lying to the east of the Severn. A bishopric of long standing, Worcester began the systematic recording of diocesan business in the second half of the thirteenth century, the first register being produced during Bishop Godfrey Giffard's episcopacy (1268-1302).[47] Giffard's register takes the form of a chronological record written on parchment and survives as a bound volume rather than a roll. It contains transcripts of fourteen testamentary texts presented for probate at the consistory court in Worcester, between 1268 (the earliest transcription of a will text to be recorded in an episcopal register) and 1298.[48] The sequence of all fourteen testators is as follows:

---

[47] The practice of keeping an episcopal register had begun nearly sixty years before the first register was kept in the Worcester diocese, although some of these earliest texts have since been lost. The rolls recording the acts of Hugh of Wells, Bishop of Lincoln (1209-1235) that commence in 1214x1217 are the earliest extant episcopal registers, followed by those from York which were started in 1225 under Walter de Gray (1215-1255). The earliest register to be kept in Exeter, that of Walter Bronescombe (1258-1280), is also still extant, although possibly predated by the registers kept in Rochester during the episcopacy of Laurence de St Martin (1251-1274) which were still in existence in 1347, but are now lost, while the earliest surviving register from Coventry and Lichfield is that of Walter Langton (1296-1321), since that of Roger Meuland (1258-1295) has also disappeared. The surviving section of Walter Giffard's register, which started in 1264 and relates to his period at Bath and Wells, is bound in with his archiepiscopal register from York (1266-1279). Godfrey Giffard's Worcester Register is next in the extant sequence, although probably predated by the lost register of Bishop Roger Skerning of Norwich (1266-1275). Much material from Winchester has also been lost, including Nicholas of Ely's register (1268-1280). While records of episcopal *acta* predate the keeping of systematic registers and survive from pre-Conquest times in some dioceses (Exeter, 1046; Bath and Wells 1061; Worcester 1062), these do not contain testamentary business, so are not discussed here.

[48] See above, p. 75.

Table 3.2   TESTAMENTARY TEXTS IN GIFFARD'S REGISTER

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	FOLIATION
William Beauchamp	1268	f. 11v
Roger de Clifford	1284	f. 250r
Anselm Gurney	1286	f. 259r
Richard de Forsthulle	1287	f. 273r
Nicholas Mutthon	1290	ff. 334v-335r
John son of Peter	1291	ff. 363r-363v
Hugh de Plesset	1292	f. 364v
Giles de Berkeleye	1294	ff. 384v-385r
Walter de Cokeseye	1294	f. 410r
Nicholas de Dumbleton	1295	f. 396r
William de Molendinis	1296	ff. 406v-407r
Nicholas le Chamberleyn	1296	f. 407v
William Beauchamp	1297	ff. 428r-428v
Richard de Mundeville	1298	ff. 439v-440r

The testament of William Beauchamp of Elmley Castle supplies the first text in the sequence, and that of his son William Beauchamp, ninth Earl of Warwick, is the penultimate one to have been transcribed into the register nearly thirty years later.[49]   In the forty years that had passed since William Longespee and Richard de Elmham made their dispositions, the phrases that were then only just beginning to be used for the introductory sentiments had become traditional formulae that were associated in the public mind with the composition of a properly constructed will and were routinely used.[50]   Unusually, though, the elder Beauchamp's testament opens by stating his identity – 'Ego Will*elmu*s de Bello Campo' before making the now usual divine invocation 'In no*m*ini p*atr*is & fil*ii* & sp*iritu*s s*ancti*'.   There is still no specific reference in this text to the payment of debts, although the residue of goods unbequeathed is consigned to the discretion of the executors.   As the preceding entries in the register report the sequestration of the testator's goods against multiple debts, however, such

---

[49] Testament of William Beauchamp, 1268, Register of Godfrey Giffard, WRO, b 716.0093-BA.2648/1(i), f. 11v, reproduced as an abstract in translation in J. W. Willis Bund (ed. and trans.), *Episcopal Registers, Diocese of Worcester: Register of Bishop Godfrey Giffard,* vol. 1, pp. 7-9. Testament of William Beauchamp, 1297, Register of Godfrey Giffard, WRO, b 716.0093-BA.2648/1(i), ff.428r-428v.
[50] The testaments of William Longespee and Richard de Elmham are described on pp. 79-80.

matters may well have been settled from this portion of his effects to the mutual satisfaction of all parties since the sequestration was lifted at the grant of probate. The church of burial is designated, but as in the earlier texts no specific directions for obsequies are made, although money is set aside for a younger son, a crusader knight, to undertake a journey to the Holy Land on behalf of his father and widowed mother, in addition to the provision for masses and good works for the benefit of the soul of the deceased. This testament is by no means confined to matters of piety though, and contains multiple secular bequests to family members and others. As in Elmham's text, a book is bequeathed, but this time a secular work ('illum librum de Lancelot') to the testator's son John. The date is given at the end of the testament and is rather less precisely stated than it had been by Elmham, indicating simply 'the morrow of the Epiphany', although the location is given - 'Wauburg'.

The testament of William's eldest son, almost at the end of the corpus, incorporates numerous minor refinements, although with hindsight it is apparent that the linguistic formulae had already been largely established by his father's time.[51] The testament opens with the standard pious invocation of 'In no*min*e pat*ris* et filii et sp*iritu*s s*an*cti Amen' before identifying the testator ('Ego Will*elmus...*'), attesting to his health and giving the date precisely before declaring the intention to make a testament – 'condo testamen*tum* in hu*n*c mod*um*'. The document then proceeds to make what had by this time become the conventional statement of the initial bequest, that of the soul to God – 'In p*r*imis co*m*mendo a*n*ima meam deo & be*ata* Marie virgini & om*n*ibus sanctis'.

All the texts recorded in between the two Beauchamp testaments commence with a standard pious invocation, either a simple *In nomine Domini Amen* or the more usual *In nomine (Domini) patris et filii et spiritus sancti Amen.* Each testator is introduced either by means of *ego*, or *hoc est testamentum*, while the substance of the text generally commences with *in primis*. This would remain the standard form for several hundred years, and apart from the identification of the self would often remain in Latin even in the later, vernacular testaments. Within this group of fourteen texts, although not every one employs all the clauses that by the later period would be included seemingly automatically by the vast

---

[51] Ibid. pp. 79-80.

majority of will writers, the standard components of date, soundness-of-mind clause, commendation of the soul, burial details, and naming of executors, in addition to bequests (secular and pious), good works and philanthropic donations, provision for debts, and even confirmation of widow's rights, are all present in the corpus as a whole. Some texts also confirm that they have been sealed.

VI. ii.   EXETER

Transcriptions of wills presented for probate at the bishop's court in Worcester started to be preserved with the advent of episcopal registers in that diocese in 1268. Examination of the bishops' registers from Exeter, however, reveals that the practice of keeping copies of will texts in this way did not begin there until the episcopacy of Thomas de Bytton (1292-1307), with a single text being transcribed for record purposes in 1294 and one more the following year.[52] It was not until 1397 that more extensive and systematic records of testamentary business were begun, during the time of Bishop Edmund Stafford (1395-1419). Exeter does not, therefore, have an exactly comparable thirteenth-century episcopal testamentary corpus to that which survives in the Worcester diocesan records from this period, but a number of wills were preserved in various civil- and canonical-court archives associated with that city, which are similar in date to the texts in Godfrey Giffard's register. Like those from Worcestershire, these earliest surviving Devonshire testaments, when taken together, comprise a corpus of texts from a provincial town at some distance from London and hence at some distance from first-hand exposure to the superior civil courts and the ecclesiastical centres of Canterbury and York. Most of the wills that survive from this period, in Exeter as elsewhere, are associated with the records of religious foundations because they preserved details of gifts that had been made to them. The earliest of the texts in the Exeter corpus are those that were kept in the cartularies of St John's Hospital and of St Nicholas's Priory. Others were preserved by the Dean and Chapter of the cathedral if they had been proved before

---

[52]   Testament of Henry de Collecote, 1294, Exeter Cathedral Archives, D&C 2121; reproduced in F. C. Hingeston-Randloph (ed.), *The Registers of Walter Bronescombe and Peter Quivil*), p. 435-436; testament of Rosamund Kymmyng, 1295, Exeter Cathedral Archives, D&C 2122; reproduced in F. C. Hingeston-Randloph (ed.), *The Registers of Walter Bronescombe and Peter Quivil*, p. 433-434. Both texts appear in translation in David Lepine and Nicholas Orme (ed.), *Death and Memory in Medieval Exeter*, Devon and Cornwall Record Society N. S., vol. 47 (Exeter: Devon and Cornwall Record Society, 2003) pp. 147-150.

one of the archdeaconry courts, for instance, or before the canon responsible for a particular peculiar jurisdiction belonging to the cathedral. In a civil context, from 1271 portions of wills pertaining to real property in the city of Exeter (since – unlike most general practice - lands and tenements within the city limits could, in some cases, be bequeathed) or sometimes just the relevant grant of probate, began to be recorded in the mayor's-court roll, although that court had no jurisdiction over testamentary matters and such registration was voluntary, undertaken in order to preserve a record of a transfer of title having taken place.[53]

The corpus of available thirteenth-century texts from Exeter consists of ten testamentary documents composed between 1244 and 1296. The four earliest of these predate, therefore, the first of the fourteen Worcester testaments but serve to provide context for both the sampled areas with regard to the development of the content and phrasing of the post-Conquest canonical form as outlined above. The ten texts in the sample can be listed as follows:

Table 3.3   THIRTEENTH-CENTURY TESTAMENTARY TEXTS FROM EXETER

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	REFERENCE
Bartholomew Pinchun	1244	Exeter City Archives, Book 53A, f. 16r
William de Wullaveston	1244	BL Cotton MS Vitellius d.ix, f. 104r
Walter Gervas	1257/8	Exeter Cathedral Library, VC 3345
Thomas Boteler	1263	Exeter Cathedral Archives, D&C 3672
John de Doulys	1267	London BL Add. Ch. 25523
Adam de Collecote	1269	Exeter Cathedral Library, VC 3035
Amerya de Ponte[54]	1290	Exeter Mayor's Court Roll 18-19 Edward 1 m 14d
Henry de Collecote	1294	Exeter Cathedral Archives, D&C 2121
Rosamund Kymmyng	1295	Exeter Cathedral Archives, D&C 2122
Henry de Berbilond	1296	Exeter Cathedral Archives, D&C ED 50

The first two texts in the Exeter sequence, those by Bartholomew Pinchun (a layman) and William de Wullaveston (a canon at Exeter Cathedral) despite both being made in the same year, 1244,

---

[53] See Lepine and Orme, *Death and Memory*, pp. 123-127. See also following note.
[54] For an image of this text see Appendix p. 301.

and both being preserved in cartularies, differ in style. Pinchun's text is recorded in the third person and as such does not commence with a pious invocation, but nevertheless commends the testator's soul to God. To put Pinchun's will in perspective, comparing it with the will of Londoner Roger de Elmham reveals that in the sixteen years that had passed between the making of Elmham's will in 1228 and Pinchun's in 1244 the content had remained largely similar, irrespective of the different geographical locations of the testators, although while Pinchun made reference to his debts, both owed by and owed to him, Elmham had not done so.[55] While possibly an accident of circumstance, Pinchun's attention to his outstanding financial obligations nevertheless appears to foreshadow a difference in habit in this regard between the south-west and the midlands during the later thirteenth century, since comparison of the two corpora reveals that while half of the Exeter testators followed Pinchun's practice and made provision for undischarged financial obligations in their testaments, only one of the fourteen in the Worcester corpus, Anselm Gurney writing in 1286, did so.[56] A clause making provision for the settlement of debts had become more routine country-wide by the time will-makers started to produce testaments in the vernacular, however, as will be shown in the later chapters of this study.

Although composed in the same year, the testament of William de Wullaveston differs in some respects from that of Bartholomew Pinchun, reflecting their contrasting rôles in life as well as their presumably different spiritual preoccupations, and therefore underlining the individual nature of each testamentary text at this comparatively early stage in its development. The opening salutation of Wullaveston's document announces the identity and soundness of mind (and therefore testamentary capacity) of the maker. This is something that Pinchun's text had not done, but whereas Pinchun had included the formula commending his soul to God, Wullaveston's text fails to do so, even though the bequests are exclusively pious. Wullaveston also made extensive provision for obsequies and remembrances rather than merely stating his preferred location of burial, as had been usual before this time. He also designated executors, which Pinchun alone of all the Exeter testators failed to do, before

---

[55] The will of Richard de Elmham is described above, p. 80.
[56] Testament of Anselm Gurney, 1286, Register of Godfrey Giffard, WRO, b 716.0093-BA.2648/1(i), f. 259r.

sealing the document. Both texts record the date though, as do all the Exeter texts, again something omitted by some of those from Worcester.

By coincidence, a feature that the Exeter corpus shares with that of Worcester is the presence of testaments by a father and son. Adam de Collecote made his testament in 1269, roughly contemporary with that of the elder Beauchamp in Worcestershire. Henry de Collecote, son of Adam, made his testament in December 1294 while that of William Beauchamp, ninth Earl of Warwick, was made only shortly later, in 1297.[57] Although like Bartholomew Pinchun's will twenty-five years earlier, Adam de Collecote's will is in the third person, the text commences with the standard *in nomine patris et filii et spiritus sancti* before using the introductory phrase *hoc est testamentum,* familiar from the Worcester corpus at this time, although despite its presence in both parts of the country it would be a relatively short-lived phrase. The simple word *ego,* to introduce the name of the testator, had been used in Roger de Elmham's London-made testament as early as 1228 and survives in the Exeter corpus from 1257, despite the occasional use of other forms of words. Its appearance in Elmham's text suggests that its use could have been an older-established convention than the particular group of documents available from Worcester might imply. Use of *ego* would become characteristic of Latin testamentary composition, and thus, as a vernacular 'I', of the English ones.

Comparing the component parts of the senior Beauchamp and Collecote wills reveals that greater attention was paid to funeral obsequies by Collecote (in Devon) than by Beauchamp (in Worcester), and also that Collecote made commendation of his soul to God. This is a feature that is rarely omitted from the Devon texts but did not become general in the Worcester corpus until the 1290s and indeed is not included in the elder Beauchamp's will, although once again it would become a standard feature by the time the first vernacular texts were being produced towards the end of the fourteenth century. Both the next-generation Beauchamp and Collecote testators also began their testaments with the phrase *in nomine patris et filii et spiritus sancti Amen* before both (unlike their fathers) introducing themselves as *ego*. Both also protested their soundness of mind, commended their souls to God, and dated their

---

[57] Testament of William Beauchamp, Earl of Warwick, 1297, Register of Godfrey Giffard, WRO, b 716.0093-BA.2648/1(i), f 428r.

testaments. Once again though, Collecote left instructions for his obsequies, while Beauchamp merely stated his wishes as to place of burial. Collecote also left instructions near the opening of his testament for the payment of overlooked tithes ('Item, lego Rectori Ecclesie Beate Marie de Gradibus pro decimis oblitis, quatuor solidos') the first and only occurrence in either corpus of what would once again become an accustomed clause in that section of the text by the time vernacular testaments were being composed in any quantity. The younger Collecote was also unusual in being the first and only testator in either corpus to name his wife ('Johannam uxorem meam') as one of his executors.

The naming of the wife as an executor is another feature that would become more common with the passage of time, and which must have been facilitated by the growing acceptance of vernacular testamentary production during the fifteenth century, as indeed would be the making of wills by women. The Devon corpus is unusual during this period, though, in including not only a female-authored testament but one that is by a married woman rather than a widow; one who made bequests that pertained to real property and the disposition of rents. Rosamund Kymming's testament was proved in 1295 before the canon responsible for the administration of Topsham, a peculiar jurisdiction of the cathedral.[58] The will is comprehensive, includes both a soundness-of-mind clause and a commendation of the testator's soul, plus details of the desired church of burial and instructions for obsequies, remembrances and good works. The opening of the testament uses an invocation not observed in any of the other testaments in either the Exeter of Worcester corpora – 'In nomine sancte et individue trinitatis, Amen' – a form of words that would become more popular but would never rival *in nomine patris....* and would be virtually unknown in this precise form in association with the vernacular texts.

The texts available for analysis from Worcester and Exeter are few, but comparing them would seem to indicate that the testamentary tradition in Exeter was well established by the mid 1260s despite the granting of probate by church authorities not being accompanied by a systematic transcription of will texts into the episcopal registers until the very end of the fourteenth century. In both Devon and

---

[58] Testament of Rosamund Kymmyng, 1295, Exeter Cathedral Archives, D&C 2122, reproduced in F. C. Hingeston-Randolph (ed.), *The Registers of Walter Bronescombe and Peter Quivil*, pp. 433-434. Also in Lepine and Orme (ed.), *Death and Memory*, pp. 148-150.

Worcestershire the purpose and structure of the canonical testament seems to have been well understood, and the available components were being used fluently and routinely from the earliest examples. Despite the inclusion of a relatively larger proportion of texts from the earlier part of the period in the Exeter sample, though, that corpus appears to make more extensive use of the whole range of component clauses, ones that would soon be routinely included by will-writers, and more of the individual texts tend to incorporate all of them systematically than is the case in the Worcester sample. Influences on the composition of testaments are almost impossible to judge, beyond those features that were required by law, but comparison of the two corpora indicates that Exeter's greater distance from London, and relative isolation in comparison with Worcester, had not impeded a rapid assimilation by testators and their legal counsel of the emerging best practices of testamentary production.

CHAPTER FOUR

TESTAMENTARY PRODUCTION

IN THE

FOURTEENTH AND FIFTEENTH CENTURIES

TESTAMENTARY PRODUCTION
IN THE FOURTEENTH AND FIFTEENTH CENTURIES

Having examined in the preceding chapters the origins of the testamentary process in the vernacular oral and written procedures of the Anglo-Saxon period, and the emergence of the canonical form in the years from the immediate post-Conquest Anglo-Norman era until the end of the thirteenth century, this fourth chapter will focus on testamentary administration and production during the later medieval period. The first section will clarify the areas of responsibility of the multiple civil and ecclesiastical probate courts in which the testamentary texts from this period were registered, thus preserving verbatim transcripts of the texts on which this study is based. This part of the chapter will also survey the origins and extent of episcopal registration of testamentary business. In order to facilitate observations about linguistic development the next section will begin by examining the format of the testament, looking at the available formularies, and defining the components of what, by the beginning of the fourteenth century, had become the 'standard' construction of the testament.

Proceeding chronologically through this study of the later medieval testamentary processes, the second half of the chapter will focus on two specific groups of wills composed in London, starting with some texts written during the second half of the fourteenth century and preserved in the Court of Husting. Although the wills made during this period largely predate the use of the English vernacular for testamentary purposes, they nevertheless illustrate the processes of testamentary production within one family and its immediate connections. At a time when the identities of very few testamentary scribes can be established, preventing examples of their work from being identified, this particular group of texts serves as an illustration of the rôle of the clerk or notary during the period immediately preceding the emergence of the vernacular testaments.

The second group of London wills moves on from the Latin texts of the 1360s and has a wider focus, in terms both of the temporal span of the texts and the size of the sample. This second study focuses on the surviving testaments from a particular parish in the City of London between 1370 and

1499, looking particularly at those testaments that were composed in the vernacular by another group of interlinked testators, the mercers and silkwomen who lived and worked in the area of the Guildhall in the last two decades of the fifteenth century.

I.   THE COURTS OF PROBATE

The composition and witnessing of a testamentary document was only part of the whole process of bequest. After the death of the testator it still remained for the will be proved and a sentence of probate granted. It is to the practice of transcribing copies of wills for purposes of record keeping that we owe the preservation of so many testamentary texts, in a court system that was extensive and complicated. It is for this reason, and also because the character of each probate court's archive reflects, in part, the demographic profile of the testators within its jurisdiction, a factor relevant to the regional analyses presented in this and later chapters of this thesis, that their areas of responsibility will be examined in this section.

The ecclesiastical probate courts operating during the later medieval period ranged from those associated with the superior jurisdictions of the archiepiscopal prerogative courts (Canterbury and York, with the former taking precedence) via the consistory courts and commissary courts of any of the seventeen bishoprics, down to the archdeaconry courts – the lowest in which wills could be proved.[1] There were also lay courts that were exempt from ecclesiastical jurisdiction. The character of the testaments registered in any of these probate courts (and there were more than three hundred of them operating until the Courts of Probate Act in 1858) was, to an extent, a function of that court's area of responsibility as much as its geographical location, since the court appropriate for the probate registration of a particular person's last will and testament depended, broadly speaking, on the value and geographical diversity of its maker's holdings. These courts were hierarchical - the more extensive the geographical distribution of the testator's property, the higher the court empowered to grant probate. In

---

[1] See J. S. W. Gibson, *Wills and Where to Find Them* (Chichester: Philimore, 1974); Anthony J. Camp, *Wills and Their Whereabouts* (Canterbury: Philimore, 1953); and J. Challenor C. Smith (ed.), introduction in *Index of Wills Proved in the Prerogative Court of Canterbury 1383-1558 and Now Preserved in the Principal Probate Registry, Somerset House, London*, 2 vols (London: The British Record Society, 1895).

simplest terms, the wealthier the testator the more important the court – and the higher the fee.[2] The

next section will outline the area of responsibility of the various courts from the largest and most

influential to those operating on a relatively small and local scale.

I. i.   PREROGATIVE COURTS AND ARCHIEPISCOPAL JURISDICTIONS

The court of the archiepiscopal diocese of the province of Canterbury (the southern province) was the

superior authority in testamentary as in other ecclesiastical matters for both England and Wales, and

until the mid-sixteenth century its province encompassed all of central and southern England as far

north as, and including, south Lancashire across to Lincolnshire, although Nottinghamshire (despite its

position) was at that time in the province of York.[3] The Prerogative Court of Canterbury dealt with

grants of probate not only within its own immediate jurisdiction (the archdeaconry of Canterbury) but

more importantly, in order to avoid the necessity for multiple probate applications, also had right of

probate over individuals, testate or intestate, with considerable property holdings – *bona notabilia* - in

more than one bishopric or peculiar, although this qualification was occasionally contested or

disregarded. (Property of *bona notabilia* was theoretically worth more than a certain minimum amount

in each of the relevant jurisdictions, although that minimum amount is open to question.[4]) For this

reason, a significant proportion of the testators whose wills were proved in the Prerogative Court of

Canterbury were prosperous landholders of the upper gentry or above, or the wealthiest and most

successful of the mercantile class, and might include the highest in the land. Indeed the testaments of

---

[2] Although variable from time to time and from place to place, the registration fee was generally on a sliding scale according to the value of the testator's estate, and could range, for instance, from 12d for an estate valued between 30s and 100s, to 20s on an estate valued between £100 and £150, rising in increments of 10s per £50 thereafter. See E. F. Jacob (ed.), introduction in *The Register of Henry Chichele Archbishop of Canterbury 1414-1443,* 4 vols, Canterbury and York Society, 42, 45-7, 1937-47, vol. 2, *Wills Proved Before the Archbishop or his Commissaries,* Canterbury and York Series, vol. 42 (Oxford: Oxford University Press, 1937) ix – lx, pp. xxxiv-xxxv

[3] The extent of the province of Canterbury as outlined here applies to the period of this study – see frontispiece. Diocesan extents are based primarily on those recorded in the *Valor Ecclesiasticus* of 1534. Later, in 1541, responsibility for Cheshire and Lancashire south of the Ribble passed from the diocesan authority of Lichfield and Coventry (under the jurisdiction of Canterbury) to that of the newly created diocese of Chester which was allocated to the jurisdiction of the province of York. A few parishes in Denbighshire and Flintshire that had also been under the jurisdiction of Lichfield passed to Chester as well at this time, and thus also to the jurisdiction of York, this constituting the very small exception to Wales being entirely under the jurisdiction of the province of Canterbury. In 1837 the archdeaconry of Nottingham, which encompassed all of Nottinghamshire, was transferred to the diocese of Lincoln, and therefore became the responsibility of Canterbury. For changes of lesser note in Southern England in the modern period see Frederic A. Youngs Jr, *Guide to the Local Administrative Units of England* (London: Royal Historical Society, 1979). See Gibson, *Wills and Where to Find Them* for descriptions and maps of episcopal and archiepiscopal jurisdictions by county.

[4] The figure of £10 is generally taken to be the minimum amount, although opinion has varied, implying a degree of flexibility or regional variation. The term *bona notabilia*, furthermore, was coined during the later part of the fourteenth century. Before this time the phrase *bona mobilia et immobilia* was used. See E. F. Jacob (ed.), introduction*,* p. x, n. 3. Details of exceptions are also given here, pp. x-xii.

many affluent people were proved here even when their holdings did not extend beyond a single diocese since the Prerogative Court of Canterbury carried the greatest authority and records were well cared for against subsequent disputes. In matters of probate, the province of Canterbury also had responsibility for the testaments of individuals with estates in England or Wales who died overseas, as well as (nominally) testators from the Channel Islands. Surviving testamentary records from the Prerogative Court of Canterbury date from 1383 to 1858 and are extensive, occupying 2,263 bound volumes, with those individual texts indexed for the period up to 1558 alone accounting for some 36,000 entries.[5]

Although the Prerogative Court of Canterbury took precedence in cases where a testator held lands in both the northern and the southern provinces, the nature of the Prerogative Court of York's testamentary jurisdiction was similar to that of Canterbury within its own province. The archive of the Prerogative Court of York preserves the testamentary records of a similar sector of society to that which is represented in the Prerogative Court of Canterbury's registers. Its jurisdiction extended over the counties of Cumberland, Durham, Lancashire (north of the Ribble), Northumberland, Nottinghamshire, Westmorland, and Yorkshire, and comprised the dioceses of York itself, Carlisle, Durham, and Sodor and Man, in which the relevant local consistory and peculiar courts were also available.

The volume of testamentary records processed by the archdioceses of Canterbury and York was more extensive than that associated with the lesser church courts, in keeping with their superior status. Furthermore, since wills presented for probate in vacant sees had (at least in theory) to be referred to a higher court, these too would devolve upon either York or Canterbury according to province, as would the wills from any see that was undergoing a metropolitan visitation, since the lower court would be inhibited. (At such times jurisdiction was then vested in the court of the visitant or returned to the usual officers acting as a court of commission.) Furthermore, at a local level archbishops or their officials would prove certain wills from their home dioceses, from their own peculiars, and from parishes over which they themselves had personal authority. Should the archbishopric of Canterbury itself be vacant then the wills that came under its jurisdiction were proved before the commissary of the prior and

---

[5] Camp, *Wills and their Whereabouts*, p. 42.

chapter of Canterbury, as *sede vacante* texts. In York the court of the dean and chapter exercised jurisdiction at such times.

I. ii.   EPISCOPAL JURISDICTIONS

At the diocesan level, probate jurisdiction followed a similar pattern to that established by the prerogative courts. Each individual bishop claimed the right to grant probate in their consistory court when the testator had somewhat less extensive holdings than would have qualified them for the prerogative court – *bona,* as distinct from *bona notabilia* – if these holdings were situated in more than one archidiaconal jurisdiction within the single diocese. Alternatively, the bishop's deputy or 'commissary' might preside (hence 'commissary court') especially in cases where holdings were less extensive. Again, this was to avoid the need for registrations in more than one archdeaconry. In much the same way as with the prerogative courts, therefore, testaments presented for probate in a consistory court are likely to have emanated from people of some substance albeit having holdings situated within a relatively more compact geographical area. Such testators might be individuals of the middling and lower ranks of the gentry, perhaps merchants with business or domestic premises in a single diocese but more than one archdeaconry, and members of the clergy were often included here. On a more local scale again, the testaments of those people who held property that did not extend beyond the boundaries of one single archdeaconry would be proved in that archdeacon's court or before his deputy, an 'official'. Similarly, in cases where a peculiar was under the jurisdiction of a cathedral, testamentary matters were supervised by the member of the cathedral staff who was responsible for that peculiar's administration.

Practical details and terminology varied a little between dioceses and from north to south. In the county of Yorkshire (most of which corresponded to the diocese of York), the Exchequer Court fulfilled the function of the Consistory Court, while the Chancery Court had the power to grant probate on the testaments of beneficed clergy, heard appeals, and assumed jurisdiction during archiepiscopal visitations. Although archdeaconries north and south were divided into deaconries (usually referred to as deaneries) there are no extant records of wills being proved by rural deans in the southern province,

although a local rural dean might be commissioned to do so in York should a testator's holdings fall within that single diocese.

I. iii.   EPISCOPAL AND ARCHIEPISCOPAL REGISTERS

The transcripts of will texts that were made when probate was granted were not only preserved in the records of the specialist probate courts like those described above. Some of the earliest testamentary transcripts to survive in an ecclesiastical context do so in the episcopal and archiepiscopal registers that started to be kept from the thirteenth century onwards.[6] It is possible that the practice of keeping registers of episcopal business was influenced by royal procedures during the chancellorship of Archbishop Hugh Walter at the end of the twelfth century and developed gradually out of the systems of record-keeping that documented the procedures loosely known as *Episcopal Acta*, an administrative practice that was already being undertaken in various dioceses.[7] The earliest extant episcopal register texts as they are now understood, however, are the fourteen rolls produced in the diocese of Lincoln during the episcopacy of Hugh of Wells (1209-1235) which were begun between 1214 and 1217. No testamentary material is recorded here, however. The earliest surviving episcopal register to incorporate transcripts of the testamentary texts that had been presented for proof before the bishop's consistory court is that of Godfrey Giffard, Bishop of Worcester (1268-1302), which was probably the first such register to be kept in that diocese.[8] It is by no means certain, however, that lost registers kept in other dioceses before this date would not have contained some transcripts of wills or other testamentary business. Episcopal registers were naturally kept in Latin, as were most of those testamentary texts that were entered into them for record purposes, until the practice of making non-Latin wills became more common.

Since many regions had other courts capable of granting probate the number of testamentary proofs with which a bishop's court was involved and which would therefore be entered in their episcopal

---

[6] See above, p. 81, n. 47.
[7] David M. Smith, *Guide to Bishops' Registers of England and Wales: A Survey from the Middle Ages to the Abolition of Episcopacy in 1636* (London: The Royal Historical Society, 1981) p. viii.
[8] See above, pp. 81-84.

register, varied from diocese to diocese. Equally, texts might be transcribed into more than one probate register having been proved in both the civil and the episcopal court, or in more than one ecclesiastical court - perhaps before the archbishop himself as well as in the prerogative court, the former duplication often occurring by design, the latter probably by accident. In the case of an archiepiscopal jurisdiction, other than the case of those testamentary proofs that applied to individuals living in the diocese of Canterbury, the reasons why a testament might be proved before the archbishop himself and then entered in his own register, rather than being dealt with in the prerogative court and then transcribed into the registers of that court, can be hard to determine.

In the case of Henry Chichele, Archbishop of Canterbury from 1414 to 1443, the Archbishop seems to have granted probate on a large number of wills personally, since the locations recorded in the various grants tend to match the evidence for his whereabouts provided by his itinerary.[9] In addition to those testaments that the Archbishop seems to have approved himself, further testaments were proved before his commissaries and also eventually bound in with the register, constituting an unusually large corpus of wills for a register of this sort. The majority of texts submitted to the Archhbishop of Canterbury's jurisdiction, however, were brought before the keeper of the prerogative at the probate registry, and the decision about the choice of court, together with instructions to executors as to which court to attend and when, were issued by the apparitor-general. Since the wills contained in archiepiscopal registers are largely, though not exclusively, of the magnate class – the nobility, knights, prominent high-status families, as well as wealthy merchants and the higher clergy - it seems likely that in at least some of these cases the Archbishop's personal involvement may have been more a mark of personal favour and an acknowledgement of status, rather than an exercise motivated exclusively by financial considerations. It has been pointed out, after all, that 'it was the same jurisdiction that proved the wills of testators with *bona notabilia*, whoever exercised it'.[10]

---

[9] See E. F Jacob (ed.), introduction, pp. xxv–xxviii.
[10] Ibid. p. xxvi.

I. iv.   THE CITY OF LONDON

While the system of ecclesiastical probate courts operating across the country as a whole was undeniably intricate it does not represent the whole picture. Civil probate courts also existed in some urban areas and in London this resulted in a diverse system that was uniquely complicated in comparison with that of the rest of the country. As in other areas, the archives of all these courts, whether church or lay, owe the character of their holdings to the demographic profile of the sector of society that came under their jurisdiction. Since this chapter will shortly focus more closely on two groups of texts from London it is appropriate to identify the scope and extent of the London probate courts here.

From an administrative point of view, the jurisdiction of the courts Christian ran parallel with that of the secular courts of the City, and while nominally concerned only with real property, in practice civil institutions would grant probate on the whole bundle of documents constituting a last will and testament, as might the ecclesiastical courts, sometimes leading to registration in both places.[11] The oldest established of the civil courts was the Court of Husting, for which records are extant from 1259.[12] The principal function of this court was to prove and enrol wills of realty, a facility available (subject to limitations) to freemen within the City of London. The contents of the Court of Husting rolls do not always reflect this aim, however, and while many of the copies-of-record preserved here relate only to this portion of a testator's bequests, mention of other goods is often also included. The Mayor's Court rolls are similarly diverse.

Probate could also be granted by an unusually large number of ecclesiastical courts owing to the high population density and the particular nature and extent of the region. The medieval diocese of London extended into the surrounding counties and comprised not only the City, but Middlesex and Essex as well as most of Hertfordshire, and was divided into four archdeaconries.[13] There were also peculiar jurisdictions that acted independently. In addition to the main episcopal probate registries of

---

[11] Ibid. pp. xiii-xv.

[12] See above, pp. 74-75.

[13] These four archdeaconries were London (which consisted of the City and some Middlesex parishes); Middlesex (the rest of Middlesex plus one deanery from Hertfordshire and three in north Essex): Essex (southern parishes from that county); and Colchester (the north Essex deaneries other than those under the jurisdiction of Hertfordshire).

the Prerogative Court of Canterbury, the Commissary Court of London (for which records are extant from 1374), and the Archdeaconry of London (from 1393) there were also the peculiar courts. The most notable peculiar courts were those of the dean and chapter of St Paul's for which testamentary business survives from 1226, and the dean and chapter of Westminster, which has extant miscellaneous records of testamentary activity in the Westminster Abbey muniments from 1228.[14] Testamentary business also survives in the registers of the bishops of London from 1313, the episcopate of Gilbert Segrave. Despite the apparent complexity of this hierarchical system both in London and in the country as a whole, the way it was structured engendered an underlying uniformity in the allocation of testator to court without (as will be shown in later chapters) stifling individuality of testamentary expression.

II.   COMPONENTS OF THE ESTABLISHED TESTAMENTARY FORM

As has been established by the examination of the testaments from the early thirteenth-century corpora of texts registered in Worcester and Exeter described in Chapter 3, what would become the standard Latin component phrases had already started to emerge during that period: formulae that from the last quarter of the fourteenth century would start to be used in English. While most of the constituent clauses of the twelfth and early-thirteenth century Latin testaments soon evolved the characteristic formulaic phrases that would be favoured by the majority of later testators, and all of them can be found represented somewhere within the surviving corpora as a whole, only a few of the extant testaments from this period incorporated the full range of available elements. The means by which a degree of parallel development in content and phrasing began to come about is hard to assess, although Latin testamentary *exempla* were available at this time and may have assisted in the growing uniformity of the will's structure and wording. A formulary roll written in a late-thirteenth century hand illustrates numerous legal forms, including the *pro forma* of an annual account, an aquittance, hundred-court and

---

[14] Register copies of wills from the Consistory Court of London date, for the most part, from 1514, apart from one Latin testament, that of Thomas Palmer made in 1497 which appears to have been included at the beginning of the register. It is from this testator that the register takes the name by which it has customarily been known. For a detailed account of the preservation of the archive of the Consistory Court wills and a summary of their scope and character see Ida Darlington (ed.), introduction in *London Consistory Court Wills 1492-1547* (London: London Record Society, 1967) ix-xxii.

county-court proceedings, and an inventory of a murder victim's property prepared for the coroner, as well as additions appended in various other hands relating to ecclesiastical matters, including the form of an indulgence.[15] The testamentary section of the roll begins by offering instructions concerning the preparation of a will, then reproduces an entire testament, although whether this is a copy of a genuine document or a composite put together for purposes of illustration is hard to judge. The testator is identified only by initials, and both the date clause of the text and its divine invocation are merely indicated by their opening words, the remainder replaced by 'etc.', as if nominally protecting the identity of a client and shortening a specific form of words only appropriate to that occasion. It is also hard to judge how widely used such a model would have been – whether it was intended for a wider audience, or only for use 'in house' by a particular group of legal professionals, notaries, or scribes. It could also be used by the officials employed within a noble household, perhaps as an aid to training, or even by those working in civil or ecclesiastical administration. The *exemplum* begins by announcing 'Hoc modo procedendum est in testamento'; the testament itself then gives the date, identified by religious festival and year as 'Die tunc proxima post festum annunciationis beate Marie annon gracie M^0. etc.' (specifics to be inserted here as appropriate) before (unusually by later standards) listing the witnesses present. The testament then proceeds in the conventional manner with 'In nomine patris etc.', any elaboration perhaps intended either to be a usual form that was familiar to the writer, or perhaps that which was preferred by the client. The standard 'ego' is then used to introduce the name of the testator coupled with the declaration of intent 'condo testamentum meum in hunc modum'. The principal bequest of the soul to God and the consignment of the body to burial are then given ('in principio lego animam meam Deo redemptori meo et corpus meum redemptori meo [*sic*] ad sepelliendum [*sic*] in cimiterio sancti Petri de G.') before introducing specific instructions, each commencing with 'Item'. Initial requests include funerary matters, pious donations, and good works for the benefit of the testator's soul, although there is no mention of either forgotten tithes or debts. Secular gifts are then listed, with the

---

[15] See A.W., 'Roll of the Thirteenth Century Containing Various Legal Forms', *Archaeological Journal*, vol. 22 (1865) pp. 58-62. No manuscript reference is given for the document, which is described in the text as 'recently purchased for Oxford by Baker Morrell, Esq., and previously in possession of Mr. Kirtland of that city'.

disposal of any goods then remaining left to the discretion of the executors, who are indicated in abbreviated form as 'A.' and 'E.' and, unusually, their seals noted as being attached together with the seal of the testator: 'In cajus rei testimonium presenti scripto sigillum meum apposui cum sigillo [*sic*] executorum meorum, A. et E. etc.').

By the mid-fourteenth century, and certainly by the time testaments were starting to appear in the vernacular more routinely, the component parts followed a more standard order and although not all testaments contained the full range of available clauses, the use of most of them, and in a predictable arrangement, was becoming more usual. The legal requirements were clearly well understood, although discussion of the formalities did not appear in an English-language publication until the mammoth treatise by Henry Swinburne, a judge in the Prerogative Court of York, was published in 1590. This made minute examination of the last will and testament drawing on 'the laws ecclesiastical, civil, and canon; as also out of the common law, customs and statutes of this realm', and went through seven editions over the next hundred-and-forty years.[16]

It seems likely that notaries composing English wills employed the established Latin traditions as their models, since no vernacular formularies survive from the medieval period. The earliest English-language formulary to have come to light so far is William West's *Simboleography* which was first published in 1590, the same year as Swinburne's treatise, and like that text appeared in numerous editions thereafter. This collection of examples of many different sorts of document contains in the testamentary section four vernacular sample wills and one in Latin, together with two wordings for additional clauses and two examples of codicils. The phrasing recommended for the second and shorter of the two suggested testamentary forms remains remarkably similar to that already in common use a hundred years previously, commencing:

> In the name of God, Amen. The second day of Januarie 1592. I, R. L. of &c, sicke of
> bodie, but of good and perfect memorie (God be praised) do make and ordaine this my last
> Will and Testament in maner & forme following, that is to say: First, I commend my soule

---

[16] Henry Swinburne, *Treatise of the Testaments and Last Wills,* Seventh Edition (1590; Dublin: Lynch, 1793; facs. edn, Whitefish MT: Kessinger).

into the hands of God my maker, hoping assuredly through the onely merites of Jesus Christ my Savior to be made partaker of life everlasting, And I commend my bodie to the earth whereof it is made. Item....[17]

The other, much longer example is more elaborate, the opening words declaring:

> In the name of God, Amen. The xxvi. Day of Aprill in the yeare of our Lord God,one thousand five hundred and nintie two, I, I. H. the improfitable servant of GOD, weake in body, but strong in minde, doe willingly and with a free heart render and give againe into the handes of my Lorde GOD and Creator, my spirite, which hee of his fatherly goodnesse gave unto mee, when hee first fashioned me in my mothers wombe, making mee a living and a reasonable creature, nothing doubting but that for his infinite mercies, sette forth in the previous blood of is verely beloved sonne Jesus Christ our onely Saviour and Redeemer, hee will receive my soule into his Glorie, and place it in the companie of the heavenly Angels and blessed Saints. And as concerning my body even with a good will and free heart I give over, commending it to the earth where of it came, nothing doubting but according to the Article of my faith, at the great day of the generall resurrection when we shall appeare before the iudgement seate of Christ, I shall receive the same againe by the mighty power of GOD, wherewith he is able to subdue all thinges to himselfe, not a coruptible, mortall, weake, and vile bodie, as it is nowe, but an incoruptible immortall, stronge, and perfect bodie in all pointes like unto the glorious bodie of my Lorde and Saviour Jesus Christ. First....

This example text runs to approximately eight printed pages, covering every possible kind of bequest and legal eventuality, ultimately concluding, again much as had been the form of the best-constructed texts of a century earlier, with:

> And I do hereby revoke and adnul all former Willes. In witnesse whereof I have hereunto subscribed my name, and set me seale unto this my present last Will and Testament, the day and yere first above written, in the presence of A. B. C. D. & L. & divers others.[18]

The origins and influence of *Simboleography* have been debated, particularly whether West's forms were themselves based on formularies of an earlier date, and whether those that were produced later were in turn derived from West's *exempla*.[19] How widespread the circulation of such a comparatively long and elaborate publication might realistically have been has also been questioned, although an assessment of its possible readership is complicated by the lack of any evidence about the possible cost of such a text.[20]

---

[17] William West, *First Booke of Simbolæography* (1590), Sect. 643.
[18] Ibid. Sect. 642.
[19] Eric Poole, 'Will Formularies', *Local Population Studies*, vol. 17 (1976) 42-43, p. 42.
[20] Margaret Spufford, 'Will Formularies', *Local Population Studies,* vol. 19 (1977) 35-36, p. 36.

Whatever the uncertainties surrounding *Simboleography*, though, the opening formula suggested in *Fly. An Almanacke*, a publication produced cheaply by the Company of Stationers nearly sixty years later, in 1657, and known to have had a relatively wide circulation by the standards of the day, also appears to echo the form of words familiar from the later medieval testamentary texts:

> First, I bequeath my Soule into the Hands of Almighty God my Maker, hoping that through the Meritorious Death and Passion of Jesus Christ my onely Saviour and Redeemer to receive free pardon and forgiveness of all my sinnes; and as for my Body to bee buried in Christian buriall at the direction of my Executrix....[21]

While both these formularies are of a considerably later date than the texts under discussion in this study, they do, however, indicate that the clauses that had evolved and were in majority use by the mid-thirteenth century were those that continued to form the basis of testamentary composition for many decades. Similarly, the vernacular phrases that started to emerge at the end of the fourteenth century from the established Latin formulae would demonstrably continue to be a characteristic part of the last will and testament into the mid-seventeenth century, as indeed they would remain well into the modern age.

Returning to the testamentary texts of the late-medieval period, it can be observed that a significant proportion conform to a standard order with regard to their component clauses and, with the exception of the very shortest, contain most if not all of the required legal and pious elements. The bequest sections, however, are necessarily unique to each text, at least in terms of content, the list of items inevitably as individual as each donor. In recording them, the writer of the will would have relied almost entirely on specific guidance from their client as to content, with neither terminology nor phrasing offering much scope for individuality or personalized forms of expression on the part of either testator or scribe. The clauses with which each testamentary document begins, however, are not only sufficiently uniform in purpose, structure, and vocabulary to enable direct comparison within and between all the surviving testamentary corpora, but also capable of being sufficiently nuanced to reveal

---

[21] *Fly. An Almanacke* (London, 1658), *sig.* B7v, reproduced in Bernard Capp, 'Will Formularies', *Local Population Studies* vol. 14 (1975) 49-50, p. 49. Capp considers the that this formulary 'probably ran to something around three-quarters of a million copies during that period'.

regional variations and scribal idiosyncrasies. The opening sections of testaments, when made in the vernacular, can even permit, from time to time, the individual preferences of the testator to be included, ideally suiting them to comparison and analysis.

For purposes of identification and analysis, these opening phrases can be divided, broadly speaking, into the introductory preamble in which the testator would be named and the purpose and intent of the document set out, and the pious preamble in which the soul was consigned to God, the church of burial designated, and various devotional phrases might be incorporated. The document would then move on to the bequest section which often formed a logical progression from the pious preamble by specifying the form of the desired obsequies, listing pious donations, and detailing good works for the benefit of the testator's soul. The wording of the individual components was subject to minor lexical variations, perhaps according to personal circumstance, client preference, or the accustomed format of the scribe, clerk, or notary composing the text. It is also possible that cost may have played a part in the decision to opt for a simple and unembellished form of words, while for a testator of substance who employed legal professionals amongst his or her administrative staff such considerations would have been immaterial.

The multiple variations in the wording of the opening testamentary phrases in Latin, French, and English, are examined minutely in Chapter 5, but the standard component parts can be broadly defined as follows:

Table 4.1   COMPONENTS OF THE TESTAMENT

INTRODUCTORY
  PREAMBLE

i.	Divine Invocation	In the name of God Amen' or 'In dei nomine Amen' were the predominant forms, the formula often being used in Latin even at the start of a vernacular testament. A divine invocation of this sort was not confined to testamentary documents.
ii.	Date	Any combination of saint's day, calendar year, and regnal year might be used, generally at the beginning of the testament. The date could also be given at the end, however, or referred to again in the closing words, perhaps as 'the day first above written'.

iii.	Identity	The testator's identity was almost always introduced by 'I...'. In the case of a female testator further identification was often given in terms of marital status, such as 'widow (of)' or 'late the wife of...' before supplying the name, profession, and status of the late husband. A man would often state his profession.
iv.	Location	A place of abode might be given in general terms, but rarely more specifically than a particular town or parish. Alternatively, that information might only be implied further on in the text from the clauses relating to the desired church of burial.
v.	Soundness of Mind	Being of sound mind was a condition of testamentary capacity and a well-constructed testament would attest to the maker's mental capacity.
vi.	Physical Health	Occasionally a testator's physical health was mentioned immediately after their mental health, for good or ill. If the former then a conventional expression of gratitude to God would often be included.
vii.	Statement of Intent	The intention to 'make and ordain' the 'present testament (and last will/containing my last will)' was generally stated at this point, and often said to be 'in the manner and form following' or 'ensuing', or 'in this wise'. The beginning of the pious preamble was then heralded by the word 'First', sometimes 'First and principally', occasionally 'In primis'.
	PIOUS PREAMBLE	
viii.	Commendation of the Soul	The first and most important bequest of the testament was that of the soul to God. Conventional phrases often included references to the Virgin Mary and the Saints, commonly described as 'all the (holy) company of heaven'. Sometimes Jesus was mentioned here, and from time to time specific saints were named, perhaps the dedicatee of the church of burial. Occasionally the testator made protestations of their own unworthiness.
ix.	Burial of the Body	The church of burial was stated, often also a specific location either inside or outside the building, or with the spouse. Sometimes these details were left to the discretion of the executors according to the place of decease. Occasionally the testator used disparaging language to refer to their mortal remains.
x.	Funeral Obsequies, Pious Bequests, Good Works, and Debts	Should specific funeral arrangements and commemoration be desired, whether at the time of death or during succeeding years, these would be specified at this stage and financial arrangements detailed. Bequest to the Church and religious foundations and causes would also be listed, together with amounts of money to pay for good works in the local community for the benefit of the testator's soul. It was here that an amount was often designated to cover undischarged financial obligations, including tithes 'forgotten or negligently withheld', to avoid the sin of dying in debt, albeit unwittingly.

The testament of London widow Agnes Aston serves as an example of a concise and systematic, if unembellished, form of wording that acknowledges most of the categories described above:

In dei no*m*ine amen the xv day of the moneth of October in the yere of *our* Lord god M^{l}cccclxxxxij And the viij yere of the Reigne of king Henry the vijth . I Agnes Aston Widow being hole of mynde And in my good memorye thankes be allmyghty god make and ordeigne this my *present* testament and Last Will in man*er* and forme folowing that is to say First and principally I bequeith and recommend my soule to allmyghty god my maker and redem*er* to oure blissid Lady saint mary the Virgine his modre And to all the holy company of heven And my body tobe buried within the church yerde of saint Botulph with oute Aldrisgate of london. Item I bequeith to the high Aulter of the church of saint Botulph aforesaid for myn offering*s* forgoten or necligently witholden in discharging of my soule xij d. Item....[22]

From this text it can be deduced that Agnes lived in the part of Aldersgate ward that lay outside the walls of the City and that her parish church was St Botulph's, the churchyard of which had once been the property of St Bartholomew's priory.[23] This sort of general identification of location was the norm, although sometimes no details were given at all. Exceptions do occur, however: when Janet Holme of York made her testament in 1488 she specified 'of Monkgate' as her residence, a rather more precise location than a parish.[24] Alternatively, place of birth might be given rather than current abode: the London notary public who set down John Foll's nuncupative Latin testament, which was registered in the City's Archdeaconry Court in 1407, identified him as a Cornishman and was unusually precise about the place where he made his final wishes known, explaining that his client was lying

... in the dwelling house of that honest man William Buxton, citizen and pewterer, citizen of London, situated in the parish of the blessed Mary of Colechurch of the said city of London ... in a certain bed or litter in a certain parlour existing within the said house ... in grave infirmity of his body....[25]

The testament is also (although less unusually) specific about Foll's desired place of burial 'in the church of St Thomas the Martyr of Acon next to the conduit of London, near the grave of Joan, formerly his wife', details which make it plain that the dying man had been resident in London for some time, rather than a visitor who had suddenly been struck down. In contrast to the relatively impersonal Latin words of a notary, the precise language used to express clauses such as this in a vernacular

---

[22] The testament of Agnes Aston, 1492, TNA, PRO PROB 11/9, ff. 69v-70r.
[23] Stow, *The Survey of London*, p. 272.
[24] Testament of Janet Holme, 1488, BI Prob. Reg. 5 ff. 335r-335v.
[25] Testament of John Foll, 1407, LMA, 9051/1, f. 182r-182v. This translation is from Nicholas Orme (ed.), *Cornish Wills 1342-1540* (Exeter: Devon and Cornwall Record Society, 2007), pp. 43-44.

testament can retain the flavour and immediacy of the oral direction given by the client to the will writer, and be expressed in much more personal terms, such as the interment instructions preserved in William Brown's testament, composed in 1488:

> and my sinfull body tobe buryed and leyd w*ithi*n the chapell of our Lady on the south side w*ithi*n the church of Alhalowne in the markett stede of Stamford aforseid before my seete betwene the water and the wall there.[26]

Even more personally revealing are the sentiments expressed in those wills that appear to have had a Lollard flavour, such as that of Sir Lewis Cifford, writing in 1404, who described himself as 'fals & traytour to my lord god & to alle þe blessyd companye of hevene and onworþi to be clepid a cristen man', and wished his 'wrecchid careyne to be biryed in þe ferþest corner of þe Chirche ȝerd in which parishe my wrecched soule departeþ fro my body'.[27] Whether the self-loathing expressed in the text is a result of penitence for the Lollard beliefs Clifford had recanted before Archbishop Arundel, or a result of regretting that recantation is uncertain, although since this part of the text was composed in the vernacular favoured by the Lollard movement, the latter seems possible.

III.   WILLS OF THE 'BOYVILE/DE DERBY/SULBY' CIRCLE

The identities of the individuals - legal clerks and scriveners for the most part - whose expertise informed the many thousands of testamentary texts composed during the fourteenth and fifteenth centuries, usually remain unknown, as do the names of the scribes who made the copies-of-record preserved in the registers of the various ecclesiastical and civil probate courts. While almost all these administrators have remained anonymous, exceptions do occasionally come to light, however.[28] The will produced in 1492 on behalf of Joan Alforde, widow of a London mercer, for instance, declares that it was made 'in the p*resen*ce of ... William Ploseld scriven*er* and writer of this my p*rese*nt testament'.[29] Ploselde

---

[26] Testament of William Brown, 1488, TNA, PRO PROB 11/8, ff. 181v-182r.
[27] Testament of Lewis Clifford, 1404, TNA, PRO PROB 11/2A, f. 78v.
[28] See for instance the work of the Bury Scrivener, below, pp. 215-219.
[29] Testament of Joan Alford, 1492, TNA, PRO PROB 11/9, ff. 232v-233r.

also composed and witnessed the testament and last will of Joan Luyt five years later.[30] Although such unambiguous statements are rare, it is probable that when an individual identified as a 'clerk' or 'scrivener' was noted as being present when a testament was made, or listed amongst the executors, most were involved in a professional capacity rather than being a relation or trusted family friend of the testator.[31] The will of the recently widowed Alice Cook of Norwich, for example, made in 1487, lists 'Stephyn Bryan Notary [and] John At More Scryven*er*' as two of the three executors. Both were to receive a generous 'xl s and ther*e* cost*es*' for their pains.[32] Although giving gifts and expenses to executors was not unusual, it seems likely on this occasion that the relationship was a professional one and that between them Bryan and More had been responsible for composing and writing out Alice's will, even though this is not specifically stated in the text.

A rare instance in which a group of texts can be attributed to a single will writer can be traced in the archive of the Court of Husting in London, however, in the testaments attributable to the professional services of one William Boyvile.[33] This group of Latin texts not only gives an indication of the type of work undertaken by a legal clerk of the later medieval period, but reveals the familial connections that can be traced through a group of testaments produced within one family and permits an assessment of the degree to which a professional will-maker can be said to have a personal style. Since the documents in question span a twenty-seven year period it is probable that the earliest of them, which were written for testators in the neighbourhood of Cordwainer Street Ward and the Vintry, were produced near the beginning of Boyvile's career. Furthermore, the fact that they were composed on behalf of several members of the same family during 1361-2 and then registered within weeks can almost certainly be ascribed to the high rate of mortality resulting from the serious outbreak of plague that afflicted much of the country during those two years.

---

[30] Testament of Joan Luyt, 1497, TNA, PRO PROB 11/11, ff. 226r-226v.

[31] See, for instance, the testament of Jane Clay, 1477, TNA, PRO PROB 11/6, ff. 232r-232v; testament of William Norbrough, 1483, TNA, PRO PROB 11/9, ff. 9r-10v; testament of Agnes Howsman, 1496, TNA, PRO PROB 11/10, ff. 262v-263r.

[32] Testament of Alice Cooke, 1487, TNA, PRO PROB 11/8, ff. 74r-74v.

[33] William Boyvile's name was given as 'Boyville' in the last of the group of probate copies described here. It has been regularised as 'Boyvile' here for clarity. Another example of the identifiable work of a will-writer, a scrivener from Bury St Edmunds, is described in Chapter 6 of this thesis. See below, pp. 215-219.

The first registered testament to name Boyvile as the writer is that of Agnes de Derby, widow of tailor William de Derby.[34] It is dated 11th June 1361, and amongst the bequests it includes some tenements in Watling Street described as having formerly been the property of Agnes's son Edmund, indicating that he had predeceased her. Agnes left Edmund's tenements to John de Sulby, who is identified as keeper of the wardrobe for the Countess of Pembroke ('garederobar*os* du*ctorius* comitisse de Penbrok'). De Sulby is also named as an executor of Agnes's will. His testament in turn confirms that it too was composed by William Boyvile just two and a half weeks after Agnes's will was written and also names Boyvile as an executor.[35]

Fig. 4.1   THE DE DERBY FAMILY: A DIAGRAMMATIC GENEALOGY[36]


```
                                    _____
                                    |            |
                                    |            |
William de Derby (tailor)   m.   Agnes         Roger
                             | (t. 11.6.1361)
                             |
                             |
        _____
        |                    |                    |
        |                    |                    |
   Edmund m. Agnes        Alice              Daughter
   (t. 5.6.1361)       (t. 1.7.1361)            m.
                            m.           Thomas Beuchampe
                     William Outepenne
```
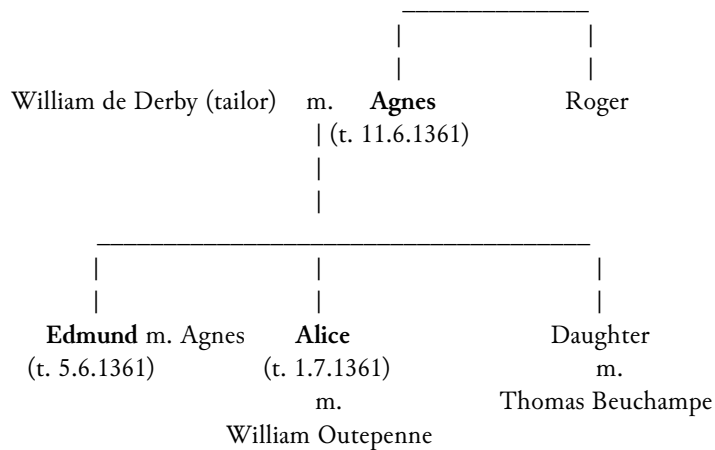
The relationship between the de Derby and de Sulby families is unclear, but the testaments of Agnes de Derby and John de Sulby have another third party in common in addition to that of their will writer: a local joiner by the name of Robert de Louthe who acted as executor for them both. Aside from a bequest of rents from property in Cornhill left to de Louthe by Agnes the other small gifts allotted to him are the same in both Agnes's and de Sulby's testaments as the items left to Boyvile the will writer, so that the names of both men are therefore coupled together in the texts. The bequests to

---

[34] Testament of Agnes de Derby, 1361, LMA, HR 89 120. An image of this text is reproduced in the Appendix p. 302.

[35] Testament of John de Sulby, 1361, LMA, HR 89 125.

[36] It is not possible to establish from the testamentary evidence the relative ages of the de Derby siblings Edmund, Alice and their unnamed sister. ('t'= date of testament.)

de Louthe might have been in recognition of his executorial services, but might also indicate that he, like Boyvile, could also have acted for the testators in a professional capacity, maybe even, given his business occupation, as coffin maker. Conjectural though that may be, it is interesting to speculate whether the professional functions of the testamentary clerk and the joiner were regarded as equal and complementary at this time.

To return to the register, the testamentary transcript immediately preceding that of Agnes de Derby is that of her son Edmund who had indeed predeceased her; it had been written just six days before that of his mother.[37] At the time when Edmund's will was composed it seems probable that his mother was still in good health since Edmund seems to have had no qualms about passing to her the Watling Street tenements that she would so soon hand on to John de Sulby together with interests in other properties that had been included with them when Edmund left them to her. There is no indication in the text that Boyvile was involved in writing the will of Edmund de Derby; furthermore, the testament uses briefer formulaic clauses than those that Boyvile seems to have favoured and although it is tempting to surmise that under the circumstances his services might have been called upon, there is no textual evidence to support such an assertion, a topic that will be addressed more fully below.

John de Sulby had been named executor of Edmund's testament as he would be of Agnes's testament less than a week later. Although he had time to present Edmund's testament for probate, de Sulby was forced to request in his own will that William Boyvile continue to act in the matter of the will of Edmund de Derby and his wife (another Agnes) as he himself had been bound to do, it already having become clear that he would not live to fulfil that rôle himself. John de Sulby bequeathed Edmund's Watling Street tenements to his own son, another William, and made provision in his testament for prayers for the souls of William and Agnes de Derby and their son Edmund, although no mention is made of Edmund's wife, the younger Agnes. Perhaps she had predeceased her husband by a sufficient interval for her obsequies to have been completed.

---

[37] Testament of Edmund de Derby, 1361, LMA, HR 89 124.

The final testament in this family group is that of Alice Outepenne, referred to as the daughter of William de Derby and widow of William Outepenne.[38] In her will she requested burial near her late husband, although whether he had been a fairly recent victim of the pestilence or had predeceased his wife by some time is unknown. Also unknown is the identity of the writer of Alice's testament although her executors are named as her brother-in-law Thomas Beuchampe and John de Ware, chamberlain of St Paul's. It is not impossible, therefore, that de Ware might have penned the original text: it is brief and uses a clear if unembellished dating format, but although a standard commendation of the soul is included it omits altogether to confirm the testator's soundness of mind, something Boyvile did not overlook, mental sufficiency being a legal condition of testamentary capacity.

The four de Derby/Sulby/Outepenne texts that were made between 5th June and 1st July 1361 were registered during the same session of the Court of Husting, on 25th July confirming the rapid sequence of bequest and mortality in their makers. Not all the testaments made during this time of pestilence were required so hastily, though. William Boyvile is named as an executor in the will of a John de Stonelee, cordwainer, made on 7th July 1362, which was not registered until October 1368, six years later.[39] The final identifiable example of Boyvile's work to have survived in the Court of Husting archive was made in 1388, after an apparent gap of twenty years. In this testament, that of Robert Warwyk, a draper from the parish of St Mary le Bow, Boyvile is no longer described as a clerk but as a notary public.[40] He also acted as one of the witnesses.

Comparison of the three testamentary texts that William Boyvile is known to have composed reveals a degree of similarity between them. The order of their formulaic clauses is consistent, with the date following immediately after the opening 'in dei nomine Amen'. It is scrupulously recorded in all three instances, each example including an appropriate saint's day and adding the regnal year to the calendar year. The characteristic 'ego' then introduces the name of the testator, to which in each case their profession, or in the case of Agnes de Derby the profession of her late husband, is added. The testator's soundness of mind is then

---

[38] Testament of Alice Outepenne, 1361, LMA, HR 89 162.
[39] Testament of John de Stonelee, 1368, LMA, HR 96 135.
[40] Testament of Robert Warwyk, 1388/9, LMA, HR 117 92.

affirmed, although in slightly differing forms. In the case of Agnes de Derby's testament the variation seems likely to be the result of an omission by the probate court scribe, the text apparently reading 'compos bone memorie' rather than the more complete 'compos mentis et bone memorie' of John de Sulby's will. By the time Robert Warwyk's will was written, however, the favoured form had become 'in mea bona memoria existens'. After the soundness-of-mind clause, the statement of intent is then consistently present, followed by the commendation of the testator's soul. The minor differences here also indicate a gradual increase in elaboration, the simple reference to 'deo' in Agnes's text having become 'deo omnipotenti' in John's and 'deo omnipotenti creatori meo' by the time Robert's will was composed. All the texts then give instructions concerning the testator's burial.

While the soundness-of-mind clause and the bequest of the soul both offer some scope for compositional variety, that which records the date appears to have been a matter of professional routine, and to have been set out methodically and unambiguously by Boyvile as a matter of course before embarking upon the more variable formulae. For this reason, ubiquitous though the dating clause was, it appears to offer a way of identifying Boyvile's authorship within the small group of texts with which he might be expected to have been involved. It seems unlikely, therefore, that he wrote the testaments of the two younger de Derbys, Edward and Alice. By the same reasoning though, although Boyvile is not specifically recorded as the maker of John de Stonelee's will, but only as the executor, the text follows the form and phrasing of those texts that Boyvile is known to have written so closely that it seems almost certain that he was its author, another instance, perhaps, of a will-writer only being named in his executorial capacity.[41]

William Boyvile's own testament, if he made one, does not seem to have survived. The will of his one-time acquaintance the joiner Robert de Louthe, however, was made on 3rd March 1401 and registered in the Court of Husting on 11th November that year.[42] It shows none of Boyvile's

---

[41] See above, p. 108.

[42] Testament of Robert de Louthe, 1401, LMA, HR 130 3. The testament is dated 3rd March 1400 and the year is also described as being the second of the reign of Henry IV (30th September 1400 to 29th September 1401), an instance of conflict between old and new methods of dating. According to contemporary practice the new year (in this case 1401) would not begin until March 25th, three weeks after the time of writing. The joiner Robert de Louthe's son, also Robert, remained in the same area and made his own testament in August 1419 in which the property interests in Cornhill that he had inherited from his father (the same that had once been the property, in turn, of Edmund and Agnes de Derby) was bequeathed to his wife Isabella together with other real estate mentioned in his father's will that had finally devolved upon him after the

characteristic methods with regard to structure and dating, making it seem unlikely that William lived long enough to compose the testament of his associate and one-time fellow executor.

IV.   TESTAMENTS ASSOCIATED WITH THE PARISH OF ST LAWRENCE JEWRY

The testaments composed by William Boyvile during his career were necessarily written in Latin and those written for Agnes de Derby and her connections were all registered in the same probate court. Examination of the testamentary records pertaining to a whole London parish up to and including 1499, however, provides a broader picture of the testamentary output, probate-court choices, and linguistic preferences of the capital's citizens. This section will provide a profile of the testamentary trends of the parish of St Lawrence Jewry and then focus on the wills produced by an interlinked group of mercantile testators most of whom lived and worked in that parish. The linguistic nuances of the English texts from the sample will then be examined in more detail.

IV. i.   LOCATION AND CHARACTER OF THE PARISH

The parish of St Lawrence Jewry, the foundation of which is traceable to an early thirteen-century grant, is in Cheap ward and takes in the south-west corner of the Guildhall. The parish church of St Lawrence itself stands immediately south of the Guildhall precinct on the northern boundary of the parish on what is now Gresham Street, but was in the fifteenth century known at Catte Street. This thoroughfare forms the main east-west route through the parish parallel with Cheapside, which lies beyond the most southerly part of the parish boundary. Although lying to the east of the road known as 'Old Jewry', the parish takes its name from what Stowe referred to as 'the many Jews inhabited thereabouts' before their expulsion by Edward I, to his considerable profit.[43]

---

death of his mother, all in tail for his son – another Robert. The testament of the second Robert de Louthe (son of the joiner) was registered in May 1439 – LMA, HR 167 42.

[43] Stow also mentions the memorial of Philip Agmondesham, another mercer who was resident in the parish and whose testament (as did that of his wife Margaret) had requested burial in the charnel of St Lawrence. Testament of Philip Agmondesham, 1490, TNA, PRO PROB 11/8 ff. 264v-266r and Testament of Margaret Agmondesham, 1493, TNA, PRO PROB 11/10 ff. 44v-45v. John Stow, *The Survey of London* (1598; London: Everyman, 1956) p. 246.

Map 4.1   THE PARISH OF ST LAWRENCE JEWRY
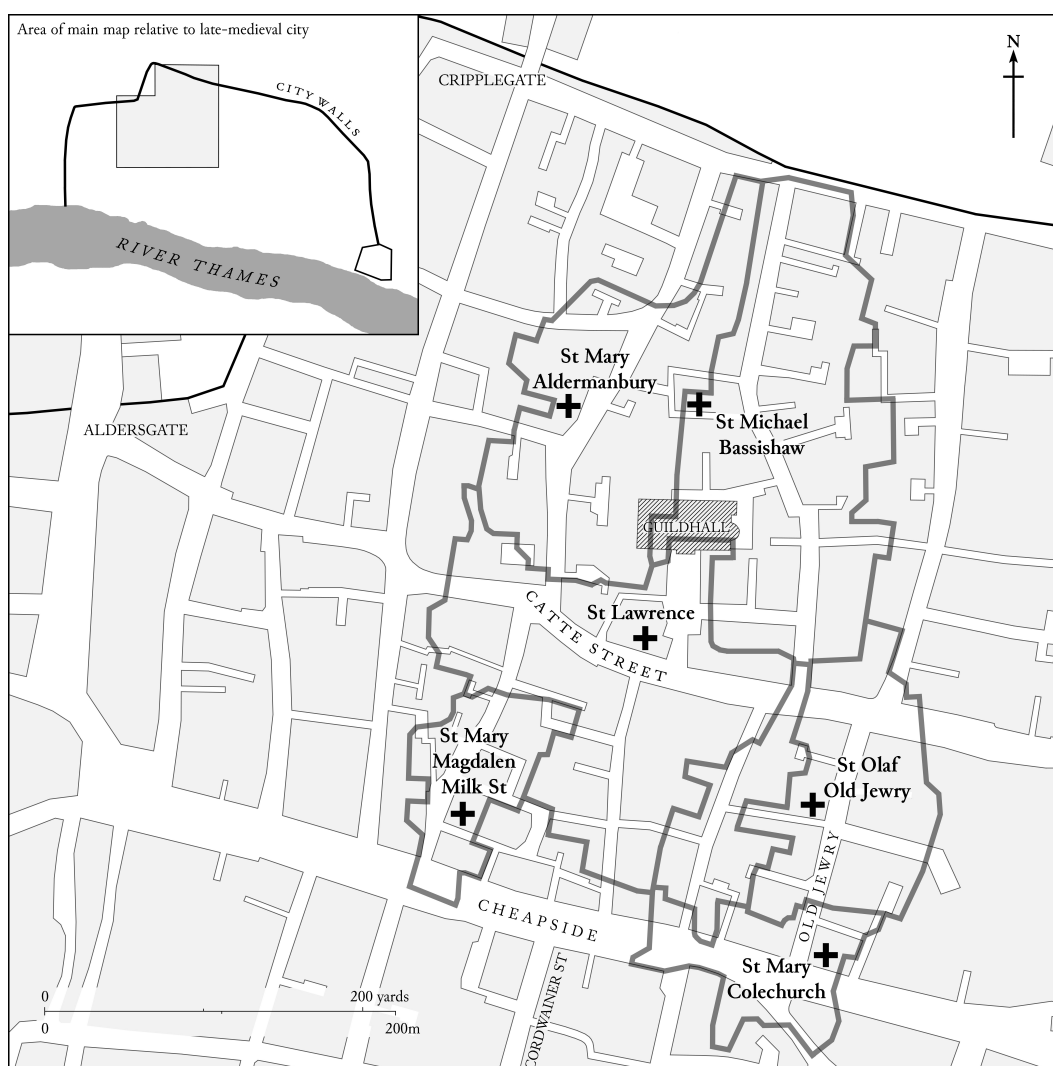
The south-eastern boundary of the Parish of St Lawrence is close to the headquarters of the mercers' company at the Hospital of St Thomas in the neighbouring parish of St Mary Colechurch, and many mercers lived in the surrounding parishes including that of St Lawrence Jewry, the highest concentration of mercers' residences being found, during the fifteenth century, in the wards of Cordwainer Street, Cheap, and Cripplegate.[44]

The original church of St Lawrence was constructed on the current site during the twelfth century, predating the foundation of the parish. According to Stow it contained numerous memorials

---

[44] In 1475, between twenty-one and thirty mercers' dwellings can be traced to each of these wards, with a further six to ten in the small adjoining ward of Basishaw, compared with a maximum of five in each of the surrounding wards. See Anne F. Sutton, *The Mercery of London* (Aldershot: Ashgate, 2005) pp. 191-192 (map).

dating from the fifteenth century, including two commemorating parishioners whose testaments form part of the group of texts that will be examined in more detail later in this section: William Skyrwith, and Roger Bonyfant.[45]   None of these survives today, however, since the medieval church was destroyed in the fire of 1666. The present structure was built by Wren between 1670 and 1687, when the land was cleared around it eliminating the medieval churchyard. The church was restored once again, in 1957, to repair damage sustained during the blitz. Now a guild church rather than a parish church, St Lawrence has become the official church of the Corporation of London, continuing the mercantile association established during the medieval period.

The parish is referred to in contemporary sources as both 'St Lawrence Jewry' and 'St Lawrence Old Jewry'. The former name will be used here to avoid confusion with the street named 'Old Jewry' in the near-by parish of St Olaf.

IV. ii.   EXTENT AND LOCATION OF THE SURVIVING TESTAMENTS

The surviving wills associated with the parish of St Lawrence Jewry before 1500 can be found in the four major London probate-court archives, although distribution between these courts is not uniform with regard to either number or date. The testaments on which probate was granted by the Prerogative Court of Canterbury (PCC) have been preserved in the National Archive's PROB 11 series,[46] while those that were registered at the Commissary Court now form part of the London Metropolitan Archive's holdings (reference 9171/1-8), as do the testamentary documents registered in the Archdeaconry Court (reference 9051/1 and 9051/2).[47]   The probate records of the Court of Husting are also kept at the London Metropolitan Archives (reference CLA/023).   One hundred and ninety-three extant testamentary transcriptions are associated with the parish and registered in the four main probate courts

---

[45] Stowe, *Survey*, p. 247.

[46] These registers were formerly known by the name of the first testator to appear, such as 'Rouse', 'Marche', 'Luffenham', 'Stokton', 'Godyn', 'Wattys', 'Logge', Milles', 'Dogett', 'Vox', and 'Horne', although these volumes only cover the period 1384-1500. The complete archive totals two thousand two hundred and sixty-three named volumes and covers the period from 1384 until 1858. All are now referred to by number, as for instance TNA, PRO PROB 11/9, or as appropriate.

[47] The testamentary registers from the Commissary Court were also formerly known by the name of the first testator in each, the first eight (those relevant to the period covered by this thesis) being 'Courtney', 'Brown'. 'More', 'Prowet', 'Sharp', 'Wilde'. 'Lichfield', and 'Harvy'. As with the Prerogative Court of Canterbury texts, these too are now referred to by number as (for instance) LMA, 9171/3, or as appropriate. See also the note on p. x, above.

up to and including 1499 (see below, *Fig. 4.2*). Thirty of these texts – slightly more than fifteen-and-a-half per cent – were made by women, and their distribution through the period of the survey is also represented in the graph. Examination of the corpus as a whole, then by court, reveals the extent to which the distribution of texts has been influenced by each court's area of responsibility at any given time and the survival of the records in question.

Fig. 4.2 THE PARISH OF ST LAWRENCE JEWRY: SURVIVING WILLS, MALE AND FEMALE
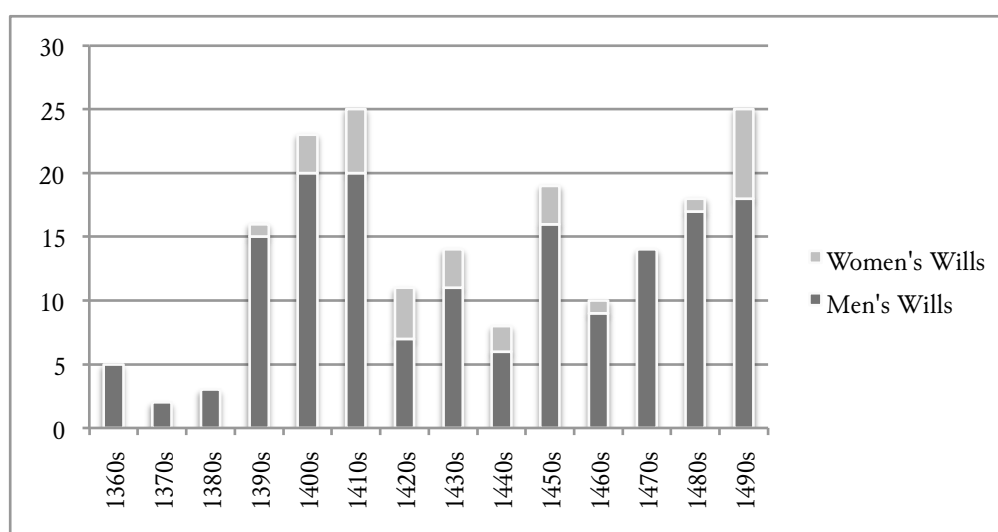
Allowing for periodic fluctuations, the total number of texts (Latin as well as vernacular) from the parish of St Lawrence Jewry registered for probate purposes during the period studied can be seen from the graph above to have risen fairly steadily (with the exception of the 1390s-1410s, which will be explained below) from five in the 1360s to fourteen in the 1430s and nineteen in the 1450s to twenty-five in the 1490s.

Vernacular texts account for nearly twenty-one per cent of the total register copies, with thirty-two by men and eight by women, a total of forty vernacular testamentary texts, with the earliest English text to be composed for a man registered in 1456 and the earliest for a woman registered in 1469.

Fig. 4.3   THE PARISH OF ST LAWRENCE JEWRY: SURVIVING WILLS, LATIN AND ENGLISH
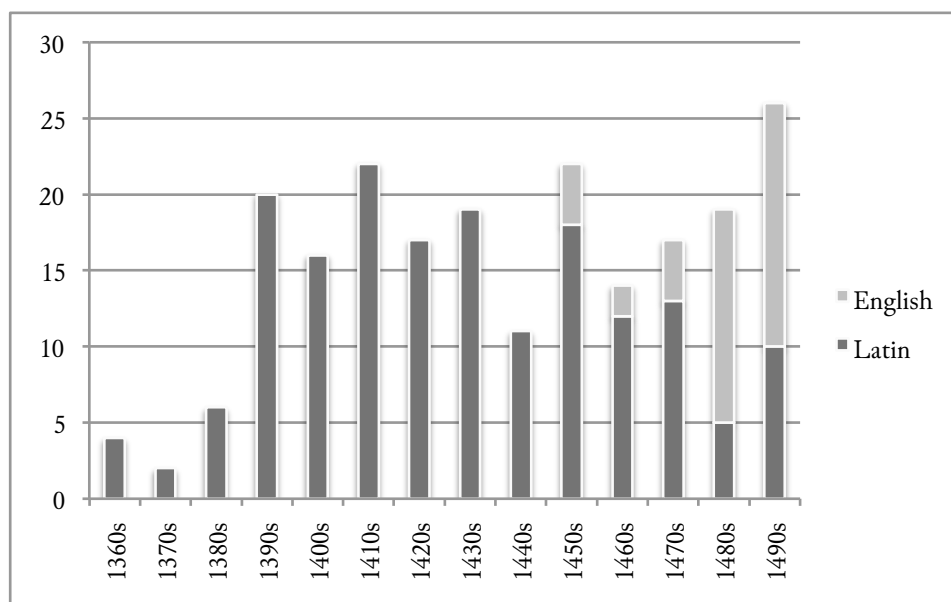
IV. ii. i.   THE ARCHDEACONRY COURT

Looking at the four probate courts individually, the testamentary archive of the Archdeaconry Court has suffered extensive losses, and although calendared from 1368 to 1421 only a twenty-five year span from 1395 to 1415 (as can be seen in *Fig. 4.4* below) of transcribed testamentary texts is extant from the fourteenth- and fifteenth-century registers. The apparently abrupt rise in the total number of testaments extant from the 1390s, 1400s, and 1410s can therefore be explained by the texts from the Archdeaconry Court only being included during these decades. They amount to a total of twenty-three texts of which five (nearly twenty-two per cent) were made by women. Four of the male-authored texts are nuncupative, but all, as would be expected of testaments composed during this period, are in Latin.

Fig. 4.4   THE PARISH OF ST LAWRENCE JEWRY: SURVIVING WILLS
REGISTERED IN THE ARCHDEACONRY COURT
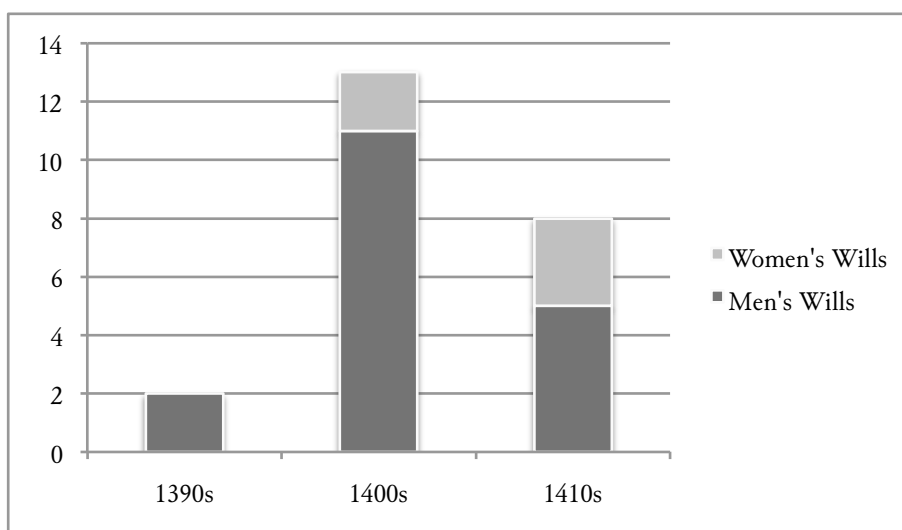
IV. ii. ii.   THE COURT OF HUSTING

The Court of Husting was often used to register the bequest of real property within the City of London.

Of the corpus of testamentary texts registered here the latest St Lawrence Jewry text was recorded in

1448, so all fifteen of the texts relevant to this study predate the use of English for testamentary

purposes. All of the testaments from St Lawrence registered here were made by men.

Fig. 4.5   THE PARISH OF ST LAWRENCE JEWRY: SURVIVING WILLS
REGISTERED IN THE COURT OF HUSTING
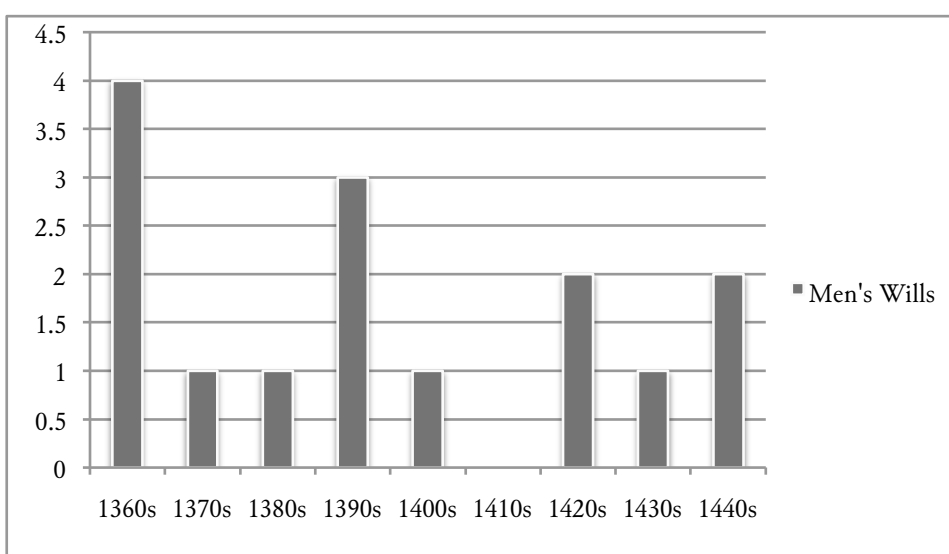
Ten of them, including the two earliest, were mercers, the remainder being a draper, a founder, and three girdlers. This archive includes the earliest wills registered from the parish of St Lawrence, the first dating from 1361, while no registrations of testaments from that parish were made here during the 1410s, as can be seen in the graph above.

IV. ii. iii.   THE PREROGATIVE COURT OF CANTERBURY

Of the forty-two testaments from St Lawrence Jewry that were registered in the Prerogative Court of Canterbury the earliest dates from 1393. More than half of these texts (twenty-three of the total number, which includes all seven of the texts made by women) were composed within the last two decades of the fifteenth century, however, as can be seen in *Fig. 4.6* (below). The seventeen vernacular texts in the sample (a figure that again includes all the women's wills) also fall within these two decades, with the first English text from St Lawrence to be registered here dating from 1487.

Fig. 4.6   THE PARISH OF ST LAWRENCE JEWRY: SURVIVING WILLS
                     REGISTERED IN THE PREROGATIVE COURT OF CANTERBURY
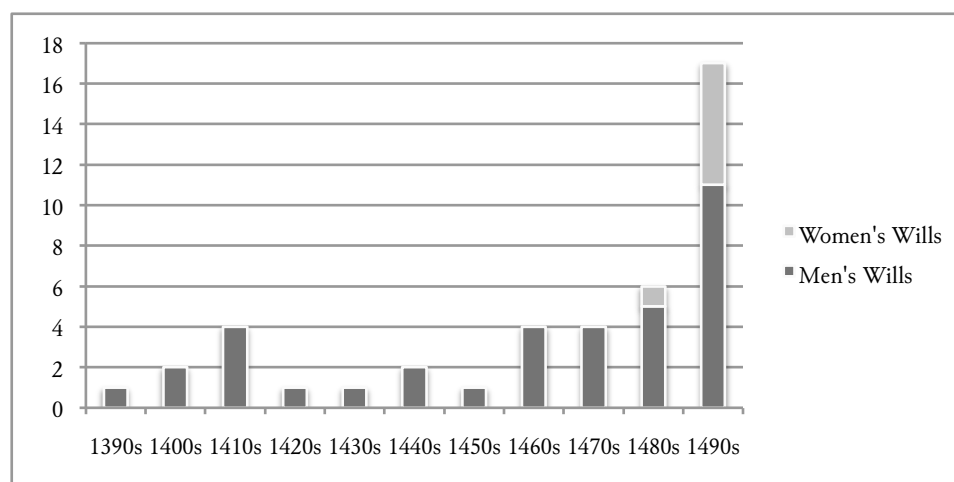
IV. ii. iv.   THE COMMISSARY COURT

The largest group of testaments in the St Lawrence corpus consists of those registered in the Commissary Court, a function of the demographic of the parish. The relevant texts here comprise

ninety-four men's wills, and eighteen composed by or for women (more than nineteen per cent of the total registrations), with the earliest testament in the sample dating from 1375.[48] As can be seen in *Fig. 4.7* (below) the temporal distribution of surviving St Lawrence testaments is greater in this court than elsewhere, covering 139 years and ranging from the single registration in 1375 through a high of eighteen texts in the 1450s, to nine in the 1490s, the final decade to be included in this analysis. Twenty-three vernacular testaments (more than twenty per cent of the total corpus) survive from the period up to 1499. All but one of these were made by male testators, registration of women's wills being notably sparse in this archive in the final thirty years of the period covered by this survey. The first vernacular testaments appeared particularly early in this court, however, commencing with the autograph testament of Richard Claver made in 1456, one of four vernacular texts to be composed and registered in that decade.

Fig. 4.7   SURVIVING WILLS FROM THE PARISH OF ST LAWRENCE JEWRY
REGISTERED IN THE COMMISSARY COURT
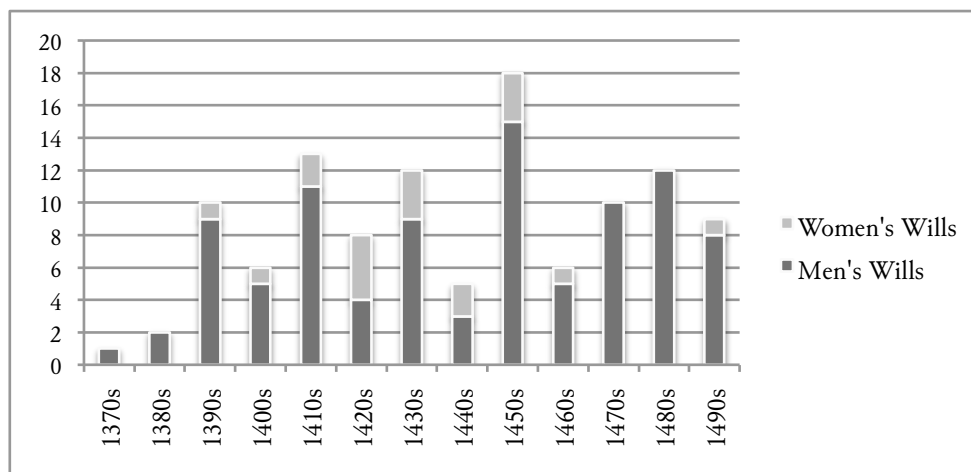
V.   ANALYSIS OF THE TESTAMENTS OF THE 'CLAVER/BONYFANT' CIRCLE

Within the total corpus of testaments registered by residents of the parish of St Lawrence Jewry, it is possible to identify a sequence of texts made by the interconnected group of women whose names are

---

[48] The twenty-five notices of administration pertaining to residents of St Lawrence Jewry that are also recorded in the Commissary Court registers have been disregarded for current purposes, since they do not comprise evidence of testamentary language and are therefore not relevant to this study.

listed below. Their husbands' testaments, as available, have also been included, as well as those by a couple (Alice and William Pratte) who were known associates of the St Lawrence testators from the neighbouring parish of St Mary Aldermanbury, giving a total sample of nineteen testators, several of whom, it can be alleged with some confidence, were aware of the finer details of the testaments made by others in the group. Where an individual's name is emboldened it indicates that their testament was composed in the vernacular, giving a total sample of twelve English-language texts.

Table 4.2   SURVIVING TESTAMENTS OF THE 'CLAVER/BONYFANT' CIRCLE[49]

FEMALE TESTATOR	DATE OF COMPOSITION OF TESTAMENT	SPOUSE	DATE OF COMPOSITION OF TESTAMENT
Beatrice Filer	1479	Thomas Filer (Husband)	1482
		Edward Filer (Son)	1479
Alice Claver	1489	**Richard Claver**	1456
Alice Pratte	1490	**William Pratte** (1st Husband)	1486
Agnes Cliff	1491	**John Cliff**	1489
Katherine Skyrwith	1491	John Skyrwith	1486
Joan Cantlowe	1492	**Thomas Fabyan** (1st Husband)	1487
		Henry Cantlowe (2nd Husband)	1490
		Stephen Gibson (3rd Husband)	1491
Margaret Beyer	1494	John Dey	1475
Anne Bonefant	1497	**Roger Bonyfant**	1494

V. i.   THE TESTATORS

The testators listed above were linked by a complicated web of business interests, friendship, or mutual acquaintance. The central group of professional women in particular has excited academic interest and their relationships have been the subject of scholarly investigation by historians interested in women's place in the production of narrow-wares and mercery, as well as within gendered networks, and with regard to medieval women's working rôles within the broader professional community.[50]   The forms and

---

[49] Full references to these texts are supplied in the Appendix, p. 280.

[50] See Anne F. Sutton, 'Alice Claver, Silkwoman (d. 1489)' in Caroline M. Barron and Anne F. Sutton ed., *Medieval London Widows 1300-1500* (London: Hambledon, 1994) 129-142. Also Anne F. Sutton, *The Mercery of London,* Chapter 7, 'Success on All Sides: The Mercers in Fifteenth-Century London', pp. 161-200. I am particularly indebted to the former text, which makes clear the connections between the Claver and Pratte families.

linguistic nuances of their testaments have not been examined, however, and will be addressed here after a brief summary of the connections between them.

Richard Claver (d. 1456) was a mercer and his wife Alice (d. 1489) was a silkwoman who continued trading in her own right during widowhood. She may also have been connected with the founders' guild since she described herself as a sister of their fraternity and left money to them in her will. Alice Claver was a friend of Alice Pratte, née Bothe (d. 1490) who lived in the next-door parish of St Mary Aldermanbury, and it is possible that both women met their future husbands and each other during their apprentice years. William Pratte had been apprenticed to the mercer John Addams of Catte Street and the young Alice Bothe might have been under the tutelage of Addams' wife, who was also a silkwoman. Furthermore, Alice Pratte and Richard Claver both appear to have come from Derbyshire, which might have been an additional bond between the two couples.[51]

There is every indication that this was a group of literate people, well able to make informed decisions about the wording as well as the content of their testaments. Both the Clavers and the Prattes were long-standing friends of William Caxton, an acquaintanceship probably dating from the time when he too had been apprenticed nearby. Caxton and William Pratte seemed to have shared an interest in literary matters. William Pratte gave a copy of *Livre de Bonnes Meurs* by Jacques Le Grand to Caxton in 1486.[52] Alice Claver was also friendly with Beatrice Filer from the adjoining parish of St Mary Magdalen in Milk Street, and she and her husband also seem to have been books owners; amongst other texts, San Marino, CA, Huntington Library, MS HM 744 can be identified as theirs.[53] Alice acted as executrix for Beatrice, apparently a common act of neighbourly duty amongst their circle and one that also attests to their social network. Alice was experienced at the task having also been named as executrix for her husband Richard in 1456.[54]

---

[51] See Sutton, *Alice Claver* p. 140.
[52] Ibid. p. 140.
[53] Ibid. pp. 135-136 n. 20.
[54] It was usual for a woman to act as her husband's executor. Barbara Hanawalt has calculated that eighty-six per cent of London men with a wife still living named her as their executrix. Barbara Hanawalt, 'The Widow's Mite: Provisions for Medieval London Widows', in Louise Mirrer (ed.), *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe* (Ann Arbor: University of Michigan Press, 1992) 21-46, p. 26.

Another associate of Anne Claver's was the silk woman Anne Hagour, whose testament, if she made one, has not survived. Anne Hagour was married to the mercer William Banknot who had been apprenticed in his youth to Roger Bonyfant. Banknot became warden of the Mercers' Company in 1494 or 1495 and at about this time acted as executor for his old master, a task overseen by Nicholas Alwyn, a prominent mercer who would become mayor in 1499-1500. Banknot too must have become experienced in testamentary matters, acting as supervisor of Margaret Beyer's will and overseer of Alice Claver's testament and he was also named as one of the witnesses to the wills of Katherine Skyrwith and Agnes Cliff, amongst similar duties undertaken for others in the area.

The testamentary evidence can also establish additional, if more tenuous links, between Joan Cantelowe (another of the women in the core sample) and several prominent London mercers. In 1446 Richard Claver had been a feoffee of Sir William Estfield (a prosperous mercer who would become warden of the Mercers' company in 1493) with regard to property in St Mary Aldermanbury and St Lawrence Jewry. The same William Estfield would also appear as an executor in the will of Joan Cantlowe, written in 1492, together with Nicholas Alwyn, who had overseen the will of Estfield's associate Roger Bonyfant.[55]

V. ii.   LINGUISTIC ANALYSIS

Whatever the precise connections between the people named, examination of the phrases used in the introductory clauses of their wills reveals the type of testamentary document that was being prepared on behalf of a group of individuals of merchant status moving in interlinked social circles in a relatively compact geographical area, and with, it may therefore be presumed, similar priorities. In the case of one will, that of Richard Claver produced some decades earlier than those of the rest of the group, it is also possible to compare the wording of an autograph text with the more standard form used in professionally-composed vernacular testaments. These eleven professionally-written texts are

---

[55] Testament of Joan Cantlow, 1492, TNA, PRO PROB 11/9, ff. 105v-107v; testament of Roger Bonyfant, 1499, TNA, PRO PROB 11/10 ff. 122v-123r.

conventional and generally uniform in their structure, all consisting of an opening salutation, record of the date, an attestation to the testator's soundness of mind and therefore eligibility to make a will, and commendation of the soul to God. Burial instructions of greater or lesser complexity according to preference and circumstance are also universally given.

Examining the testaments systematically reveals that their opening divine invocations occur in both Latin and English, the selection apparently arbitrary, but the wording uniform – either 'In dei nomine Amen', or its English equivalent 'In the name of God Amen'. There is a preference for the use of a Latin invocation in female testaments (five in Latin compared with two in the vernacular) but equal division (two each) amongst the wills written for the men in the group. With no clear trend towards language matching for this phrase between the wills of the married couples in the group, it can only be surmised that these words was so routinely used, in testaments as in other legal documents, as to excite little desire for a personalized form from either testator or writer at least in this time and place.

The dating clauses of the testaments are similarly uniform, with none referring to the day of the week or a particular saint's day or religious festival, but all (including the autograph text of Richard Claver) using the date in the month as their most precise marker. All but one testament (Agnes Cliff) include the regnal year, and only Margaret Beyer's testament of 1494 omits (like the autograph text) to include the calendar year.[56] The eleven professionally-written testaments then all progress to a soundness-of-mind clause, each text describing the testator's mind as 'hole', and when 'memory' is referred to it is uniformly said to be 'good'. Moreover, when God is thanked for this mercy he is invariably described as 'almyghty'. With the exception of Richard Claver's autograph text and the testament written on behalf of Anne Bonefant in 1497, the wills all then proceed to make conventional statements of intent. Anne Bonefant's testament, on the other hand, combines this formality with the soundness-of-mind clause, to read 'be it remembered that I Anne Bonefant widow of hole and good mynde make my testament and last will under this forme foloyng'. All the other testaments state their

---

[56] Testament of Richard Claver, 1456, LMA, 9171/5, f. 235r; testament of Agnes Cliffe, 1492, LMA, 9171/1, f. 116v; testament of Margaret Beyer, 1494, TNA, PRO PROB 11/10, ff. 82v-83r.

maker's intention to 'make and ordain this my present testament ... [in the] (manner and) form following/that followeth/ensuing' (in varying orthography), two of them slightly augmenting this standard form to read 'make ordain *and dispose ...*'.

The principal purpose of the testamentary form being the bequest of the soul to God, this clause invariably follows, and in all the eleven professional texts it is heralded by the word 'ffirst'. The most usual construction to effect this commendatory clause is 'bequeath and recommend my soul', with seven of the eleven texts using this form of words. Three just use 'bequeath' and another (Alice Claver) uses 'recommend' on its own. It is usual for the testaments to refer at this point not just to God, but also to the Virgin Mary and the saints using certain standard descriptive formulae. God is referred to most popularly as 'maker and redeemer' (five of the eleven texts) or 'creator and saviour' (three texts), although in the case of John Cliff's testament it is Jesus Christ who is described as 'my maker and my redemer' and (unusually) no mention is made of God. References to the Virgin, although secondary, are universal however, and varied in structure although a relatively limited range of expressions is employed – eight of the texts refer to her as 'Lady', eight (although not exactly the same eight) use the adjective 'glorious' to describe her, and the same number juxtapose both 'virgin' and 'mother' stressing her two uniquely complimentary attributes. In the two testaments that refer to just one of these qualities it is the maternal rôle that is favoured, the testaments in question being those of Richard and Alice Claver – parents of only one child, a son, who was still alive in 1456 when his father died, but predeceased his mother. She took in and raised a succession of local children as an act of practical charity, so it seems reasonable to suggest that the Virgin Mary's maternal association might have been close to her heart, and therefore that this particular element of an otherwise largely formulaic clause might have been influence by Alice's own preferences rather than being entirely a matter of scribal routine. As with references to the Virgin, the traditional reference to the saints is common to all twelve texts in the sample, including Richard Claver's autograph text, with ten texts using the phrase 'the holy company of heaven', one testament using the term 'college' of saints, and only one using no descriptive elaboration at all.

Instructions concerning the finer details of burial are understandably more diverse, although as might be expected most of the testators in the group requested interment at St Lawrence's, this clause introduced by a formulaic 'and my body to be buried...'. It is interesting to note that the female testators, who had all survived into widowhood, uniformly requested burial with their spouse, often defined as 'late my husband'. In only one case is that husband defined by his trade: Katherine Skyrwith requested burial 'in that place ... where the body of John Skerwith late citezine and lether seller of london my husbond lieth buriede and ondre the same stone that lyeth over hym'.[57]

Once matters pertaining to the testator's soul and body had been attended to, nine of the twelve St Lawrence testators made provision for the payment of unpaid tithes and other financial obligations, an act that was both a tying up of loose ends and constituted additional protection for the soul against the perils of dying in debt. The exceptions were Richard Claver in his self-penned will of 1456, William Pratte in 1486, and Anne Bonefant in 1497.[58] That such a clause was often a non-specific measure undertaken in the spirit of caution rather than the sure knowledge of outstanding payments due can be deduced by the formulaic wording, often a phrase akin to 'for my tithes and oblations forgotten or negligently withheld'. Joan Cantlow's text goes further, inserting 'if any such be' while John Cliff seems to have been particularly sceptical that such a measure would be necessary, his texts adding 'if any so be as I know non*e* so to be' – an instance perhaps of the testator's own comment being included to qualify the formulaic phrase, permitting the voice of the individual to be heard.[59] On other occasions provision is made for the executors to act if any legitimate debts should emerge, as Katherine Skyrwith ensured by instructing that 'all the dettes which I owe of right to any maner of personne or personnes be well and truly paid by myn executors underwriten'.

In all but a very few cases it is impossible to judge from these largely formulaic phrases the extent to which they were the product of a legal professional and reflect his habits or preferences, or whether the testator's own voice can from time to time be heard. Such is not the case with the

---

[57] Testament of Katherine Skyrwith, 1491, TNA, PRO PROB 11/9, ff. 50v-52r
[58] Testament of William Pratte, 1486, TNA, PRO PROB 11/7, ff. 192r-192v; testament of Anne Bonefant, 1497, TNA, PRO PROB 11/10, ff. 122v-123r
[59] Testament of John Cliffe, 1489, TNA, PRO PROB 11/9, ff. 321v-322r.

autograph texts that occasionally occur in the archive. Although it is possible that more wills were self composed than their authors make clear, that of Richard Claver is unequivocal in stating that 'I ... make myn*e* testament wiyth myn*e* own hand'.[60] Although less uniformly formulaic in construction and phrasing than those texts that were the product of a notary public's pen, his testament contains the essential components of a well-constructed will and indicates the degree to which individuals without a formal legal training were familiar with the finer points of the testamentary process and enabled by the possibility of vernacular composition. In this particular case superfluities of expression have been dispensed with, and rather than commencing with a divine invocation the testator is identified at this stage as 'I Richarde Claver mercer of London', before a confirmation that he is 'by the grace of god ryght well Avised'. This is a phrase that given its placing in the text, and since it is coupled with conventional gratitude to the Almighty, can be taken to constitute a soundness-of-mind clause rather than an indication that the testator had been in receipt of good advice, in this case competent legal counsel, from a third party. The date is precise but brief, given as 'the ij day of August Anno xxxiiij henry vj[th]'. The commendation of the soul, on the other hand, is utterly conventional by the standards of the day, referring to 'all myghty gode and to his moder our blest lady & to all the Compenny of hevyn' in the manner favoured by the majority of the other texts in the group under discussion. Also conventional (although not often relevant) was Richard Claver's desire to be buried with his first wife. In this, as the only widower in the sample, he follows the pattern of the female testators who all requested burial with their late husbands. In fact his request for interment 'att Seint Michell en Bassynghawe onder the Ston þa my wyffe lyth' cannot have come to pass, since it is clear from Alice Claver's testament that her husband must have been laid to rest in St Lawrence's church 'in the Chapell of our lady' where she herself requested burial beside him some thirty-five years later.

Although conventional in tone, with some of the clauses beginning with the traditional 'item', the bequest section of Richard Claver's testament appears somewhat less methodically structured than was the case in the best of the texts produced by legal professionals. Pious donations and secular gifts

---

[60] Testament of Richard Claver, 1456, LMA, 9171/5, f.235r. An image of this text is reproduced in the Appendix, p. 303.

are intermingled, executors named soon after the middle of the document rather than close to the end, and no concluding remarks are made, giving the impression that items were noted as they were remembered. Family bequests are embarked upon immediately after the burial instructions, providing principally for his wife and son, but also (after the manner of a professionally composed will) including reversions in case the child should die before coming of age. These arrangements were given before any details concerning obsequies or good works for the benefit the testator's soul, matters that (particularly with regard to funeral arrangements) were generally attended to as part of the preceding section. Richard Claver also designated ten pounds for the marriage of 'Jone my basterd doughter so hit þe [*sic* – presumably 'be'] said', although whether the cautious wording of this comment was rooted in genuine scepticism about her paternity, anxiety to protect his son's legacy from division, or the wish to protect his own and his wife's reputations is hard to judge. Whatever his motives, Claver went on to record a level of affection for his wife that was not commonly expressed in testaments of this period, requesting that those acting with her as his executors 'render my wyff well for she hath ben to me a full luffyng woman en my Sekenes ther gode reward her en hevyn for cheere she hath be to me'. He also stated specifically that he wished Alice to keep their son 'and his good*es* en rule to he be of Age ffyndyng Surete to the Gylde hall'. The irregular and often unusual orthography may reflect the testator's habitual usage or perhaps result from the Commissary Court clerk finding Claver's script harder to follow than the professional scribal hands he was used to.

Although such extensive personal comments are unusual in testamentary texts, and can to an extent be attributed to Claver's will being his own work, what he wrote can, despite its more personal elements, be seen to conform to a recognizable underlying structure and uses a legal tone that seems to have been familiar to the wider population as well as to those with specialist training. It is unlikely, however, that Richard Claver could have composed such a revealing document through the medium of Latin, and his participation in the legal process was enabled not only by the use of his mother tongue but also by the flexibility of the large range of acceptable testamentary phrases in general use. With

regard to the other texts in the sample, while an autograph testator was clearly intimately involved with every aspect of his own testamentary document, it seems likely that for those individuals who benefited from the services of a professional will-writer the use of their own language would also have facilitated greater awareness of the sentiments framing their bequests. Analysis of even so small a sample of texts as that produced by the twelve English testaments of St Lawrence Jewry described here gives some indication of the opportunities to exercise individual preferences that were afforded by the use of that language, a level of involvement that would have been far less universally accessible in a Latin composition. The use of English, on the other hand, made sufficient variation in wording available to both writer and client that even within what might initially appear to be formulaic opening phrases, it is unusual to find two vernacular testaments that are identical in every particular. Building on the component clauses,[61] the next chapter will examine the earliest of the surviving non-Latin testaments, comparing those written in French and English with contemporary Latin ones in order to assess the emergence and development of the phrases that, by the time the testaments of the Claver/Bonyfant circle were composed, had already come to characterise vernacular testamentary writing.

---

[61] See above, pp. 97-98.

CHAPTER FIVE

THE EMERGENCE OF VERNACULAR WILL TEXTS:

A COMPARATIVE LINGUISTIC ANALYSIS

The Emergence of Vernacular Will Texts:
A Comparative Linguistic Analysis

The testamentary process had its origins during the Anglo-Saxon period in an oral act that was recorded – as it had been spoken – in the Old English vernacular. When, in the years following the Conquest, formal written documentation of testamentary bequests resumed, the clerks, notaries, and scriveners who produced such texts used the Latin that was favoured by the Norman judicial administrators and the Church hierarchy. Not until the testamentary records of the fourteenth century is there consistent evidence that testamentary documents were once again being executed in a language with which all testators, rather than just the highly educated, were intimately acquainted; first French then, some forty years later, English.[1] While it is certain that the newly emerging vernacular testamentary documents drew heavily on the motives, sentiments, and wording of the established Latin clauses, the process by which the characteristic linguistic structures of vernacular will writing came into being has never been analysed. This chapter will compare testamentary texts written in Latin and French with both the earliest of those written in English and a sample of English texts from the 1490s, evaluating the formulaic phrases that all three languages had in common in order to assess the differences between them, as well as the extent to which development in the use of the mother tongue might have enabled greater participation in the processes of bequest and encouraged freedom of expression and individuality in both testators and will writers in the years before 1500.

I.   THE SAMPLES OF TEXTS FOR ANALYSIS AND COMPARISON

The testamentary samples consist of sixty-two of the earliest surviving English will texts, composed between 1387 and 1435, thirty-four French testaments ranging in date from 1347 to 1430, and a sample

---

[1] It should be noted that Edward I's testament, written in French in 1272, is extant. The testaments of reigning monarchs have not been included in this survey, however, their unique elements making them unsuitable for such analysis. Isolated early French testaments such as that of Margery de Crioll, written in 1319 and preserved in the register of Henry Burghersh, Bishop of Lincoln (1320-1340) and reproduced in Hilary Jenkinson and G. Herbert Fowler (ed.), 'Some Bedfordshire Wills at Lambeth and Lincoln', *Publications of the Bedfordshire Record Society* 14 (1931-1934) 79-131, pp. 83-84, have not been included in the statistical analysis.

of forty-three Latin texts covering the whole period, 1347-1435.[2] For purposes of comparison and to

assess trends in vernacular phrasing a sample of English testaments composed during the last decade of

the fifteenth century when the vernacular tradition was more established has also been selected. The

early English texts were drawn from the following archival sources:

> The probate registers of the Prerogative Court of Canterbury[3]
> The probate registers of the Prerogative and Exchequer Courts of York[4]
> The probate registers of the Consistory Court of York[5]
> The testamentary records of the Commissary Court of London[6]
> The register of Archbishop Henry Chichele[7]
> The probate registers of the Dean and Chapter of York
> The probate registers of the court of the Sacrist of St Edmund's Abbey for the Peculiar[8]
> The probate registers of the Durham Chapter Muniments

The French texts are those entered in the episcopal registers of archbishops of Canterbury

Simon Islip (1349-1366), William Wittlesey (1368-1374), Simon Sudbury (1375-1381), William

Courtenay (1381-1396), Thomas Arundel (1396-1397; 1399-1414), and Henry Chichele (1414-1443). In

the northern province texts are taken from the episcopal registers of archbishops William Zouche (1342-

1352), John Thoresby (1353-1373), Alexander Neville (1374-1388), Thomas Arundell (1388-1396), and

Richard Scrope (1398-1405), many of which were later drawn together with will texts from other

northern sources to comprise the first volume of *Testamenta Eboracensia* although many of the

---

[2] The total figure given here for English texts is made up of documents from the period that were either completely, or had a significant part (eg. a codicil), written in that language. All have been included because of their important contribution to assessment and understanding of early non-Latin testamentary production. Some of these partial texts, however, could not be expected to include all the phrases appropriate to a complete testamentary document, while others might qualify more than once (in cases where a will and its codicil are both dated, for instance) or appear in more than one language category should relevant material be duplicated. Instances where the size of the sample for analysis is different from the figure of sixty-two texts given above, have been made clear in the text.

[3] TNA, PRO PROB 11/2A-3 (Formerly registers Rouse, Marche, and Luffenam).

[4] BI, Prob. Reg. 1, 2, 3, & 5.

[5] Unpublished texts from the York archives have been augmented by those reproduced in James Raine (ed.), *Testamenta Eboracensia I,* Publications of the Surtees Society 4 (London: The Surtees Society, 1836) and James Raine (ed.), *Wills and Inventories Illustrative of the History, Manners, Language, Statistics, &c. of the Northern Counties of England from the Eleventh Century Downwards. Part 1,* Publications of the Surtees Society 2 (London: The Surtees Society, 1835). James Raine (ed.), *Wills and Inventories Illustrative of the History, Manners, Language, Statistics, &c. of the Northern Counties of England from the Eleventh Century Downwards.* Part 2, Publications of the Surtees Society 30 (London: Surtees Society, 1855). The Prerogative court's business and that of the Exchequer Court (the northern equivalent of the local consistory court) was undertaken by the court of the dean and chapter during periods when the see was vacant.

[6] LMA, 9171/1-3. Relevant texts from this archive can be found in Frederick J. Furnivall (ed.), *The Fifty Earliest English Wills in the Court of Probate, London, A.D. 1387-1439; with a Priest's of 1454,* Early English Text Society, Original Series 78 (London: Trübner, 1882; facs, edn, Boston: Elibron Classics, 2005).

[7] LPL, Reg. Chichele, vol 2. Testaments from Chichele's register have been reproduced in E. F. Jacob (ed.), *The Register of Henry Chichele Archbishop of Canterbury 1414-1443,* 4 vols, Canterbury and York Society, 42, 45-7, 1937-47, vol. 2, *Wills Proved Before the Archbishop or his Commissaries,* Canterbury and York Series, vol. 42 (Oxford: Oxford University Press, 1937).

[8] Only one probate record, which records a woman's testament, falls within the date of this survey. The first man's testament to be recorded in the vernacular by this court dates from 1437.

testaments in these volumes have been silently abridged.[9] These texts have been augmented by the French testaments recorded in the registers of Thomas Appleby (Carlisle, 1363-1395) and Thomas Langley (Durham, 1406-1437).[10]

Since the extent of the Latin corpus is vast, a representative sample has been selected, using published texts from episcopal registers in order that the Latin and French wills should originate from similar corpora. Again because of the number of Latin texts extant even within these collections, and to make the sample sizes and the geographical origins of the texts more uniform between the three languages under discussion, the specific Latin documents selected are those that were composed during the year at the mid-point of each decade starting with 1345, 1355, etc., until 1435. For the purposes of this study such a method results in a viable but manageable sample of forty-three texts. This chapter will look first at the rate of production of the non-Latin texts through the period of the study and assess the link between demographic profile and language choice before focusing minutely on the specific phrases used in each language and the development of non-Latin testamentary expression. All the testamentary samples, English, French, and Latin, are listed in full in the appendix.

I. i.   THE EARLY ENGLISH AND FRENCH TESTAMENTS: CHRONOLOGICAL DISTRIBUTION

The chronological distribution of the early English texts, when assessed by decade, reveals a steady growth in number that arguably reflects not only an increase in their survival rate, but in the quantity produced originally, ranging from the single testament from the 1380s (the text in question being the earliest to have come to light, dated 1387), to twenty-one in the 1420s, and 15 in the first half of the 1430s, implying a possible total of at least thirty texts for that decade as a whole, the second half of which falls outside the scope of this survey.

---

[9] *Test. Ebor. I* - see n. 5, above. French testamentary texts from these episcopal registers are reproduced in John Nichols (ed.), *A Collection Of All The Wills Known to be Extant, of the Kings and Queens of England, Princes and Princesses and Every Branch of the Blood Royal, From the Reign of William the Conqueror to That of Henry the Seventh Exclusive* (1780; New York: Kraus, 1969).

[10] CRO, DRC 1, referenced in R. L. Storey (ed.), *The Register of Thomas Appleby, Bishop of Carlisle, 1363-1395*, Canterbury and York Society, 96 (Woodbridge: Boydell, 2006). Texts from the registers of the bishops of Carlisle are reproduced in *Testamenta Karleolensia: The Series of Wills from the Præ-Reformation Registers of the Bishops of Carlisle, 1353-1486*, Transactions of the Cumberland and Westmorland Antiquarian and Achaeological Society, extra series 9 (Cambridge: Cambridge University Press, 1893). For references relating to all the episcopal material, see also David M. Smith, *Guide to Bishops' Registers of England and Wales* (London: Royal Historical Society, 1981) and David M. Smith, *Supplement to the Guide to Bishops' Registers of England and Wales* (York: The Canterbury and York Society, 2004). DCM Reg. Lang. R. L. Story (ed.), *The Register of Thomas Langley, Bishop of Durham, 1406-1437*, Surtees Society 182 (London: Surtees Society, 1967).

Fig. 5.1 CHRONOLOGICAL DISTRIBUTION OF NON-LATIN TESTAMENTS: 1340S-1430S
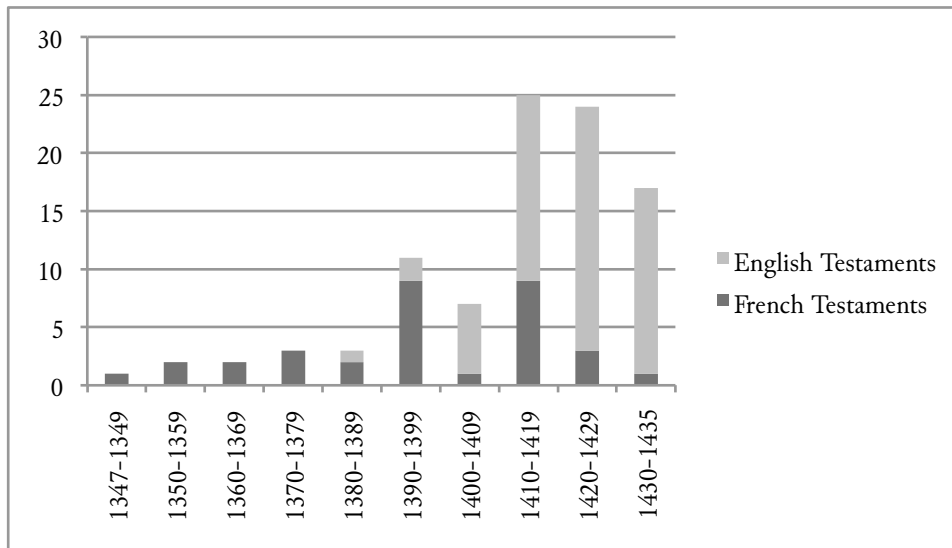
Assessing the chronological distribution of the French texts in a similar manner indicates a gradual peak in the popularity of French-language testaments at the end of the fourteenth and beginning of the fifteenth centuries, which then diminished rapidly, the last French will in the sample, that of Philippa, Duchess of York, being produced in March 1431 with probate granted in November the same year (see *Fig. 5.1,* above). Despite the impossibility of making an accurate assessment of survival rates for testamentary documents generally, it seems likely that the composition of Francophone texts was patchy, resulting in an available sample less than half the size of that of the contemporary English texts assessed.

I. ii.   THE EARLY ENGLISH TEXTS: GEOGRAPHICAL DISTRIBUTION

The sixty-two testaments in the sample made entirely in English during the period from the 1380s to 1435, or with a significant quantity of the text in that language, show a considerable bias towards the southern province, as can be seen in *Table 5.1* (below). This can be explained in part by differences in population density and the character of the archival holdings as outlined in Chapter 4 of this thesis, and in part by the relative slowness of northern testators to embrace vernacular testamentary processes, as will be described in more detail in Chapter 7. Of the testaments from the southern province by far

the largest number are from the London Commissary Court. As has been observed in connection with the testators from the parish of St Lawrence Jewry described in Chapter 4, within the densely populated area of the City the relatively modest value and compact nature of many of the indigenous testators' holdings meant that a large number of wills would have been proved locally as a matter of course (see *Table 5.1*, below). Indeed the testators in the sample whose wills were proved in the Commissary Court were without exception of the mercantile class or lower gentry, individuals who while not necessarily Latinate were accustomed to formal documentation and proper record-keeping and particularly well supplied with lawyers, clerks, and scriveners. To this body of specifically London-oriented southern texts can be added the nineteen registered in the Prerogative Court of Canterbury's archive - a large collection, albeit one inclined towards testators of *bona notabilia* - plus nine from Archbishop Chichele's register, and the single text from Bury St Edmunds. The eight testaments from the northern province are drawn predominantly from the Prerogative and Exchequer courts in York (six texts), with one from York's Dean and Chapter Court and another single text from the register of Bishop Langley in Durham.

Table 5.1   PROBATE COURT DISTRIBUTION OF EARLY ENGLISH TESTAMENTS

LOCATION	COURT	NUMBER OF TESTAMENTARY TEXTS REGISTERED
London	Commissary Court	25
Canterbury	Prerogative Court	19
Canterbury	Court of Archbishop Henry Chichele	9
York	Prerogative and Exchequer Courts	6
York	Court of the Dean and Chapter	1
Durham	Court of Bishop Thomas Langley	1
Bury St Edmunds	Sacrist's Court	1
TOTAL		62

I. iii.   THE FRENCH TEXTS: GEOGRAPHICAL DISTRIBUTION

As with the early English testaments in this study, examination of the courts of probate associated with wills composed in French confirms that their distribution was also a function of the region of domicile and financial competence of their makers. The considerable means of the francophone testators (since the use of French was the preserve almost exclusively of the magnate class) and the diversity of the holdings of those from the southern province made it natural for such testaments to be proved personally by the Archbishop of Canterbury in his court. Furthermore, a significant number of those high-status and prosperous individuals whose wills were written in French lived in the north of England under the jurisdiction of the Archbishop of York, so any testators with holdings confined to the northern province had their wills presented for probate there. Thus, apart from a single text from the London Commissary Court archive, the twenty-two French testaments from the southern province have been drawn from the registers of the relevant archbishops of Canterbury, while the twelve from the northern province are from the archives of the Prerogative and Exchequer courts in York and the registers of the archbishops of York.

I. iv.   THE EARLY ENGLISH AND FRENCH TEXTS: DEMOGRAPHIC PROFILE OF THE TESTATORS

Although the Francophone testators can be seen broadly to fall into the magnate category, when the social status of those ninety-six individuals who produced the early non-Latin texts in this survey is assessed in more detail, the picture that emerges can be expressed as in *Table 5.2* (below), illustrating the marked difference in the demographic ranges between the two groups of testators using those languages between 1347 and 1435.[11] Of those testators using English a significant number (seventy-five per cent) could be described as 'middling gentry, merchants, or lower'. Of those using French for testamentary

---

[11] The allocation of individual to rank has been described as resting 'merely on tradition', such designations on occasion relying as much on public perception and individual aspiration as on genealogy. For present purposes, 'royalty' implies the immediate family of the monarch, 'high aristocracy' denotes tenants in chief, and the 'nobility' are holders of honours below this level, while the right to bear arms distinguishes 'armigerous gentry' from individuals in minor offices, those newly aspiring to gentry status, and merchants of all levels. See I. J. Sanders, 'Preface', in *English Baronies: A Study of Their Origin and Descent 1086-1327* (Oxford: Clarendon, 1960) v-viii.

purposes, on the other hand, a larger proportion (ninety-one per cent of the group) can be seen to belong to the sectors of society above that level, up to and including members of the royal family.[12]

The earliest surviving French testamentary texts in the sample predate the earliest of those in English by forty years, although as can be seen from *Fig. 5.1* (above) wills surviving in English started to predominate over those surviving in French from the beginning of the fifteenth century. English superseded French entirely during the early 1430s as use of French for private and administrative purposes by the magnate class finally fell from favour. While Latin would continue to be the language preferred by the majority for will-making until the sixteenth century, it is arguable that the partial rejection of that language for testamentary purposes from the mid fourteenth- to the early-fifteenth century by a small but socially-significant and influential sector of the francophone aristocracy paved the way for a gradual move from Latin to English for testamentary purposes by all levels in society.

Table 5.2 DEMOGRAPHIC DISTRIBUTION OF EARLY ENGLISH AND FRENCH TESTATORS

	ROYALTY	HIGH ARISTOCRACY	NOBILITY	ARMIGEROUS GENTRY	MIDDLING GENTRY MERCHANT OR LOWER	UNKNOWN OR CLERIC
ENGLISH	-	1	5	9	37	10
FRENCH	4	13	5	9	-	3

I. v.   THE LATE FIFTEENTH-CENTURY ENGLISH TEXTS

The sixty-two testamentary texts comprising the late fifteenth-century sample date from 1490 to 1499, and mimic the demographic profile and geographical origins of the sample of early-vernacular texts as closely as practical considerations permit. The group of testaments selected for analysis is therefore divided in area of origin between the northern and southern provinces in roughly the same proportions, being drawn from those texts registered at the Prerogative Court of Canterbury and the Prerogative and

---

[12] These include the testament of Edward Prince of Wales, 1376, LPL, Reg. Sudbury, ff. 90v-91v, reproduced in Nichols (ed.), *A Collection Of All The Wills,* pp. 66-77; testament of John, Duke of Lancaster, 1398, BI, Reg. 16 (Scrope), ff. 135r-135v, reproduced in *Test. Ebor. I*, pp. 223-240. (Nb. The edition of John of Gaunt's testament reproduced in Nichols (ed.), *A Collection Of All The Wills,* pp. 145-176 was taken from an unreliable version in the Lincoln register of Thomas Beaufort.) Testament of Edward, Duke of York, 1415, LPL, Reg. Chichele, vol. II, ff. 284v-285v, reproduced in *RHC*, pp. 63-66. A document of 1404 remarks that French was used in preference to Latin for the benefit of John of Gaunt and Edmund of Langley when agreeing the Anglo-French truce of 1394, since they were less comfortable with that language ('perfecte non intellexerunt Latinum sicut Gallicum'). See Pierre Chaplais, *English Diplomatic Practice in the Middle Ages* (London: Hambledon, 2003) pp. 127-129. Their father, Edward III, might also have been happier using French, but his will was written in Latin.

Exchequer courts of York. The social status of the later group of testators also echoes the way the early sample was constituted, with one aristocratic testator, four of noble rank, nine from the upper gentry, forty-one who belonged to the middling gentry, merchant class or lower, one churchman, and six of unknown status. In keeping with fifteenth-century trends, however, the proportion of women's vernacular testaments in the later sample is higher. The texts from the early vernacular group contains wills by one married couple, made independently rather than jointly, while the later sample includes texts by two couples. Again, their wills were all made independently and thus constitute four separate documents. As before the sample is listed in the appendix.

Table 5.3 DEMOGRAPHIC PROFILE OF LATER ENGLISH TESTATORS NORTH AND SOUTH

	ROYALTY	HIGH ARISTOCRACY	NOBILITY	UPPER GENTRY	MIDDLING GENTRY MERCHANT OR LOWER	UNKNOWN OR CLERIC
SOUTH: MALE	-	-	2	1	13	3
FEMALE	-	1	2	3	12	1
NORTH: MALE	-	-	-	4	15	3
FEMALE	-	-	-	1	1	-
	1		4	9	41	7

II. TEXTUAL ANALYSIS

The growing acceptance of the idea of will making in the English mother tongue came at a time of social fluidity when the development of vernacular legal terms was enabling a closer participation in legal processes amongst the newly upwardly-mobile lower gentry and merchant classes, both male and female. Many of this group were prosperous but probably had little Latin beyond the familiar words of the liturgy. Analysis of specific phrases used in the earliest of the surviving testaments made between 1387 and 1435 indicates the extent to which the linguistic realignment from Latin to English permitted a greater level of flexibility in legal formulae and narrative style, and both facilitated and reflected the involvement of the testator in the will-making process. Comparing these early English testaments with a sample from the late fifteenth century also illustrates the way English testamentary expressions

developed as use of that language for formal will-making purposes became more accustomed. The principal part of this chapter will, therefore, focus on an analysis of the linguistic constructions and the variations in some of the formulaic elements present in the Latin, French, and English texts in the period, or periods, under discussion. In order to do so, the following sections will examine and compare those clauses that can be said to be common to all testaments as outlined in Chapter 4 of this thesis, looking first at the 'general preamble' - the date and profession of soundness of mind – followed by phrases of a religious nature (the 'pious preamble') comprising the opening invocation and expressions association with the commendation of the testator's soul to God.

II. i. THE GENERAL PREAMBLE: DATE CLAUSES

After the changes precipitated by the Conquest it was not until the very end of the twelfth century that the dating of letters, records, and legal documents started to be done precisely.[13] By the mid-fourteenth century, however, and the starting point of this survey, it had become usual for a statement of the date to be incorporated, usually at the beginning but sometimes at the end of a person's last will and testament, in order to help to establish that the text in question was the final and definitive document that superseded any previous version.

The dating formulae available, which appear in multiple permutations in the sampled texts, can be broken down into their component parts, and identified as: Week Day (W); Date-in-the-Month (D); Month (M); Saint's Day or Religious Festival (F); Calendar Year (Y) (variously described); and Regnal Year (R) (with or without reference to that reign being 'after the Conquest'). *Table 5.4* (below) illustrates the permutations of phrasing components used in all three languages and the number of testators in specific social groups to use each of the resulting forms.

---

[13] For an assessment of the development and growth of the practice of dating documents, and the variations and problems involved, see M. T. Clanchy, *From Memory to Written Record: England 1066-1307*, Second Edition (1979; Oxford: Blackwell, 1993) pp. 299-304. See also Pierre Chaplais, *English Diplomatic Practice,* pp. 121-123.

Table 5. 4   DATE FORMULAE ANALYSIS: LATIN, FRENCH, AND EARLY ENGLISH

	ROYALTY	ARISTOCRACY	NOBILITY	UPPER GENTRY	MIDDLE GENTRY, MERCHANT OR LOWER	ECCLESIASTICAL	UNKNOWN	TOTAL
LATIN TEXTS								
D M Y			2	6	6	6		20
D M Y R		2			1	2		5
F Y			1	1	2	1		5
W F Y				2		2	1	5
Y D M				1	1	1		3
D F M Y R				1				1
Y M D						1		1
Y R D F				1				1
Y F				1				1
W F Y R				1				1
FRENCH TEXTS								
D M Y	2	8	1	1			1	13
D M R		2	2	3				7
D M Y R	2			1				3
W F M Y		1						1
W F R			2	1				3
W D M R							1	1
W D M R Y				1				1
F D M Y			1					1
W F Y				1				1
F Y		1						1
Latin date accompanying				1			1	2
ENGLISH TEXTS								
D M Y		1	1		18		3	23
D M R				1	6		1	8
D M Y R			1		3			4
Y D M			1		2			3
F Y R					3			3
F R			1		1			2
F D M Y R					1			1
D M R Y					1			1
D M					1			1
W F Y			1		1			2
Y			1					1
Latin date in text					2			2
Latin date accompanying					2		1	3
Undated					6		2	8

KEY: W = Week Day; D = Date in the Month; M = Month; F = Festival or Saint's Day; Y = Calendar Year; R = Regnal Year.

Analysis of the variety of ways in which the texts in question were dated indicates that in the sample of sixty-two vernacular testaments made between 1387 and 1435 eleven different formats are

used, albeit some of them markedly more frequently than others.[14] The thirty-four French testaments use ten different composite phrases, while the forty-four Latin testaments sampled incorporate ten, these heavily weighted towards the conventional form of Date-in-the/Month/(Regnal)Year.

Further scrutiny of these clauses, both the more and less favoured, in all three languages, especially when the texts are viewed in the light of other considerations regarding the nature of the sample and the individual testators within it, allows certain observations to be made and conclusions to be drawn. The dating components will be examined first, looking in turn at the forms of every element found in each of the three languages – Latin, French, Early English, and Later English – first calendar year and regnal year, then more precise markers. Preferences within each linguistic group will then be discussed in turn in Section II. i. iv., 'Dating Trends Analysis'.

II. i. i.   CALENDAR YEAR

With regard to the sampled Latin texts, a constant feature of the dating-clause formulae is the noting of the calendar year, an element that is included in all the sampled texts, although rendered by individual scribes as words, numerals, or a combination of both, according perhaps to personal preference, or maybe influenced by training.[15] It might even be that such refinements were a regional characteristic or, more locally still, a practice passed from master to pupil during secretarial or administrative apprenticeship. The multiple episcopal scribes of the northern province almost universally favoured use of numerals alone, while the scribe responsible for many of the texts preserved in Archbishop Chichele's register in the southern province predominantly followed the pattern of writing out the first word in full - 'millesimo cccc^{mo} xv^{mo}' for example.[16] Whichever combination of words and/or numerals was favoured, the year itself is generally defined in a very methodical manner as *anno Domini* – 'year of the Lord' – the

---

[14] The increase in the number of vernacular wills in this section results from the addition of a largely Latin text, of which the opening, including the dating clause, is in English.

[15] The texts under discussion are the transcripts made for probate purposes rather than original documents, and therefore represent the work of the court-of-probate scribes rather than the legal professionals who composed them. Examination of duplicate texts described in Chapter 6 of this thesis indicates, however, that these clerks maintained a high degrees of accuracy, and did not wilfully edit or amend their copy texts. See below, pp. 205-214.

[16] The introduction in *RHC*, points out that the same scribe was responsible for copying the wills to be found between ff. 264-321 and ff. 337-53 in Archbishop Chichele's register. The same scribe was also responsible for much of the preceding material and the associated marginalia. See above, p. ix.

traditional form of words that conveyed not only a general sense of reverence but also defined the date as being calculated according to the Christian calendar. Furthermore, it would appear that in the Latin texts (at least those under discussion) the use of the regnal year is never treated as a viable substitute for the calendar year, and on the odd occasions when the regnal year is given it is supplied in addition to the standard form.[17] The will of Michael de la Pole, for instance, on which probate was granted by Archbishop Chichele, commences as follows:

> In Dei nomine Amen. Ego Michael de la Pole comes Suff' *primo die Iulii anno Domini millesimo cccc^{mo} xv^{mo} et anno regni regis Henrici quinti post conquestum tercio* sanus et compos mentis existens in hunc modum meum condo testamentum.[18]

In the French testaments, the manner of recording the year appears to be more flexible, with texts generally using either the calendar year or the regnal year, and only occasionally both. It would also appear, at least with regard to the surviving evidence, that when the calendar year is given it is the usual scribal practice to write it out in full, rather than using numerals (although these do occasionally appear) generally introducing it with a formula apparently rooted in the accustomed Latin *anno Domini*, such as that which appears in the testament of Gilbert de Aton, recorded in Archbishop William Zouche's register: 'l'an de nostre Seigneur mile trescent cynkante'.[19] This concise formula is occasionally given in a more elaborate form, such as 'l'an del incarnacion nostre seigneur', which is found in the earliest of the sample texts, dating from 1347,[20] or even 'lan del incarnacion nostre Seigneur Jesu', as in the testament of Alice Stury, made in 1414.[21] An occasional alternative to the Latin-inspired form and its variations is

---

[17] The formulae under discussion here are only those found in the sampled texts. There was also a convention that dated documents according to the papal year, but no such example occurs amongst the texts in question.

[18] Testament of Michael de la Pole, 1415, LPL, Reg. Chichele, ff. 283r-283v, reproduced in *RHC*, and in *North Country Wills* (Surtees Soc. 1908), p. 8. (Emphasis added.)

[19] Testament of Gilbert de Aton, 1350, BI, Reg. 10 (Zouche), ff. 324r-324v, reproduced in *Test. Ebor. I*, pp. 62-63.

[20] Testament of John de Warren, 1347, BI, Reg. 10 (Zouche), f. 316v, reproduced in *Test. Ebor. I*, pp. 41-45.

[21] Testament of Alice Stury, 1414, LPL, Reg. Chichele, ff. 266r-67r, reproduced in *RHC*, pp. 7-10. Such a format, although unusual, was not entirely unheard of in Latin texts too, such as that of Adam de Mottrum whose 1415 testament was dated 'Anno ab incarnacione Domini....' LPL, Reg. Chichele, ff. 277r-278 and *RHC*, pp. 41-44.

the characteristic French phrase *l'an du grace* exemplified by Elizabeth Montagu's testament of 1414, for instance, or that of Edward, Duke of York written the following year.[22]

In the English testaments from the early period, the calendar year is noted in thirty-seven of the sixty-two texts (sixty per cent), the remainder relying on the regnal year, the date in an accompanying text, or in a significant number of cases (this in marked contrast to the Latin, French, and later English testaments studied) remaining undated. The year itself is almost always written in numerals, although often with the word *millesimo* either in a partly-abbreviated form or written in full, and the accustomed Latinate formula *year of the Lord* as the predominant accompanying phrase. More elaborate variations in the wording are also to be found, though. The earliest testament in the vernacular sample, that of Robert Corn (1387) echoes the phrase found in the earliest of the French texts (above), with 'the ȝer of the incarnacion of our lord', while the testament of Thomas Broke composed in 1417 combines this form of words with the expression *year of grace* that had previously been observable only as a variation peculiar to francophone testaments, to give 'the ȝer*e* of gr*a*ce & of þe incarnacyo*u*n of oure Lord Ih*e*su Criste'.[23]

Perhaps the most noticeable feature of the late fifteenth-century sample of texts is that only one, that of Marjory Salvayn composed in 1496, omits to supply any date at all.[24] Nor are any of the later-period vernacular wills dated in Latin or only by association with a companion text, unlike the earlier documents. Of the sixty-one later-period testaments that are dated, as can be seen in *Table 5.5* (below) only one fails to include the calendar year, relying instead on the regnal year to give 'the vth day of September in the yere of the Reigne of king Henry the vij after the conquest xiiijth', and two use only the calendar year with no other supporting information, something that does occur in the earlier group of English texts (although only once) but not at all in the Latin or French.[25]

---

[22] Testament of Elizabeth Montagu, 1414, LPL, Reg. Chichele, ff. 268v-270r, reproduced in *RHC*, pp. 14-18; testament of Edward, Duke of York, 1415, LPL, Reg. Chichele, ff. 284v-285v, reproduced in *RHC*, pp. pp. 63-66.

[23] Testament of Robert Corn, 1387, LMA, 9171/1, f. 198v, reproduced in *FEEW*, pp. 1-2 ; testament of Thomas Broke: TNA, PRO PROB 11/2 f. 316r, reproduced in *FEEW*, pp. 26-28.

[24] Testament of Marjory Salvayn, 1496, BI, Prob. Reg. 5, f. 480r.

[25] Testament of James Rawson, 1499, BI, Prob. Reg. 3, ff. 340r-340v; testament of James Danby, 1496, BI, Prob. Reg. 5, f. 499v; testament of Edmund Greneley, 1497, BI, Prob. Ref. 5, ff. 151r-152v.

Table 5.5 DATE FORMULAE ANALYSIS: LATER ENGLISH

	ROYALTY	ARISTOCRACY	NOBILITY	UPPER GENTRY	MIDDLE GENTRY, MERCHANT OR LOWER	ECCLESIASTICAL	UNKNOWN	TOTAL
D M Y		1	4	3	24	1	4	37
D M Y R				3	15		2	20
F Y					1			1
Y				1	1			2
D M R					1			1
Undated				1				1

KEY: D = Date in the Month; M = Month; F = Festival or Saint's Day; Y = Calendar Year; R = Regnal Year.

One further testator, Sir Thomas Delamere, who composed an autograph text in 1490, only augmented his noting of the calendar year by referring to a religious festival rather than quoting the date and/or month, to give 'this present day of passion eve In the yere of oure lord Ih*es*u Criste a Ml CCCClxxxx', a departure from the usual *year of our Lord* (*God*).[26] As an autograph will this text tends towards more individual phrasing, so should not be regarded as representative of majority practice.[27] Furthermore, it is notable that of those later English testaments in which the recording of the date could be described as eccentric by the standards of the sample as a whole - eight per cent of the texts analysed - all except Delamere's are from the northern region where English-language testamentary production was a more recent development.

II. i. ii. REGNAL YEAR

While it has been noted that in the sample of Latin testaments the regnal year is not used as a substitute for the calendar year, in both French and early English testaments attitudes in this respect appear more flexible. Indeed, with regard to formulaic phrases of this type it seems likely that the use of Latin would have distanced most, if not all, testators and even the less competent or well-trained scribes and clerks

---

[26] Testament of Thomas Delamere, 1490, TNA, PRO PROB 11/9, ff. 169v-170v.

[27] See above pp. 127-129 for a discussion of Richard Claver's autograph testament, one that is also more individual in structure.

from the finer details of phrasing and made it more likely that even legal professionals would repeat their own habitual formulae unless they were notably proficient linguists. On the other hand, for a will writer not restricted to the use of Latin phrases that had possibly been learnt by rote, but able to use a more familiar and therefore more flexible language, there might have been more scope for their own preferred mode of expression or even to reflect any individual preferences expressed by their client. Furthermore, it also seems possible that such a client might have been more inclined and able to indulge his (or, from time to time, her) own whims in matters of wording during the composition of a document written in their mother tongue than if it had been in legalistic Latin. Thus, in the French texts use of the regnal year first appears in 1381 concluding the text of William, Lord Latimer's testament and repeated at the beginning of the disposition of his real property immediately afterwards. Both instances use the identical form of words: 'l'an de Roi Ricarde seconde puis le conqueste quart'.[28] Of the thirty-four testators in the sample who favoured French, Lord Latimer's is one of seventeen texts to use the regnal year instead of the calendar year, while four more use both forms, giving a total of more than fifty per cent of Francophone testaments making some reference to the regnal year. This feature is less pronounced in the early English texts examined, with thirteen of the texts suitable for analysis using the regnal year as a substitute for the calendar year and a further nine using both forms in tandem, giving a total of forty-five per cent of the early English sample referring to the regnal year.

By the later period, the vernacular texts sampled indicate that use of the regnal year had decreased further in popularity, with thirty-four per cent of dating clauses using it. On all but one occasion it is merely appended to the standard Date-in-the-month/Month/Year format, and it is almost always simply stated, only occasionally even going so far as to describe the monarch as *our sovereign lord*. Furthermore, it can be observed that of those testaments in the later-vernacular sample that add the regnal year to the standard Date-in-the-month/Month/Year format, only one is from the northern province and does not occur until 1499. Possibly certain elements of vernacular phrasing used in the north were not consistent with practices found in the home counties, or at least some northern scribes

---

[28] Testament and will of William, Lord Latymer, 1381, BI, Reg. 12 (Neville), f. 115r, reproduced in *Test. Ebor. I*, pp. 113-116.

and legal clerks were working from exemplars that were peculiar to the local area, or had been taught a particular form which they continued to reproduce.[29]

II. i. iii. MARKING THE DAY

While the calendar year and/or regnal year is perhaps the most important part of the dating clause from a practical point of view, numerous other details are generally present in the Latin testaments as well as (and more particularly) in the French and English ones, their juxtaposition enabling more precise, and indeed more individual, dating. In all three languages a combination of the numerical day, month, and year (whether calendar, regnal, or both) is the most common format, such as concludes the testament of Joan Heryng: 'Wretyn at bery þ^s iiij day of Septembr*e* þ^e ȝer of ower lord m^l iiij^c . xix'.[30] By way of elaboration the day of the week, a saint's day or religious festival, and various additional words and phrases are also used, resulting in a much more elaborate form of words, as in the testament of Thomas Erpingham. This records that the document had been written 'in the feste of the Purificacion of oure Lady the yeer of oure Lord m^l cccc^{mo} xxvij^o and of the regne of kyng Herry the sixte after the conquest the vj^e...'.[31]

II. i. iv. DATING TRENDS ANALYSIS

Out of a total of forty-three texts in the Latin sample, only twelve testators (twenty-eight per cent) strayed from the precise form based round Date-in-the-month/Month/Year. Of those twelve, all note the year (though none adds the regnal year) and mention a religious festival for more precise identification, the format favoured by the will-writer William Boyvile.[32] Six of these less conventional texts also include the week-day to give, for instance, 'die mercurii proximo ante festum Sancti Iohannis Baptiste anno Domini millesimo cccc^{mo} xv^{mo}'.[33]

---

[29] Testament of Thomas Markynfeld, 1493, BI Prob. Reg. 5, ff. 498r-499r.
[30] Testament of Joan Heryng, 1415, BRO, R2/2/155.
[31] Testament of Thomas Erpingham, 1428, LPL, Reg. Chichele, ff. 402v-403v, reproduced in *RHC*, pp. 380-381.
[32] See above, pp. 107-113.
[33] Testament of Thomas Clynton, 1415, LPL, Reg. Chichele, f. 281v, reproduced in *RHC,* p. 55.

It is notable that demographic analysis of the Latin testators reveals not only that two thirds of the testaments in the representative sample use the standard phrasing, but that it is the testaments made for higher-status individuals and members of the clergy that tend to comply most faithfully with the customary formula of Date-in-the-month/Month/Year (with or without the addition of the regnal year), and that within that elevated social group the wills of ecclesiastics are the most determinedly traditional of all in their manner of dating. It is perhaps worth considering that individuals in both these groups of testators - those of high status and ecclesiastics - might all have been using clerks who were the product of the same or similar types of teaching. It seems likely that even the secretarial duties performed on behalf of individual churchmen in a personal capacity would have been undertaken by clerks trained and employed by the Church, while the extensive administrative duties required within private families at this relatively high level would have made it necessary to employ estate servants whose training had also followed an advanced curriculum, one likely to have included legal study in addition to scribal and secretarial skills. Larger households in particular are known to have employed full-time bailiffs, administrators, and secretaries on a permanent basis. When engaged in the production of legal documents such functionaries, whether within the Church or in secular life, might even have been expected to produce documents in what could be termed the 'house style', with senior secretaries training newer employees as they themselves had been trained, and using documents preserved from earlier generations as exemplars.

With regard to the French testaments more than three quarters of those in the sample use the more formal and exact Date-in-the-month/Month/(Regnal) Year dating format, occasionally embellishing this with a reference to the day of the week or a festival.[34] Although this linguistic group tended towards the magnate class (see *Table 5.2*, above) it is still possible to discern within it a trend towards traditional dating at the upper end of the social range, with the royal testaments and all but two of the aristocratic testators favouring a clear statement of the day and month followed by either the calendar or regnal year. Again, it is arguable that testators of such elevated status would have been

---

[34] These formulae are identified as DMR, DMY, DMYR, WDMR, WDMTY and FDMY. See above, *Table 5.4*.

inclined to employ scribes or legal counsel of the highest professional standing whose training is likely to have equipped them specifically to follow formal methods. As with the Latin texts, reference to a religious festival might be added to the standard form, as in Elizabeth Montagu's testament, made on 'le veigle de Seint Katerine et xxiiij iour de Novembre lan du grace m[l] ccccxiiij[ieme]' leaving no room for ambiguity.[35] Sir William Mowbray's two French texts, however, although they refer to the day of the week, omit to mention what date that day fell upon in the month in question, relying instead on the closest feast day:

> Escrit a Everwyk le dymanque prochayn apres le fest de Saynt Johanne le Baptiste l'an du regne du Roy Richard le Second puis le conquest quatorsysme.

And:

> Escrit a Everwyk le dymangue prouchayne avant le fest de Saynt Petre ad vincula l'an le Roy Richard le secound quynzesme.[36]

A dating convention of this sort was widely accepted and not uncommon in the Latin texts sampled. Its accurate interpretation probably presented less difficulty in an age of faith when ecclesiastical minutiæ were more part and parcel of everyday life. It was, though, less clear and precise than the statement of Date-in-the-month/Month/Year which appears to have been favoured by the majority of legally-trained professional clerks and scribes whatever the language.

The sixty-two testators whose wills were written in the English vernacular between 1387 and 1435, comprised a generally lower-status group than those who used French, as is clear from *Table 5.2* (above), with no royal testaments surviving in the vernacular from this period, and only one member of the aristocracy represented in the sample. Of the six relatively high-status testators (one from the high aristocracy and five members of the nobility) all but one favoured the formal style of date rooted in the Latin tradition, or employed a scribe who did so, and of those testators in this sample whose testaments

---

[35] Testament of Elizabeth Montagu, 1414, LPL, Reg. Chichele, ff. 268v-270r, reproduced in *RHC,* pp. 14-18.
[36] Testaments of Sir William Mowbray, 1390 and 1391, BI, Prob. Reg. 1, ff. 27r-29v, reproduced in *Test. Ebor. I*, pp. 144-5, 158-61. (The days in question would have been 20th June, 1390, and 31st July, 1391.)

rely solely upon a combination of Festival and Year (FY) or Weekday, Festival, and Year (WFY) only two enjoyed noble rank, and the rest were of more humble status. Indeed forty of the sixty-two texts available from this period use the formal Date-in-the-month/Month/(Regnal) Year format, or a variation upon it.[37] Of the remainder, two are dated in Latin, three rely on the date in a Latin companion text, and eight have no date at all. It is notable, however, that in the vernacular sample, unlike the Latin and French groups, there are two autograph texts, two that are signed, one where a testator made his own mark to accompany his seal, and there is one will in which the testator claims a close involvement, an assertion that is born out by the singular degree of self-loathing it expresses, beyond conventional formulaic protestations of unworthiness.[38] The text then concludes:

> This testament is my volle & hole wille þe day of þe date of þis my tesament, the dat*e* in my Manour of Holditch, on Setrysday in þe vygyle of þe Holy Trynyte, the ȝer*e* of gra*c*e & of þe incarnacyo*u*n of oure Lorde Ih*es*u Criste, M¹ CCCC^mo . xvº. Thys twey Lynis I wrete almeste w*ith* myn owne Hond.[39]

It is interesting to note, moreover, that all the texts that show evidence of what might be termed 'client participation' were made by members of the middle gentry or lower, and that there is amongst them a tendency towards eccentricity in their dating clauses, ranging from total omission to (as in the following case) a remarkable level of over-complication:

> At the fest of seynt Nicolas & the translacion of seynt Andrewe, of bothe translacion, that is to sei, the ix dai of Maij, the yere of owre lord a thousand iiij hundred & xxxiiij And the reyn of our lege lord the kyng Harre the sexte of his conquest, the xj yer....[40]

Of the 'involved testators', only one, Sir Richard Tyrell of Stoke D'Abernon in Surrey, produced what might be thought of as a 'textbook will', concluding:

> Writen ... the xxvj day of Maij the regne of kyng Harry the vj aftir conquest the ix ȝer*e* and of our lord of Heuen a M¹ cccc & xxxj . writen with myn owen hond. [41]

---

[37] These formulae are identified as DMY, DMR, DMYR, FDMYR and DMRY in *Table 5.4* (above).

[38] See for instance William Brown's description of his body as 'sinfull'. Testament of William Brown, 1488, TNA, PRO PROB 11/8, ff. 181v-182r.

[39] Testament of Thomas Broke, 1417. TNA, PRO PROB 11/2 f. 316r, reproduced in full in *FEEW*, pp. 26-28.

[40] Testament of Roger Elmesley, 1434. LMA, 9171/1, f. 431v, reproduced in *FEEW*, pp. 100-103.

[41] Testament of Richard Tyrell, 1431, TNA, PRO PROB 11/3 f. 106v, reproduced in *FEEW*, pp. 89-90.

By the last decade of the fifteenth century, use of the standard unembellished Latinate form had become very much more usual, with ninety-two per cent of the sampled texts following this Date-in-the-month/Month/(Regnal)Year format. This configuration can therefore be said to be common to all ranks in society rather than the preserve of a particular demographic group. While the sample of late-fifteenth-century texts is too small a percentage of the total surviving corpus to reveal anything more than a general trend, dating by saint's day or religious festival hardly occurs at all within it, the exception being the autograph (and therefore arguably unrepresentative) text of 1490.[42] Furthermore, none of the sampled later texts makes any reference to the day of the week, an element present in fourteen per cent of the Latin sample and twenty-one per cent of the much smaller surviving French corpus. The absence of any reference to a weekday seems to be a feature that is consistent with preliminary indications in the early vernacular texts, since only three texts in that group include it, the latest in 1417, indicating that it was already an element that was starting to fall from favour relatively early in the vernacular testamentary tradition and continued to do so, even though it had been successfully transplanted from Latin to French.

While the precedent for using additional dating features had been established in some of the earliest Latin testaments extant (see for instance that of Richard de Elmham made in 1228) the standard form of Date-in-the-month/Month/Year was more rigidly adhered to in the Latin texts than it would be in either the French corpus or amongst the earlier English examples.[43] By the end of the fifteenth century, however, English-language wills were much less likely to incorporate elaboration on the traditional Latinate form, the business-like Date-in-the-month/Month/Year having become standard best practice.

---

[42]   Testament of Thomas Delamere, 1490, TNA, PRO PROB 11/9, ff. 169v-170v. See above p. 144.
[43]   Testament of Richard de Elmham, 1228, reproduced in Joseph Burtt (ed.), 'Will of Richard De Elmham, Canon of the Church of St Martin Le Grand, London Dated June 28, 1228', *Archaeological Journal*, vol. 24 (1867) pp. 343-4. See above, p. 80.

II. ii.   GENERAL PREAMBLE: SOUNDNESS OF MIND

For a will to be legal and binding it was necessary that the testator should be of sound mind.[44] It was usual, therefore, for a statement attesting to his or her mental stability to be included as part of the opening preamble to the bequests. Although during the part of this survey covering the years 1347 to 1435 the practice of inserting such a clause was not adhered to with such dependable regularity as the dating of testaments, nor as methodically as would be the case during the 1490s, a claim of mental soundness is still present in a sufficiently large proportion of the available texts in all three of the languages under discussion, for comparisons in wording to be made. This section will examine the soundness-of-mind clauses in the Latin sample before analysing those in French, the early English testaments and those composed in English during the 1490s.

II. ii. i. LATIN

In the case of the Latin testaments in this study, seventeen of the forty-three texts examined (forty per cent) omit any reference to the testator's mental soundness. These seventeen texts do not fall within any particular period or apply to a specific geographical area, but are evenly distributed throughout the whole chronological range of the sample and occur in both the northern and southern regions. The tendency to omission, however, appears proportionally less prevalent in the north, perhaps due to the demographic trend there towards higher status testators who might therefore be presumed able to afford the best legal assistance. In support of this suggestion, examination of the whole Latin sample does indeed reveal that all the wills made by or on behalf of either aristocratic or noble testators, whether in the north or south, confirm their maker's mental capacity. Where an omission of this clause does occur it tends to be in the wills of lower-status testators although there appears to be no correlation between neglecting to include this statement and using a haphazard or imprecise dating format, so its absence may reflect differing attitudes to its necessity rather than professional carelessness.

---

[44] Those disqualified from will making in England's testamentary system were based on categories enumerated under Roman law and reiterated by Lyndwood in the first half of the fifteenth century. Despite differences in interpretation at times between Church and Common Law, those who might be disqualified from testamentary capacity included minors, married women, and the mentally unsound. W. S. Holdsworth, *History of English Law*, 12 vols (London: Methuen, 1903-1938), vol. 3, 424-428.

The twenty-six Latin wills (sixty per cent) that do include a statement of mental soundness are notable for the small amount of possible vocabulary that is used. The lexical range is limited to a total of sixteen key words, of which seven, variously spelt and declined as required – *bona, compos, corpore, existens, memorie, mentis* – occur most frequently, but another eight – *debilis, deliberata, eger, integer, intellego, licet, loquela, plena, solide* – are also employed. Of the more commonly used vocabulary, certain combinations are characteristic. The familiar phrase *compos mentis*, one still commonly used to indicate *in full possession of one's faculties*, occurs in twelve of the twenty-seven texts examined, whether alone as in Richard Parker's 1425 testament, or, as in the case of the will of Thomas Knolles made ten years later, as part of a slightly more elaborate statement and half of a characteristic doublet format: 'compos mentis et in bona memoria existens'.[45] Similarly, the phrase *sanus mente* (*healthy of mind*, or an elaboration of that such as 'sanus et integer mente...') also occurs twelve times, again spanning the whole sample from 1345 to 1435.[46] This phrase is also coupled with five of the six references in the sample to the bodily health of the testator: Richard de la Pole's testament, dated 1345, uses the phrase 'sanus mente et corpore intellectu et loquela', while the testament of John de Wodhous, rector of Sutton upon Derwent in the East Riding of Yorkshire, written in the same year, is less sanguine, claiming only 'sanus mente licet corpore debilis'.[47] Some indication of the reasoning behind the inclusion of a reference to physical health can perhaps be deduced from the narrative preceding the opening preamble to the will of Sir Ranulph Blanchminster, made in 1348, which before making a conventional attestation to mental and physical soundness elaborates on the importance of good health to the credibility of a testament:

> While the body lives in corporal health and the mind within is not impeded by weakness, it possesses fuller reason than an infirm body [which], being weighed down by various weaknesses, cannot consider what is required [of it], whence the judgment [necessary for] a last will, in which the use of reason is required, is more healthfully and prudently forthcoming at that time. For which reason I, Ranulph of Blanchminster, knight, being sound in mind and body at the completion of these presents, in the name of the Father and

---

[45] Testament of Richard Parker, 1425, LPL, Reg. Chichele, ff. 285v-286r, reproduced in *RHC*, pp. 316-317; testament of Thomas Knolles, 1435, LPL, Reg. Chichele, ff. 451r-451v, reproduced in *RHC*, pp. 521-522. The word '*memoria/memorie/memory*' will be discussed with reference to both French and English developments in aspects of its meaning. See below, p. 155.

[46] Testament of Richard Panter, 1425, LPL Reg. Chichele, f. 387v, reproduced in *RHC*, p. 322.

[47] Testament of Richard de la Pole, 1345, BI, Reg. 10 (Zouche), f. 303r, reproduced in *Test. Ebor. I*, pp. 7-9; testament of John de Wodhous, 1345, BI, Reg. 10 (Zouche), f. 301r, reproduced in *Test. Ebor. I*, pp. 14-16.

the Son and the Holy Spirit, amen, on the Saturday next after the feast of the Ascension of the Lord, in the year of the Lord 1348, compose and ordain my testament in this manner.[48]

Even in an individualised narrative such as this product of a Latinate testator, or when personal circumstances might have warranted some variation, a certain amount of uniformity of phrasing is observable despite the permutations possible within the relatively limited range of vocabulary. Once again the simple phrase *sanus mente* provides a particular example of this, occurred three times between 1415 and 1425 in the texts drawn from the Chichele archive, in addition to the expanded forms mentioned above. The most commonly-used phrase in the sample, though, is *compos mentis et sana memoria* which occurs five times between 1395 and 1425, the first three instances being in texts from the northern province (1395, 1405, and 1415), and the last two (1415 and 1425) from the southern, showing a degree of continuity of expression through the period in question and across notional geographical boundaries.[49]

II. ii. ii. FRENCH

The surviving French testaments constitute a small subset of texts and a pioneering linguistic development undertaken at a time when the Latin will form had long been the established and familiar legal instrument for the disposal of property. It is perhaps unsurprising, therefore, that the French texts should have much in common with what must at that time have been regarded as the standard testamentary document, despite deviating from the usual practice in the matter of language. As with the Latin texts, some of the French ones also omit any reference to the testator's soundness of mind or rely on that given in the accompanying Latin testament.[50] Of the thirty-four French texts analysed, fourteen

---

[48] Testament of Ranulph Blanchminster, 1348, BI, Reg. 10 (Zouche), f. 328v. Translation of the Latin original is taken from Nicholas Orme (ed.), *Cornish Wills 1342-1540*, Devon and Cornwall Record Society, New Series, vol. 50 (Exeter: Devon and Cornwall Record Society, 2007) pp. 27-30. This translation constitutes a revised version of that published in R. W. Goulding, *Records of the Charity Known as Blanchminster's Charity* (Louth, Stratton, and Bide, 1989) pp. 17a-20a. The date referred to here would have been 31st May.
[49] From the north: testament of John Graystock, 1395, BI, Prob. Reg. 1, f. 95r, reproduced in *Test. Ebor. I*, p. 205; testament of John Le Scrope, 1405, YML, D&C Reg. 1, f. 138v; and testament of Isabella Wyleby, 1415, BI, Reg. 17 (Bowet), f. 362r, reproduced in *Test. Ebor. I*, p. 381. From the south: testament of John Fouleshurst, 1415, LPL, Reg. Chichele, f. 290r, reproduced in *RHC*, p.78; and testament of John Anton, 1425, LPL, Reg. Chichele, ff. 386v-387r, reproduced in *RHC*, p. 319.
[50] See, for instance, testament of Thomas FitzAlan, Earl of Arundel, 1415, LPL, Reg. Chichele, ff. 287r-289v, reproduced in *RHC*, pp. 71-78.

(forty-one per cent) make no mention of the testator's mental capacity, a similar percentage to the Latin sample.

The date range of those testaments that omit mention of their maker's sanity is, as with the Latin sample, wide, extending from 1347 to 1429, nearly the whole period covered by the French corpus. Within the available French testators, however, the unavoidable demographic skew towards the magnate class (the corpus ranges only from armigerous gentry to royalty) has made the social span of those testators whose wills failed to include a clause attesting to their soundness of mind proportionally higher, so while the majority of such testators were members of the upper gentry, two were of noble status and one was a member of the aristocracy.[51] The omission hints at a shortage of reliable French texts to act as formularies, and indicates that in some cases Latin examples might have been translated by individuals whose linguistic skills exceeded their legal knowledge, access to the best legal counsel notwithstanding.

Amongst the twenty French texts (fifty-nine per cent) that include a soundness-of-mind clause perhaps the most noticeable feature, and that which links such clauses most obviously to the Latin ones sampled, is the nature of the specific words chosen. Furthermore, as with the Latin texts, the range of vocabulary is limited: only six key words are combined in various permutations to make up the very formulaic phrases used. These six words, variously spelt – *bon, corps, memorie, pleyne, puissant, sayne* – are all of Latin derivation and five of them are notably close to their Latin source words, ones which were already familiar components of this type of clause in the Latin testaments of the period. The single exception is the French word *puissant*, which although derived from the Latin *potens* (mighty), does not occur in the Latin texts sampled. Nevertheless, the French vocabulary used is sufficiently similar to the Latin to make it unsurprising that the two testators who confirmed themselves 'sana mentis memoria' in their Latin testaments felt it unnecessary to make the same claim in the accompanying French wills of realty.[52]

---

[51] Testament of Gilbert de Aton, 1350, BI, Reg. 10 (Zouche), ff. 324r-324v, reproduced in *Test. Ebor. I*, pp. 62-63; will of Sir William Mowbray, 1391, BI, Prob. Reg. 1, f. 27r reproduced in *Test. Ebor. I*, pp. 144-145; testament of John Mowbray, 2nd Duke of Norfolk, 1429, LPL, Reg. Chichele, ff. 434v-435v, reproduced in *RHC,* pp. 472-476.
[52] Testament of Thomas FitzAlan, Earl of Arundel, 1415, LPL, Reg. Chichele, ff. 287r-289v, reproduced in *RHC,* pp. 71-78; testament of Edmund Thorpe, 1418, LPL, Reg. Chichele, ff. 335r-535r, reproduced in *RHC*, pp. 334-335r.

Looking in more detail at the specific words used in the French texts, it is noticeable that the word *memorie* occurs without exception in all of them. In a legal context this word had developed from the Latin word *memoria* connoting *memory, memorial,* or *remember* to become associated with sense or mind. The French word *memorie*, therefore, when combined with *sayne* to give *sayne memorie* can be regarded as the equivalent formulaic phrase to that generally rendered in modern English as *of sound mind*, something which had only been implied by the Latin phrase *bona memorie* with its more literal meaning of *good memory*. French testators John de Warren and William Latimer, in testaments composed more than thirty years apart, both declared themselves to be 'en bone et sa(y)ne memorie/oire', indicating a degree of continuity over time and adherence to the established spirit and purpose of the clause in question, even though it had originated as a direct translation of the Latin original.[53]

It could be argued that the way the word *sayne* is used in the francophone will texts further supports the idea of a direct sequential progression between Latin and French testamentary formulae and word choices. Continuing the tradition of linguistic frugality characteristic of the Latin exemplars, *sayne*, which occurs eight times in the French texts in various forms, is used on four of those occasions to describe a testator's physical condition in a manner reminiscent of its Latin equivalent, as when the testament of William Fauconer claims him to be 'sains et en bone memorie' – *healthy and in good mind*.[54] The French word *pleyne* (implying *full*, *whole*, or *entire* – a construction that will be observable in the English texts discussed below) is also applied to mental capacity in conjunction with *memorie* and once complementing *sen*, a term which again might arguably refer to physical health – 'en mon pleyn sen et memorie'.[55] Since none of the French testators appears to have been in poor health though, the vocabulary relevant to sickness which had expanded the Latin lexicon (*eger*, *debilis*) was not required.

Including the two uses of *sains/sen* noted above, both in men's testaments, there are six specific or implied references in the French-language corpus to a testator's physical wellbeing, all of which are in

---

[53] Testament of John de Warren, 1347, BI Reg. 10 (Zouche), f. 31v, reproduced in *Test. Ebor. I,* pp. 41-45; testament of William Latimer, 1381, BI, Reg. 12 (Neville), f. 115r, reproduced in *Test. Ebor. I*, pp. 113-116;
[54] Testament of William Fauconer, 1415, LPL, Reg. Chichele, f. 278r, reproduced in *RHC*, p. 44.
[55] Testament of Thomas Culpepper, LPL, Reg. Chichele, ff. 403v-405r, reproduced in *RHC,* pp. 382-386.

transcripts entered into the register of Archbishop Chichele. The most notable instances occur in wills by three of the four female francophone testators, Alice Stury and Elizabeth Montagu, who both made their testaments in 1414, and Philippa, Duchess of York, whose testament is the latest surviving French example in the group and is dated 1431.[56] The fourth female text is that of Isabella Ufford, whose 1416 testament merely acknowledges that she is 'en ma pleyne memorie' and makes no mention of her physical health.[57] The wording of all three documents is notably similar. Alice Stury's will records her to be 'en sainte de corps et en bone memorie', while the testaments of Elizabeth Montagu and the Duchess of York, despite being separated by at least thirty years, use almost identical phrases in this respect, differing only in the orthography of the initial *je/jeo,* to read 'je/o suy puissant de corps et de memorie', again showing consistent adherence to the traditional forms. Yet these three women's wills are unique within the surviving corpus of French wills, male or female, in their use of the word *corps* to make overt reference to bodily health, and the latter two testaments (Montagu and York) are the only ones to use the word *puissant* in this context.

II. ii. iii.   EARLY ENGLISH

The earliest surviving English will text, that of Robert Corn, which is preserved in the archive of the London Commissary Court, dates from 1387, forty years after the earliest French testament discussed here.[58] As with the French narratives, those written in English show signs of having developed out of the Latin tradition. Also as with the French corpus, the sentiments expressed in the early English texts regarding soundness of mind are similar to those found in the Latin *pro formae.* Both the semantic range and the quantity of the key words used (*deliberation*, *discretion*, *estate*, *full*, *good*, *health*, *memory*, *mind*, *reason*, *right*, *safe*, *sickness*, *speech*, *whole*, *wits*) are comparable to those in the Latin texts of the period though, and markedly larger and more varied than in the French, employing a larger number of

---

[56] Testament of Alice Stury, 1414, LPL, Reg. Chichele, ff. 266r-266v, reproduced in *RHC,* pp. 7-10; testament of Elizabeth Montagu, 1414, LPL, Reg. Chichele, ff. 268-270, reproduced in *RHC,* pp. 14-18; testament of Philippa Duchess of York, 1431, LPL, Reg. Chichele, ff. 428r-428v, reproduced in *RHC,* pp. 457-460.
[57] Testament of Isabel Ufford, 1416, LPL, Reg. Chichele, f. 296r, reproduced in *RHC,* pp. 94-97.
[58] Testament of Robert Corn, 1387, LMA, 9171/1, f. 198v, reproduced in *FEEW,* pp. 1-2.

synonyms. More than a third of these early English testaments fail to include a soundness-of-mind clause, although this group includes one nuncupative text and two texts with English codicils.[59] One of those testaments recorded only partly in English also omits the soundness-of-mind clause.[60] As with the Latin and French examples, these neglectful texts cover the whole chronological span of documents examined up to 1435. Formal confirmation of mental stability was not, therefore, seen as becoming any more or less important amongst vernacular testators during that period although as observation of the late fifteenth-century texts will show, this trend would change dramatically.

Even within the group of English testators, which had a demographic range that tended towards individuals of lower-gentry and mercantile status with only a small number of nobility or aristocracy represented (see *Table 5.2*, above), it is still noticeable that those testators who omitted the clause in question tended, as with the Latin and French examples, to be at the lower end of the available social spectrum. Eighteen mercantile or lower-gentry testators are represented here, while none of the testaments composed for the six aristocratic or noble testators in the vernacular sample fail to include a reference to mental sufficiency, inviting speculation that the more prosperous testators were able to afford professional legal advisors who were aware of the qualifications for testamentary capacity and the possible consequences of neglecting to confirm their client's compliance.

Of the thirty-four early vernacular texts that do include a soundness-of-mind clause, it is - as with the French and Latin examples - possible to discern patterns and formulaic phrases. There are thirty-one specific references to a testator's *mind*, with a wider range of qualifying words applied than in the other languages used. The most favoured expression, *good mind*, occurs eighteen times, in fifty-three per cent of the texts, while *whole mind* is used on nine occasions, *full mind* three times, and *right mind* is used once. Although *good* (as *bona/bone*) is common in both Latin and French, and *full* (as *pleyne*) is used in French, in none of the English texts surviving from this period or from the 1490s does the

---

[59] Testament of Isabelle Dove, 1434, LMA, 9171/3, f. 379v, reproduced in *FEEW*, p. 103; testament of John Scott, 1429, BI, Prob. Reg. 2 ff. 554v-555r, reproduced in *Test. Ebor. I*, pp. 419-420,; testament of Nicholas Blackburn, 1431, BI, Prob. Reg. 2 ff. 605r-606v, reproduced in *Test. Ebor. II*, pp. 17-22.
[60] Testament of Lewis Clifford, TNA, PRO PROB 11/2A, f. 78v.

adjective *sound* appear as it would do in later centuries, and as it does in both the Latin (*sane memorie*) and the French (*sain memorie*).

The word *memory*, though, is qualified in the vernacular texts three times as *good memory* and once as *safe memory*. Both forms of usage, although appearing (as in the French texts) to make a connection between the proper function of memory and the possession of mental faculties, seem not always to have made a complete semantic shift. Indeed, *memory* is still on occasion being used in the spirit of the Latin exemplars with their frequent pairing of *mentis* and *memorie* ('sana mente et memoria'[61] and other similar constructions) perhaps influenced by francophone linguistic nuances. This usage is illustrated by the testament of John Girdeler, who attested to his 'good mynd and saf memorye', while two other testators proclaim themselves 'whole in [or of] mind ... and in ... good memory being'.[62] The words *mind* and *memory* are also augmented in the vernacular texts by other appropriate terms, to give *fol discrecion*, *full wittes*, *hool resoun*, and *good deliberacion*. Six testators even offered overt or tacit praise to God for the preservation of their mental powers, a feature not present in the French texts or the Latin sample, and indicative of the additional flexibility of expression that appears to characterise the emerging English vernacular texts. Gerard Braybroke, for instance, professed himself 'in ful mynde of all my wittes as ever I was and in helthe of my wrecched body after myn age'[63], while Thomas and Anne Latimer, husband and wife, who made their wills in 1402, were both piously grateful to God and identically aware of 'havyng suche mynde as he voucheþ saff'.[64] It is by no means unusual for an acknowledgement of gratitude to God for continuing use of mental faculties (or indeed of other blessings as appropriate) to be offered in this way, and testamentary use of language associated with Christian devotion will be examined in detail in the section focussing specifically on pious expressions.

---

[61] Testament of Stephen Edmond, 1425, LPL, Reg. Chichele, ff. 385r-385v, reproduced in *RHC,* pp. 315-315.

[62] Testament of John Girdeler, 1402, LMA, 9171/1, f. 198v, reproduced in *FEEW*, pp. 10-11; testament of John Chelmyswyk, 1418, TNA, PRO PROB 11/2B, f. 335v, reproduced in *FEEW*, pp. 30-35. Testament of John Toker, 1428, LMA, 9171/3 f. 202v, reproduced in *FEEW*, pp. 77-79.

[63] Testament of Gerard Braybrook, 1427, LPL, Reg. Chichele, ff. 411r-413r, reproduced in *RHC,* pp. 409-414.

[64] Testament of Anne Latimer, 1402, TNA, PRO PROB 11/2A, f. 18v; testament of Thomas Latimer, 1402, TNA, PRO PROB 11/2A ff. 11r-11v.

II. ii. iv.   LATER ENGLISH

Gratitude to God had become still more common by the time of the later-vernacular sample, with thirty

testators, almost half the sample, offering acknowledgement to God for the endurance of their mental

faculties. Similarly, the presence of a soundness-of-mind clause also seems to have become more usual

by the end of the century with only four will-makers in the later sample overlooking it – too few to

discern a demographic bias - as opposed to eighteen of the earlier-English testators. In view of the

dependence of testamentary capacity on mental sufficiency, the apparently increased rate of inclusion of

the soundness-of-mind clause might indicate a growing degree of experience and fluency in vernacular

composition amongst legal clerks as production of English wills grew more widespread, and well-

constructed exemplars became, as a result, increasingly available. This same standardization appears to

have resulted in a smaller pool of acceptable (or at least generally-used) vocabulary, however, with only

nine key words (*clean, good, memory, mind, perfect, remembrance steadfast, whartfull, will,*) used in the later

sample, as opposed to fifteen in the earlier vernacular texts. The word *mind* is still the most regularly

occurring, however, with every later vernacular text using it, often in conjunction with the word *good*

and most commonly as part of the phrase *whole mind.* This pairing occurs on fourteen occasions, most

often in combination with the words *memory* or *remembrance*, and most notably with *good memory* which

appeared in a further twelve texts, as in the case of Margaret Churchyard, who declared herself 'hole of

mynde and in good memory'.[65] Indeed, the word *memory* (or *remembrance*) appears much more regularly

in these later texts - on twenty-four separate occasions rather than the four noted in the early texts - and

with slightly more varied qualifying terms (*good, perfect, steadfast, whole)* than had been the case in the

years before 1435. Only four later vernacular testators, though, included more personal comments about

the state of their health, and only one of these admitted that he was 'hole in mynde and seke in body'.[66]

The decrease in observations of a personal nature such as the state of health - information that would

have required a direct contribution from the testator - combined with a smaller lexical range, suggests

---

[65] Testament of Margaret Churchyard, 1498, TNA, PRO PROB 11/11, ff. 221v-222r.
[66] Testament of George Muston, 1492, TNA, PRO PROB 11/9, f. 73r.

that whereas the precise nature of the bequests was unavoidably decided by the client, the sentiments framing them might have grown more standardized towards the end of the fifteenth century as vernacular testamentary production became more routine.

II. iii.   THE PIOUS PREAMBLE: DIVINE INVOCATION

The testamentary process had its origins in an act of Christian piety and was concerned first and foremost with the bequest of the soul to God, the giving of alms for the spiritual benefit of the testator and others, and arrangements for burial. It is not surprising, therefore, that final testaments tended to be couched in pious terms, and even the shortest and simplest of such texts, irrespective of language, almost always drew upon formulaic phrases of Christian devotion incorporating them within the legal framework. While pious provisions and donations, like secular bequests, could be as individual as each testator, the clauses that will be examined in this section were common to all and comprise the simplest: the opening invocation of God, as well as the more involved commendation of the soul. Since the post-Conquest period it had been usual for testamentary documents to open with a brief invocation of God or occasionally a more elaborate reference to the Trinity either collectively or individually. It is this divine invocation, a generally concise phrase common to all, that provides the initial focus in this section, and will be analysed first in the sampled Latin testaments, then in the French, followed by the early and later English texts in turn.

II. iii. i.   LATIN

Fifty-five texts in the early part of the survey either use Latin throughout or make their opening invocation in Latin before turning to French or English for some or all of the succeeding sections. Of those entirely in Latin only one does not include a divine invocation, perhaps in part because that text is solely a will of realty and may therefore have been preceded at one time by a separate testamentary

document.[67] Of the remaining fifty-four texts, forty-eight (ninety-one per cent) commence with *In Dei nomine Amen*. Of the five that deviate from this formula, four testaments (three for testators of gentry status and one cleric) distributed throughout the chronological range of the survey from 1345-1435, use the phrase 'In nomine Sancte et Individue Trinitatis Patris et Filii et Spiritus Sancti Amen', a variation that stresses the Trinity.[68] The single remaining testament, that of John Cliderow, Bishop of Bangor, favours 'Christi nomine invocato'.[69] While there is no discernable north-south bias in those deviating from the traditional – even routine - phrase, it is notable that the testaments made by or on behalf of all five noble or aristocratic testators in the sample adhere to the conventional form of divine invocation.

II. iii. ii. FRENCH

Of the twenty-eight francophone texts suitable for analysis in this respect, only one neglects to open with a divine invocation.[70] Of the remaining texts, only two use the conventional Latin words 'In Dei nomine Amen',[71] while of those making their invocation in French, eight use the identical phrase in translation, *En le nom de Dieu* or orthographic variants on this, which one text expands using 'et de touz les saynts de cele', and another by adding 'notre dame Sante Marie et en noun de teuz lez sauntez de paradyse'.[72] This construction based on a translation of the Latin *pro forma* or with additions to it, occurs in the fourteenth-century part of the French corpus, one example as early as 1350, with the remainder dating from 1372-1398. Departure from the standard Latin form of words grew more common and more elaborate as the French tradition became somewhat more established, with another eight French testaments adding to the basic phrase by including the Trinity to give (for instance) 'En le

---

[67] Testament of Thomas de Sywardby, 1355, BI, Prob. Reg. 1, f. 38r, reproduced in *Test. Ebor. I*, p. 67. The favoured opening phrase was 'Sciant presentes et futuri.'

[68] Testaments of Robert de Playce, 1345, BI, Reg. 10 (Zouche), ff. 302r-v, reproduced in *Test. Ebor. I*, p. 9; John Daubriggecourt, 1415, LPL, Reg. Chichele, ff. 280v-281v & 301r-v, reproduced in RHC, pp. 51-54 & 108-109; William Hanyngfeld, 1426, TNA, PRO PROB 11/3 ff. 45r-v, reproduced in *FEEW*, pp. 68-72; John Leventhorp, 1435, LPL, Reg. Chichele, ff. 452r-454r, reproduced in *RHC*, pp. 526-530;

[69] Testament of John Cliderow, Bishop of Bangor, 1435, LPL, Reg. Chichele, ff. 454v-456v, reproduced in *RHC*, pp. 532-539.

[70] Testament of Peter Besyles, 1426, LPL, Reg. Chichele, ff. 393r-394r, reproduced in *RHC*, pp. 342-344;

[71] Testament of William Latimer, 1381, BI, Reg. 12 (Neville), ff. 115r-116r, reproduced in *Test. Ebor. I*, pp. 113-116; testament of Eleanor de Bohun, Duchess of Gloucester, 1399, LPL, Reg. Arundel, ff. 163v-164r, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 177-186.

[72] Testaments of Sir William Mowbray, 1390 and 1391, BI, Prob. Reg. 1, ff. 27v and 29v-30r, reproduced in *Test. Ebor. I*, pp. 144-145 and 158-161, respectively; testament of Bran de Stapilton, BI, Prob. Reg. 1, ff. 69v-70r, reproduced in *Test. Ebor. I*, pp. 198-201.

noun de Dieux et du Fitz et de Seint Esprit'.[73] Some of this group of texts also add a second level of embellishment such as 'nostre dame Seinte Marie' or 'la glorieuse Virge nostre dame sainte Marie', for instance, or include 'touz Sains de Paradys', or even specific saints by name.[74] Only one francophone document deviates from this pattern, by referring to 'la Seinte Trinite' in general terms in a manner reminiscent of the minority Latin form recorded above to give 'En noun de la Seint Trinite trois persones et une Dieu'.[75] Notably popular amongst nine of the testaments of those of highest rank (royalty and aristocracy) over a long period (1355-1431) is the notion of God as father, expressed in a uniform 'en noun du Pere du Fitz et du Seint Espirit Amen'.[76]

The same guiding precept that had been present in the Latin invocations had been retained, therefore, but the French divine invocations contain considerable embellishments when compared with the tendency of the Latin testaments not to deviate from the minimalist *in Dei nomine Amen*, and the vocabulary used is much more extensive as a result. Analysis of the Latin testaments yields a total of eleven key words used in this opening clause (*amen, Christi, Dei, filii, individue, invicto, nomine, patris, sancte, spriritus, trinitatis*) albeit variously declined and spelt, with eight of the words confined to just five (less than ten per cent) of the fifty-three texts in which a divine invocation appears. The French texts, on the other hand, use eighteen key words or phrases for this purpose, not including specific individual saints' names (*amen, bénit, ciel confesseur, Dieu, esprit, fils, glorieuse, nom, notre dame, martyr, paradis, père, saint(s), tout-puissant, Trinité, trois personnes, Vierge*).

It has already been noted that production of the small surviving corpus of French testaments was the preserve of those of high status, i.e. upper gentry or above. Within these confines it can still be observed that amongst the twenty francophone testators of the highest status of all – royalty and aristocracy – all but four texts favoured an acknowledgement of the Trinity, either (for instance) 'En

---

[73] Testament of Elizabeth Montagu, 1414, LPL, Reg. Chichele, ff. 268v-270r, reproduced in *RHC*, pp. 14-18.
[74] Testament of Philippa, Duchess of York, 1431, LPL, Reg. Chichele, ff. 428r-428v, reproduced in *RHC*, pp. 457-459; testament of Edward, Duke of York, 1415, LPL, Reg. Chichele, ff. 284v-285v, reproduced in *RHC*, pp. 63-66; testament of Bran de Stapleton, 1394, BI, Prob. Reg. 1, ff. 69v-70r, reproduced in *Test. Ebor. I*, pp. 198-201.
[75] Testament of John Mowbray, Second Duke of Norfolk, 1429, LPL, Reg. Chichele, ff. 433v-435v, reproduced in *RHC*, pp. 472-476.
[76] Testament of Elizabeth de Burgh, Lady Clare, 1355, LPL, Reg. Islip, ff. 164v-166v, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 22-43.

noun de la Seint Trinité trois persones et une Dieu',[77] or the expanded version of *En le nom de Dieu* with God, Son, and Holy Spirit named individually, or the form with additional elaboration, the most complicated being:

> En noun de Dieu toutpuissant et Filz et Saint Espirit et la benoite Trinite et la glorieuse Virge nostre dame Sainte Marie et de Saint Thomas le glorieuse martir et de Saint Edward le benoite confessour et de touz Sains et Saintes de Paradys.[78]

Amongst the ten upper-gentry testators (the humblest in this demographically skewed sample) who made their testaments in French, however, only three texts embellish the divine invocation with a reference to the Trinity. The remaining seven either offer no opening invocation or the traditional *In Dei nomine Amen / En le nom de Dieu.* While interpreting such trends in a necessarily limited sample of this sort is fraught with difficulty, the tendency within the French testaments towards elaboration on the minimal Latin form suggests that francophone testators enjoyed a degree of engagement with the formulaic sections of the text, which is something that can be observed less often in testaments that were composed in Latin. Whether such engagement was instigated by the testator or on the initiative of the scribe, secretary, or clerk who composed and/or set down the text is also impossible to judge securely, although it seems likely that more prosperous testators tended to employ a number of administrators and secretaries amongst their permanent staff, and that at least some of them would have been as conversant with the French that was still used for some purposes in court circles as their employers would have been. The correlation within the corpus of French testaments between the use of more elaborate phrases and testators of the highest status suggests, moreover, that those of superior social standing and/or those writing their testaments, were less apt to follow the established Latin formulae and arguably, therefore, may have been more conversant with the French language than those slightly lower (in relative terms) on the social ladder - or their employees. It is tempting, therefore, to speculate that the use of less elaborate or individualised French phrases by some of the humbler gentry

---

[77] Testament of John Mowbray, Second Duke of Norfolk, 1429, LPL, Reg. Chichele, ff. 433v-435v, reproduced in *RHC,* pp. 472-476.
[78] Testament of Edward, Duke of York, 1415, LPL, Reg. Chichele, ff. 284v-285v, reproduced in *RHC*, pp. 63-66.

testators might indicate that while use of French in preference to Latin would have made testamentary production more accessible to those who understood it, its use might also have been motivated in part by social aspiration, rather than natal fluency in the language.

II. iii. iii.   EARLY ENGLISH

In contrast to the francophone testators the demographic profile of those who used English during the period up to 1435 appears inclined towards the lower part of the social spectrum. Of the fifty-six testaments appropriate for analysis in this section, seven make no divine invocation at all, of which three are nuncupative texts and one was made before a journey. Of the remaining forty-nine texts, ten open with a divine invocation in Latin, despite switching to English immediately thereafter, with eight employing the standard form *In Dei nomine Amen*, while two use 'In nomine patrie, et filii, et spiritus sancti'.[79]

Of the thirty-nine vernacular divine invocations, twenty-four (sixty-two per cent) are a direct translation of the traditional Latin form of words, giving *In the name of God, Amen*, with two more texts contributing minor variations on this standard wording: 'In the name of oure Lord God Amen', and 'In þe name of God and owr der lady'.[80]   Six texts develop this idea by invoking the Trinity, using *In the name of the father, son, and holy ghost*, three others opt for a more concise format referring specifically to *the Trinity*, while the most complicated divine invocation in the vernacular sample dedicates the testament 'to Almyghty God fader of hevene and erthe and to the Sone and the holy Goste thre persones and oo God in Trinite'.[81]   Despite the demographic bias in the vernacular sample towards testators of lower gentry and mercantile status, it is interesting to note that of the testators of upper-gentry status or higher, all but one texts favours the use either of a Latin divine invocation or of references to the Trinity over the simpler form of words developed out of the standard Latin form *In Dei nomine Amen*. Indeed,

---

[79] Testament of Lewis Clifford, 1404, TNA, PRO PROB 11/2A, f. 78v; testament of Edward Cheyne, 1415, LPL, Reg. Chichele, ff. 278r-v, reproduced in *RHC,* p. 45.
[80] Testament of Alice Chirche, 1430, LMA, 9171/3, f. 262r, reproduced in *FEEW,* pp. 85-86; testament of John Sutton, 1419, LPL, Reg. Chichele, ff. 323r, reproduced in *RHC,* pp. 164-165.
[81] Testament of Gerard Braybroke, 1427, LPL, Reg. Chichele, ff. 411r-413r, reproduced in *RHC,* pp. 409-414.

only four of the 'humbler' vernacular testaments (although again this is a relative term) all of them being for testators of merchant status, venture away from the familiar format - *In the name of God* - to refer to the Trinity either as an entity or individually. This trend echoes a similar one observed in the divine invocations of the French testaments (above) in which more elaborate phrasing and a tendency to refer to the Trinity were also favoured by the testators of the highest status, inclining once again to the observation that the earliest vernacular texts echoed practices first observable in the francophone testamentary tradition.

The early English divine invocations also follow the example of the French in the extent of their vocabulary, with seventeen key vernacular words or phrases (*almighty, Amen, blessed, dear lady, earth, father, God, heaven, holy, holy ghost, lord, Mary, name, saint, son, sovereign, Trinity*) being used, again a markedly larger number than in the parallel clause in the Latin texts, underlining the trend towards greater originality facilitated by use of the mother tongue, and reinforcing the hypothesis that the English vernacular testaments continued and developed the trend towards more individual linguistic expression that had first started to emerge in the French texts.

II. iii. iv.   LATER ENGLISH

Analysis of the divine invocations used by the sixty-two texts comprising the later sample confirms that as with the secular phrases discussed in the previous section vernacular testamentary composition appears to have become more fluent with the passage of time, while the scope of the sentiments expressed and the range of vocabulary used to do so both diminished. Thus, while seven of the early vernacular texts make no divine invocation, only that of Thomasin Hopton fails to include one, preferring 'This is the laste will and testament of me...' etc., an anomaly that seems unconnected with matters of faith, since the wording of the rest of the testament is conventionally pious.[82] The later sample, though, shows an increase in the number of English testaments beginning with a divine invocation in Latin, with twenty-nine of them using *In dei nomine Amen* and a further one, an autograph text, favouring 'In nomini Patri

---

[82] Testament of Thomasin Hopton, 1497, TNA, PRO PROB 11/11, ff. 151r-152r. See Colin Richmond, *John Hopton: A Fifteenth-Century Suffolk Gentleman* (Cambridge: Cambridge University Press, 1981) pp. 119-125.

et filii et spiritus sancti', as opposed to a total of ten that use Latin for this phrase in the early sample.[83] Although one testament uses this familiar liturgical phrase in English, the most popular vernacular invocation is *In the name of God, Amen.*

II. iv.   PIOUS PREAMBLE: COMMENDATION OF THE SOUL

The second part of this section will focus on the clause that was fundamental to the testament, that in which the testator (more or less elaborately - or not at all, on occasion) commended their soul to God, the Virgin Mary, and the saints, since the vocabulary used in naming and describing these figures offers scope for direct comparison between the three languages in the survey. The expressions used in the Latin texts will be examined first, then the sequence repeated for the French testaments followed by the early and later English ones together.

II. iv. i.   LATIN

Of the forty-three texts that are entirely in Latin (plus the six that use Latin for this phrase) only one, that of John Kyneton written in 1375, does not incorporate any formal commendation of the testator's soul.[84] While couched in overtly pious language, this testament, though adequate for its purpose, is unconventionally constructed and may have been composed largely by Kyneton himself, or perhaps with non-professional help rather than legal counsel. A further testament, that of Henry Ingleby also written in 1375, while it does contain a pious commendation is worded more individually than was usual – 'In primis lego animam meam Illi qui me preciosissimo sanguine suo redemit'.[85] The remaining forty-seven texts, though, comply closely with the conventional pattern of commending the testator's soul to God, the Virgin Mary, and the saints. These references occur in variable permutations, and though the commendation of the soul generally includes all three elements it does not invariably do so.

---

[83] Testament of John Dalton, 1495, BI, Prob. Reg. 5, ff. 483v-484v, reproduced in *Test. Ebor. IV*, pp. 21-26.
[84] Testament of John Kyneton, 1375, BI, Reg. 12 (Neville), f. 20v, reproduced in *Test. Ebor. I*, p. 93. The note appended to the published edition of this text considers it to be 'in every point of view unique' and remarks on the 'Christian humility and charity' expressed. Ibid. p. 93, n.
[85] Testament of Henry Ingleby, 1375, BI, Reg. 12 (Neville), f. 3, reproduced in *Test. Ebor. I*, p. 94-95. As a cleric and son of a justice in the Court of Common Pleas it is not unreasonable to assume that his own Latin skills might have enabled a close involvement with the wording of his testament. See *Test. Ebor. I*, p. 94, n. Indeed such personal involvement was theoretically available to any Latinate testator.

GOD

Of the forty-nine texts under discussion here, only one, that of John Pigot composed in 1428, does not name God specifically when bequeathing the soul, preferring individual saints and 'Iesu Cristus'.[86] Examination of the forty-eight testaments remaining reveals that eighteen of them refer simply to *Deo*, with no further elaboration. The more common practice by far, though, was to use the phrase *Deo omnipotenti* (occasionally *omnipotenti Deo*), with twenty-eight testators favouring this form. Four of these embellished it to give *Deo omnipotenti creator (et salvatori) meo*; one testament referred to 'Deo omnipotenti qui cuncta creavit ex nichilo sui ipsius plasmavit ....'[87] while another favoured 'Deo omnipotenti quie eam suo preciosissimo siguine in ligno crusis redemit'.[88] Choice of either *Deo* used alone or of *Deo omnipotenti* does not seem to be related exclusively to any particular sector of society, and both forms span the sample period, although *Deo* used alone occurs five times between 1345 and 1395, while *Deo omnipotenti* occurs on only two occasions in this section of the sample, both in 1345. This might indicate that *Deo omnipotenti* had initially been the less popular form, coming into its own later, although the sample taken here is too small to claim such a pattern of use with any confidence.[89] It can be asserted, though, that (disregarding the anomalous narrative elaborations given above) references to God in the Latin testaments under discussion generally use a very restricted vocabulary, with only four key words: *creatori, Deo, omnipotenti, salvatori*, even on the few occasions when *Deo omnipotenti* is slightly expanded upon. There is, therefore, every reason to believe that this phrase was generally formulaic, inserted by the clerk or notary as a matter of routine, and that the slight nuances reflect only personal scribal habit, however that might have originated.

---

[86] Testament of John Pigot, 1428, BI, Prob. Reg. 2, ff. 544r-545v.
[87] Testament of John Daubriggecourt, 1415, LPL, Reg. Chichele, ff. 280v-281v & 301r-v, reproduced in *RHC*, pp. 51-54 & 108-109
[88] Testament of Richard Banks, 1415, LPL, Reg. Chichele, ff. 285v-286r, reproduced in *RHC*, p. 66.
[89] The testaments written by William de Boyvile between 1361 and 1388, described in Chapter 4, move from 'deo' to 'deo ominipotenti' to 'deo'. omnipotentia creatori meo' during that period. See above, pp. 108-113.

THE VIRGIN MARY

The order in which God, the Virgin Mary, and the saints were listed remained consistent, so in the forty-two of the forty-nine Latin texts under discussion in which the Virgin Mary is mentioned as part of this clause, she invariably came next. Where she does not appear in this context, beyond those examples listed above it is because God alone has been invoked. Examination of the entirely or partly Latin texts reveals that the vocabulary used to describe the Virgin Mary is again limited, although somewhat less so than with regard to God. The concise forms can be divided into those phrases that use the word *virgini* and those that do not, with a simple *beate Marie* favoured by twenty-one will writers, while *beate Marie virgini* appears thirteen times. Eight testaments, though, use a more individual form of words, including *Beate Marie matri sue*, *Beate Marie matri eiusdem semper virgini*, and *Beatissime virgini Marie matri domini nostri Iesu Christi*, a level of variety and embellishment not found in the references to God.[90] It seems likely that the greater variety of vocabulary and phrasing used when referring to Mary is not only a result of individual scribal training but a reflection of her multiple rôle as virgin, mother, and intercessor, as well as the considerable affection in which she was held.

THE SAINTS

General references to the saints (as opposed to the mention of specific saints, which is an element not discussed here) use a more limited range of phrase and vocabulary than clauses pertaining either to God or the Virgin Mary and give the impression that their inclusion was a matter of routine. Of the forty-nine texts either entirely in Latin or using Latin for this section, six omit such a reference altogether, so can be discounted for present purposes. All but one of the remainder – forty-two texts in total – use the phrase *omnibus sanctis*, of which two are modestly embellished to read 'omnibus sanctis Dei'.[91] The remaining testament, that of John Cresset, a minor cleric, has 'summo choro celestium supernorum'.[92]

---

[90] Testament of Thomas Clynton, 1415, LPL, Reg. Chichele, f. 281v, reproduced in *RHC*, p. 55; testament of John Cliderow, Bishop of Bangor, 1435, LPL, Reg. Chichele, ff. 454v-456v, reproduced in *RHC*, pp. 532-539; testament of John Fordham, Bishop of Ely, 1425, LPL, Reg. Chichele, ff. 389r-v, reproduced in *RHC*, pp. 327-329.

[91] Testament of Richard de la Pole, 1345, BI, Reg. 10 (Zouche), ff. 303r-v, reproduced in *Test. Ebor. I*, pp. 7-9; testament of Henry Cacherell, 1425, LPL, Reg. Chichele, ff. 388r-389r, reproduced *RHC*, pp. 323-326.

[92] Testament of John Cresset, 1415, LPL, Reg. Chichele, f. 284r, reproduced in *RHC*, pp. 61-62.

The fact that references to God, the Virgin Mary, and the saints are so standardised, suggests that the accepted phrases were strongly entrenched and widely accepted both throughout society and throughout the period under discussion, to the extent that professional will makers used such traditional forms automatically. It seems likely, therefore, that at least where Latin testaments were concerned, minor variations in phrasing, where they occur, merely reflect the style dictated by available exemplars, and that in most cases it was only necessary to consult the non-Latinate client and to reflect more personal nuances in expression when composing the part of the text concerned with burial and individual bequests.

II. iv. ii. FRENCH

Scanning the French testaments in the survey reveals immediately that while two of the twenty-nine French texts appropriate for analysis in this respect omit to make commendation of their testators' souls, and three others consign their testators' souls to 'nostre Seignur Jesu (Crist)', for the remainder a similar selection of expressions are employed to those used in the Latin texts.[93] The three elements of God, the Virgin Mary and the Saints will once again be examined separately and in turn.

GOD

The term most frequently used in the French testaments to refer to God is *Dieu* alone, an economy of expression similarly widespread in the Latin texts. Of the thirteen French testaments using this designation, ten date from the fourteenth century, so fall, chronologically, within the first half of the corpus of surviving texts. Use of *Dieu* alone appears to wane in popularity thereafter. In a direct translation of the phrase *Deo omnipotenti*, the most popular phrase in the sample of Latin testaments, five of the French testaments use the phrase 'Dieu toutpuissant'.[94] Two others favour 'seigneur Dieu'

---

[93] Testament of Peter Besyles, 1426, LPL, Reg. Chichele, ff. 393v-394r, reproduced in *RHC*, pp. 342-344, and John Mowbray, second Duke of Norfolk, 1429, LPL, Reg. Chichele, ff. 433v-435v, reproduced in *RHC*, pp. 472-476; testament of Alice Stury, 1414, LPL, Ref. Chichele, ff. 266r-v, reproduced in *RHC*, pp. 7-10 and Edward, Duke of York, 1415, LPL, Reg. Chichele, ff. 284v-285v, reproduced in *RHC*, pp. 63-66.
[94] Testament of William Latimer, 1381, BI, Reg. 12 (Neville), ff. 115r-116r, reproduced in *Test. Ebor. I*, pp. 113-116; testament of Humfrey de Bohun, Tenth Earl of Hereford and Essex, 1372, LPL, Reg. Witlesey, ff. 127r-127v, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 44-56; testament of Edmund Earl of March, 1380, LPL, Reg. Courteney, ff. 188v-189v; testament of Edward, Duke of York, 1415, LPL,

and 'Dieu qi la fourma',[95] while three describe God as *creator*, variously spelt.[96] Although the corpus of

French texts available for analysis is limited, it would appear that francophone wills are rather less evenly

divided between the two main forms of reference to God than the Latin ones. It seems likely, however,

that in their choice of vocabulary clerks and notaries were still strongly influenced by the established

Latin expressions.

THE VIRGIN MARY

It is perhaps not surprising that the phrases used in the French testaments to describe the Virgin Mary

also echo those in the Latin ones, although the smaller French corpus is not weighted so heavily towards

the two unembellished phrases (*beate Marie virgini* and *beate Maria*) used in eighty-one per cent of the

Latin examples of that clause. This suggests that though these were familiar liturgical phrases it was the

somewhat more individual and descriptive terms describing Mary that were transferred from the Latin

texts to the francophone tradition. Furthermore, a larger proportion of the French texts - ten - do not

mention Mary at all, while eight further testators consign their souls only to God or the Trinity. Such a

trend may be an indication of the more personal and selective approach to phrasing that was beginning

to emerge in the French testaments and seems unlikely to be a reflection of the degree of feeling for the

Virgin.

THE SAINTS

With regard to invocation of the saints, the French testaments continue to show more variety than the

very limited selection in the Latin ones. From a total corpus of twenty-nine texts, eleven testaments

(two royal, six aristocratic, and three from the upper gentry) make no reference at all to saints in general.

Of those that do invoke the company of saints, only four favour a direct translation of the usual Latin

Reg. Chichele, ff. 284v-285v, reproduced in *RHC*, pp. 63-66; testament of William Fauconer, 1415, LPL, Reg. Chichele, f. 278r, reproduced in *RHC*, pp. 44-45;
[95] Testament of Isabell Ufford, 1416, LPL, Reg. Chichele, ff. 296r-296v, reproduced in *RHC*, pp. 94-97; testament of Edmund Duke of York, 1400, LPL, Reg. Arundel, f. 194v reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 187-190.
[96] Testament of William Aldburgh, 1391, BI, Prob. Reg. 1, f. 32v; testament of Edward, Prince of Wales, 1376, LPL, Reg. Arundel, ff. 163v-164r, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 66-77; testament of Edmund Earl of March, 1380, LPL, Reg. Arundel, ff. 163v-164r, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 104-117.

form, *omnibus sanctis*, referring therefore to 'toutz (les) seintes'.[97] The remaining French texts elaborate slightly upon this, and are divided between *touts les saints de ciel*, which is used in seven texts (four of aristocratic status, two from the nobility, and one from the upper gentry) and *touts les saints de paradis* preferred on four occasions (once for a testator of noble status and three times for members of the upper gentry) and one example of 'tout le celestiel compaigne'.[98] There is little pattern discernable in the demographic distribution of the expressions chosen beyond a slight preference for *ciel* over *paradis* in the upper echelons of society, and no connection either between phrase and date, or phrase and region, all being equally distributed between north and south. Once again, it is impossible to assess with any certainty the influences behind the vocabulary that was chosen, although it seems likely that the higher quality of administrators retained by those at the top of the social hierarchy would mean that minor matters of phrasing such as this could have been left to their discretion. The insertion of original phrases hitherto unused in Latin exemplars would have been well within their linguistic scope.

II. iv. iii.   EARLY AND LATER ENGLISH

On turning to the commendations of the soul in the English testaments in the survey, it is noticeable that there is more variation in this clause within both the early and later testaments than had been present in the Latin sample, or even the French. Of the fifty-six early vernacular texts appropriate for analysis, seven, although they contain pious bequests, incorporated little routine religious language in their introductory preambles and so contain no commendations of their testators' souls. A further three texts are nuncupative, and thus more limited in content anyway.[99] Another, by William Newland, opens unconventionally, the testator expressing the hope 'þat al men know þat þis her*e*-under writen ys my last

---

[97] Testament of Gilbert de Aton, 1350, BI, Reg. 10 (Zouche), ff. 324v, reproduced in *Test. Ebor. I*, pp. 62-3; testament of Edward, Prince of Wales, 1376, LPL, Reg. Sudbury, ff. 90v-91r, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 66-77; testament of Elizabeth Montagu, 1414, LPL, Reg. Chichele, ff. 269r-270r, reproduced in *RHC*, pp. 14-18; testament of Philippa, Duchess of York, 1431, LPL, Reg. Chichele, ff. 428r-v, reproduced in *RHC*, pp. 457-459.
[98] Testament of Eleanor de Bohun, Duchess of Gloucester, 1399, LPL, Reg. Arundel, ff. 163v-164r, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 177-186.
[99] Testament of John Broune, 1418, LMA, 9171/3, f. 73v, reproduced in *FEEW*, p. 43; testament of Isabelle Dove, 1434, LMA, 9171/3, f. 379v, reproduced in *FEEW*, p. 1434; testament of John of Sandford, 1429, BI, Prob. Reg. 2, ff. 563r-563v, reproduced in *Test. Ebor. I*, p. 417.

will what þat ev*er* god ordene for me in my Iorneye'.[100]   Although this testament contains pious

provisions it omits the opening commendation of the soul and much is left to the discretion of others,

hinting that the text may well have been set down in haste before the testator's departure, perhaps with

no real expectation of those provisions being acted upon within the year, as proved to be the case. By

the last decade of the fifteenth century, on the other hand, testators and will makers seem to have

become much more careful not to neglect the inclusion of the pious commendation clause, with none in

the sample omitting it.   The construction of this clause, moreover, seems to have grown freer, more

individual, and more fluent.   Early and later texts will, as before, be examined in tandem here, focusing

in turn on God, the Virgin Mary, and the Saints.

GOD

Of the forty-five early-period testaments that incorporate a pious commendation, nine substitute either the

Trinity (in three cases) or Jesus Christ (in five cases) for a direct reference to God (and it is always a

substitution, never an addition), perhaps because God had already been mentioned in the opening salutation –

extensively in the case of Joan Beauchamp, Lady Abergavenny, whose testament opens as follows:

> In the name of the blessed Trynyte Fader and Sone and Holy Gost the x[the] day of Janyver
> the yere of oure Lord a m[l] cccc xx iiij I Johanne Beauchamp lady of Bergevenny as a meke
> doughter of holy chirche full in the crysten fayth and belyve hool in mynde and body
> blessed be God consideryng þat þe freel condicion of this wrecched and unstable lyef ys full
> of perels and the yende and conclusion therof ys not elles but deth fro the whiche no
> persone of none astate schal escape and therfor purposyng with the leve of God to dispose
> suche goodes as of hys grace he hath lent me in suche use as myght be most to his plesauns
> and profitz to my soule and all otheres þat I am bounden to I have ordeyned and make my
> testament and last wylle in this forme. First I bequethe my soule to the mercy of my
> blessed savyour and maker Jesu Cryst through the besechyng of his blessed moder Mary and
> alle holy company in hevene, and my symple and wrecched body to be bured in the queer of
> þe Frere Prechours of Hereford in a newe tumbe by my worthy lord and sumtyme husbond
> Sir Wylliam Beauchamp on whoos soule God have mercy.[101]

---

[100] Testament of William Newland, 1425, LMA, 9171/2, f. 170v, reproduced in *FEEW*, pp. 65-66.
[101] Testament of Joan Beauchamp, 1435, LPL, Reg. Chichele, ff. 455r-456v, reproduced in *RHC*, pp. 534-539.

On occasions when testators make references to Jesus Christ these are varied, with (in addition to Joan Beauchamp's 'my blessed savyour and maker Jesu Cryst') one to 'Ih*es*u', one to 'mythfull Ih*es*u', and three to 'our lord Ih*es*u Crist'.[102] This represents a notable departure from the Latin *pro formae* none of which mentions Jesus Christ in this clause although, as has been noted above, some of the French texts incorporate references to the Trinity, either jointly or separately, in their opening salutations, and two French wills also substitute 'nostre seignur Iesu (Christ)' for God in their pious commendations. [103]

In the sample of later texts too, six commendations omit specific mention of God, two substituting the Trinity, three Jesus Christ, and one testator bequeathing his soul specifically 'in to the hands of the blessid saynte our lady saint mary'.[104] Unlike the earlier texts, though, three testaments in the later period each add a reference to Jesus Christ immediately after that to God.   All three were written on behalf of testators of noble status, although two texts, those of husband and wife John and Anne Scrope, use similar though not identical phrases, even though the documents were composed four years apart. It seems probable that the earlier text was used as an exemplar for the later one since the component phrases of this particular clause have largely been retained while some of the vocabulary has been interchanged between them. Thus John Scrope's testament of 1494 begins:

> I co*mm*ende my sowle unto almighty god my creatur*e* and to the m*er*cy of my saveour*e* Ih*es*u and to the suffrages of his bytter passiou*n* and also to the meritez of oure blessed lady Seynt Mary virgyn his blessed moder of all angelles & of all seynts of the holy Courte of heven.'[105]

While that of his wife, signed with her own hand in 1498, states:

> I commend my sowle unto almyghty god and to the mercy of all mighty Ih*es*u and unto the merites & suffrage of his bitter passion and to oure lady seynt Mary his blessid moder & of

[102] Testament of Henry Watre, 1432, BI, Prob. Reg. 2 f. 616v; testament of John Olney, 1429, TNA, PRO PROB 11/2B, f. 433r, reproduced in *FEEW,* pp. 47-48; testament of John Solas, 1418, TNA, PRO PROB 11/2B, f. 337r, reproduced in *FEEW,* pp. 28-29; testament of Richard Gray, 1432, LMA, 9171/3, f. 340v, reproduced in *FEEW,* pp. 92-93; testament of Roger Borten, 1434, LMA, 9171/3, f. 412r, reproduced in *FEEW,* p. 98.

[103] Testament of Alice Stury, 1414, LPL, Reg. Chichele, ff. 266r-67r, reproduced in *RHC*, pp. 7-10; testament of Edward, Duke of York, 1415, LPL, Reg. Chichele, ff. 284v-285v, reproduced in *RHC*, pp. pp. 63-66.

[104] Texts substituting the Trinity: testament of Margaret, Duchess of Norfolk, 1490, TNA, PRO PROB 11/10, ff. 127r-127v; testament of Richard Manchestre, 1490, BI, Prob. Reg. 5, ff. 381v-382r. Texts substituting Jesus Christ: testament of John Dalton, 1494, BI, Prob. Reg. 5, ff. 483v-484v, reproduced in *Test. Ebor. IV,* pp. 21-26; testament of Marjory Salvayn, 1496, BI, Prob. Reg. 5, f. 408r; testament of Jane Dynham, 1496, TNA, PRO PROB 11/11, ff. 87r-87v.   Text bequeathing the testator's soul to Saint Mary: testament of William Carne, 1496, BI, Prob. Reg. 5, ff. 505v-506r.

[105] Testament of John Scrope, 1494, TNA, PRO PROB 11/10, ff. 211r-212v.

his holy seints Peter and Paule seynt Iohn the evi*an*geliste and seynt Iame and of all holy Anngellys and of all the holy Courte and company of heven.[106]

Despite the clear relationship between the testaments, differences in spelling and contractions between the two texts indicate that if the orthography has been reproduced exactly according to the originals (and observations made in Chapter 6 of this thesis indicate that this is probable) the two texts might have originated with different secretaries. Although only the copies of record survive, distancing us from the original documents, since both texts were transcribed by the same court of probate scribe (and indeed are on successive pages in the register since John Scrope died only weeks before his wife) it does not seem that the probate-court copyist was imposing his own standard usage when the register copy was made. Again, faithful reproduction seems to have been usual professional practice. Furthermore Anne Scrope's text, written second, elaborates on the first, adding individually named saints, dedicatees of her church of burial which she had generously endowed, and stressing the motherhood of Mary rather than her virgin status. It is tempting to speculate that these additions might have been at the instigation of the testator herself, prompted not only by devotion to the particular saints named but by the yearning of a childless woman towards the maternal rôle, and that these nuances might therefore reveal evidence of client participation in the specific choice of words used in at least one of the clauses framing her bequests.

While substituting a reference to Jesus Christ for one to God in the clause commending the soul, or indeed referring to Jesus Christ at all, is a notable departure from the form of words used in the sampled Latin testaments, the popularity in the earlier English texts of the phrase *Almighty God*, or on occasion *God Almighty*, parallels its popularity in the Latin texts, with more than half of both groups of testators preferring that form. Furthermore, when slightly more elaborate terminology appears in the Latin sample it expanded upon the standard *Deo omnipotenti*, and this practice can also be observed in the English sample. Five testaments, one composed for a testator of the upper gentry and three for testators of mercantile status, echo the sentiments expressed in the Latin texts, with 'almyghti God my creatour (and maker)' occurring on two occasions (both in 1428 and both London merchants) and 'god

---

[106] Testament of Anne Scrope, 1498, TNA, PRO PROB 11/11, ff. 212v-214v.

(almyghty) my maker (and savyour)' also appearing twice, illustrating the degree to which Latin forms underpinned the English, the urge to embellish notwithstanding.[107]

Further variations also occur, however, specifically 'god almygti of hevene' and 'God Almyghty the maker and the fourmer [of my soul]'.[108] The same phrases are popular in the later-period texts, with *God Almighty* or *Almighty God* being used in almost all of them - alone in twenty-three instances and with various elaborations involving the sentiments *creator, saviour, maker*, or *redeemer* being added on a further thirty occasions. More elaborate forms such as this seem markedly more popular in the English texts than in either the Latin or French. This impression is born out by the relatively few testaments using the simplest possible form when compared to the one in Latin and French. Thus, whereas the word *God* had been used alone in thirty-nine per cent of the sampled Latin texts, and in thirty-three per cent of the French, it occurs in only eighteen per cent of the earlier English testaments. All but one are by testators of gentry or mercantile status, the exception being Sir Gerard Braybroke. His testament is phrased from the outset as a direct and comprehensive address to God and the Trinity ('To Almyghty God fader of hevene and erthe and to the Sone and the holy Goste thre persones and oo God in Trinite') presumably rendering later elaborate descriptions of God redundant, and is sufficiently individual to suggest that it may have been (at least in part) self-composed.[109]

A development of this pattern can be observed in the later-period vernacular texts, in which only one text, again for a testator of mercantile status, refers to *God* with no additional elaboration, that form appearing to have diminished in popularity. The most individual commendation in the sample, on the other hand, appears in the autograph text of John Dalton, and is thus undeniable evidence of the testator's personal sentiments and the freedom for a non-Literatus to express them facilitated by use of the mother tongue:

---

[107] Testament of John Toker, 1428, LMA, 9171/3, ff. 202v-203r, reproduced in *FEEW,* pp. 77-79; testament of Richard Whyteman, 1428, LMA, 9171/3, f. 209r, reproduced in *FEEW,* pp. 81-83; testament of Peryne Clanvowe, 1422, TNA, PRO PROB 11/2B, f. 429v, reproduced in *FEEW,* pp. 49-51; testament of John Credy, 1426, TNA PRO PROB 11/3, f. 46v-47r, reproduced in *FEEW,* pp. 73-77.

[108] Testament of Roger Elmesley, 1434, LMA, 9171/3, ff. 431v-432r, reproduced in *FEEW,* pp. 100-103; testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, f. 492v, reproduced in *Test. Ebor. I*, p. 410.

[109] Testament of Gerard Braybroke, 1427, LPL, Reg. Chichele, ff. 411r-413r, reproduced in *RHC*, pp. 409-414.

I reco*mm*end in humble divocu*on* and veray repentaunce of my defautes and synnes and cryinge m*er*cy to our saveor Ih*es*u crist and in this I co*mm*aund and will my soule to our lord *ies*u when it shall dep*ar*te from my body and to our lady saynt mary saynt michael saynt Iohn Baptist saynt Evangelist saynt Katr*y*n and saynt Barbara and to all the holie Company and saints of heven.[110]

There is also one instance in the early corpus of 'God my verry lord and savyoure', and one that refers to 'God þe blisful Trinite'.[111]   Apart from one example of 'seigneur Dieu' in an aristocratic French testament from 1416 (a unique instance of a French text using the most popular English form and from relatively late in the sample) none of these constructions is to be found in any of the non-Anglophone texts in the survey.[112]   This underlines the additional flexibility available (and acceptable) for English will-writers, whether vocabulary choices of this nature originated with the client or the professional.

Once again, patterns in vocabulary that might correlate with either date or class are hard to discern, but it would appear that the English construction that is a direct translation of the one most popular in Latin, *Almighty God* or *God Almighty*, was favoured by all social groups throughout the period under discussion from 1393 to 1434, and in the 1490s.   The same appears to be true of that relatively large group of texts that omits either the pious commendation of the soul (in the case of the early sample), or a specific naming of God in that clause.   These texts again span society and are widely dispersed from 1387 (the earliest vernacular text in the sample) to 1435, the closing point of the survey. Those English testaments where the reference to God expands upon the basic *Almighty God / God Almighty* occur after 1422, relatively late in the sample, however, and are notably confined to testators of mercantile and upper-gentry status, although this trend disappears by the end of the century.   Indeed, of those references to God that are elaborated upon in ways that appear to be unique to the testaments composed in English, none appears before 1415 and they are more usual towards the end of the early period, although some popularity persists at the end of the century.

---

[110] Testament of John Dalton, 1495, BI, Prob. Reg. 5, ff. 483v-484v, reproduced in *Test. Ebor IV*, pp. 21-26. See below, p. 245.
[111] Testament of William Fitz-Harry, 1431, LMA, 9171/3, f. 285v, reproduced in *FEEW,* pp. 87-89; testament of Edward Cheyne, 1415, LPL, Reg. Chichele, ff. 278v-280v, reproduced in *RHC*, pp. 45-49.
[112] Testament of Isabell Ufford, 1416, LPL, Reg. Chichele, ff. 296r-296v, reproduced in *RHC*, pp. 94-97.

THE VIRGIN MARY

More expansive vocabulary in the vernacular than in the Latin testaments can also be observed with respect to the English phrases used to describe the Virgin Mary. As with the references to God, thirty-six per cent of the testaments spanning the whole social, chronological, and geographical range of the early vernacular testaments in the study, either omit reference to Mary or do not make a commendation of the soul at all. This is a similar figure to the French texts, but markedly more than in the Latin sample, while in the later English sample only two testaments (three per cent) do not include the Virgin Mary in this clause. Furthermore, almost seventy per cent of the Latin references to the Virgin are divided between the two concise forms, which differ from each other hardly at all; and while only thirty-one per cent of the French testaments venture away from a form of words close to the Latin exemplar into more individual phrases, only two of the English testaments can be said to have used a translation of the majority Latin phrase, *beate Marie (virgini)*.[113] That is a phrase that does not occur as an exact translation of the simple Latin phrase at all in the collection of texts forming the late-fifteenth-century sample. The largest group of early Anglophone testaments on the other hand (thirteen of the thirty-five whose commendation referred to the Virgin) use the phrase *our lady Saint Mary* and a further four refer simply to *our lady*, a form unknown in the Latin sample, although it occurs in the French corpus from as early as 1347. The now ubiquitous term *our lady* does not occur in the English testaments until 1413, is confined to the lower gentry testaments until the 1420s when it starts to be used for the upper-gentry and nobility texts, and becomes very popular in testaments written for mercantile testators in the 1420s and 1430s, a case perhaps of upwardly mobile mercantile testators following the fashion amongst those of higher status. By the last decade of the century this phrase seems popular with all ranks in society, appearing in seventeen of the sampled texts, although only a single text, one produced for a testator of aristocratic status so conceivably influenced by the earlier trends still prevailing amongst the conservatively trained administrators employed at this level in society, uses it alone. It is interesting to

---

[113] 'Þe/our blessyd/Blessid virgine Marie'. Testament of Richard Whyteman, 1428, LMA, 9171/3, f. 209r, reproduced in *FEEW,* pp. 81-83; testament of Hary van Sandwyk, 1430, LMA, 9171/3, f. 258v, reproduced in *FEEW,* p. 84.

note, furthermore, that this testator's church of burial – St Mary's Church in Stoke-by-Nayland, Suffolk - is described as 'the church of ou*r* Lady in Stoke'.[114]

Of the eighteen early vernacular testaments that do not use the phrase *our lady*, twelve make reference to *His mother* eight of these doing so immediately after referring to *God Almighty*, the pronoun thus conflating God the Father with God the Son, as in Peryne Clanvowe's testament of 1422 in which she declared 'I bequeth and co*mm*end my saule to gode my maker and my savyour and to hys blyssyd moder gloriouse Vyrgyn And to all saintes'.[115] By the later period the phrase *His mother* had become a common description of the Virgin Mary, and in thirty-one instances, half the texts sampled, is used with reference to her relationship to God, and only occasionally to Jesus Christ.

Six clear elaborations on the form *His (blessed) mother (Saint/blessed) Mary* can be observed within the corpus of these earliest vernacular texts, including 'his moder hour lady Seynt Mary moder off m*er*cy', 'hys mod*er* the gloriou*s* virgyn o*ur* lady seynt Marye', and one that couples 'his blissed moder saynt Mary and hir blissed moder sancto Anne'.[116] The divine invocations of the later texts also build up composite descriptions of the Virgin, using only seven key words, a relatively small number, to arrive at eleven different descriptive terms (*His mother, blessed lady, St Mary, our lady, (most) blessed mother, blessed virgin, the (holy) virgin, (most) glorious Virgin (Mary), mother of our Lord, glorious mother,* and *the Virgin*) which are also combined in various permutations to give at least eighteen different phrases.

Comparison of the number of key words used in the Latin, French, and earlier English corpora confirms the expansion in semantic range from the concise Latin forms to the somewhat more descriptive French phrases, then to the varied and flexible ones found in the English vernacular between 1387 and 1435. Of the six Latin key words and phrases (**beate**, *gloriosa,* **Marie**, *matri domini nostri Iesu Christi, semper,* **virgini**) only the three terms emboldened are common to all, the other three being distributed between the nineteen per cent of the clauses that elaborate on the standard form. The

---

[114] Testament of Margaret, Duchess of Norfolk, 1490, TNA, PRO PROB 11/10, ff. 127r-127v.

[115] Testament of Peryne Clanvowe, 1422, TNA, PRO PROB 11/2B, f. 429v, reproduced in *FEEW,* pp. 49-51.

[116] Testament of John Olney, 1420, TNA, PRO PROB 11/2B, f. 55r, reproduced in *FEEW,* pp. 47-48; testament of John Barnet, 1433, LMA, 9171/3, f. 343r, reproduced in *FEEW,* pp. 93-94; testament of Nicholas Blackburn, 1431, BI, Prob. Reg. 2, ff. 605r-606v, reproduced in *Test. Ebor. II*, pp. 17-21.

French lexical range is only slightly larger, with seven key words or phrases (*bénit, douce, glorieuse, mère, notre dame, Sainte Marie, virgine*) although these are more evenly distributed throughout the texts, while the early-vernacular tally of eleven key words and phrases (*blessed, blissful, glorious, maiden, mother, mother of Jesus, mother of mercy, our lady, Saint Mary, virgin, whole and clean maid*) permit fourteen different forms of descriptive reference to the Virgin in addition to the majority form of *our lady Saint Mary.* That such phrases are even more varied than those used to describe God is perhaps once again an indication of the esteem in which the Virgin was held during this period, underlining her approachability as well as the multifaceted feminine rôle that made her such an important antidote to an otherwise patriarchal system. The decrease in the number of words used in the later sample, however, coupled with an increase in variety of phrases - or groups of phrases - generated seems to indicate that while feeling for the Virgin Mary may have been no less strong amongst testators, the descriptive terms used amongst will writers had become more formulaic, and arguably less personal, reproducing what had become traditional and well-known phrases associated with the now familiar and characteristic wording of the testament as vernacular will writing became more common.

THE SAINTS

When assessing the differences between Latin, French, and English testamentary production between 1347 and 1435, vernacular references to the saints show the same trend towards the use of slightly more elaborate and descriptive phrases that also characterize developments in the references to God and the Virgin Mary. They also take on the same more composite, formulaic character in the last years of the fifteenth century. Individual saints are mentioned – 'saynt Ihon Evangelist' appears,[117] for instance, as are 'seynt Kat*er*ine & ... seynt Margrete'.[118] From time to time, too, a specific saint is named because the testator's parish church where they expected to be buried was dedicated to that saint, as in the case

---

[117] Testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, f. 492v, reproduced in *Test. Ebor. I*, p. 410.
[118] Testament of Roger Elmesley, 1434, LMA, 9171/3, ff. 431v-432r, reproduced in *FEEW,* pp. 100-103.

of Richard Gray who favoured St Bartholomew, amongst others.[119] As such incidences are too few for

viable comparison, it is the collective group of 'all saints' that concerns us here, however.

As was observed in connection with the references to the Virgin Mary, however, not all testators

made comprehensive commendations. Twenty testaments of the fifty-five in the early sample (albeit a

slightly different twenty from those noted in connection with the Virgin Mary) either make no reference

to the saints in their pious commendation or make no commendation at all. By the time of the later

sample, on the other hand, a mere three neglect this clause. Instances in both groups of English texts of

a direct translation from the Latin *pro forma* – an unembellished *omnibus sanctis* – are rare, with *all

(the/his) saints* occurring in only three of the early-vernacular testaments. These come fairly late in the

early sample, at 1422, 1430, and 1433, so like the two occurrences in the later texts should perhaps not

be regarded as aping the Latin tradition by this date, so much as expressing the concept in simple terms.

The total of thirty-five references to the saints that occur in this context can in both corpora be broadly

divided into those in which they are described as a *company* (variously elaborated upon) or simply as

saints (again with minor variations in qualification). The early texts also refer to *hallowed* or *hallows,*

although this more archaic expression was falling from use and disappeared by the end of the century.

These terms mark a departure from the Latin and French models in which *sanctis* and *saintes,*

respectively, are used – exclusively in the French texts, although the Latin sample includes an isolated

example of 'choro celestium supernorum'.[120] With regard to the English corpus as a whole, however, the

term *company* (which might perhaps be considered to embrace all of those in heaven, from God himself

and the various ranks of angels, to the redeemed faithful) is marginally more popular, its sixteen

occurrences, representing forty-six per cent of those early testators who made such a commendation,

rising to fifty-three per cent in the later sample. In the early texts, though, five distinct variations of

phrasing can be isolated within this group, ranging from four instances of 'All the companye of heven'

the first dating from 1410, one of 'al the fayr company of hevene', in 1413, and the most widely used of

---

[119] Testament of Richard Gray, 1432, LMA, 9171/3, f. 340v, reproduced in *FEEW,* pp. 92-93
[120] Testament of John Cresset, 1415, LPL, Reg. Chichele, f. 284r, reproduced in *RHC*, pp. 61-62.

this form, 'al þe holy companye of heven', with seven instances during the period of the survey, the earliest in 1419.[121] A further variation elaborates upon this to read 'all the holy chosen companye of heven' occurred in 1426, while there are two instances of 'all the blessed companye of heven' a phrase that which first appeared in 1430.[122]

In the later sample, *all the holy company of heaven* remains the most popular form, with nineteen testators favouring this wording, and a further thirteen using variations and elaborations upon it, including 'all the celestiall company of heven', and 'all the holy Courte and company of heven' and 'all the company of angels in heven'.[123]

Using the specific word *saints* appears only marginally less popular than the all-embracing *company* in both samples, with fifteen of the early pious commendation clauses (forty-three per cent) including phrases incorporating this word, and twenty-six (forty-two per cent) of the later sample doing so. The most widespread form in both corpora, as well as being that which occurs first of its type, and arguably, therefore, that which grew out of the traditional Latin form, was *all the saints in/of heaven*. This first appears in a text of 1395, after which there are six instances in the 1410s and 1420s, plus two more in the 1430s. In testaments from the last decade of the fifteenth century it is notably popular, being used twenty-three times. The three very simplified variations referred to above occur in 1422 and the 1430s, although simplification does not seem to have been a trend at this time, since an embellished version 'all the holy Seintys in/of hevene' was also used in 1428 as well as in 1431, and 1433.[124] Within the sixty-year span of the early-vernacular testaments, use of both *saints* (in whatever form) and *company* seems to have superseded the earlier term *hallows* or *hallowed*, however, of which there are only three instances (as 'all the halouse in heven' in the earliest example) between 1393 and 1422, another case of a

---

[121] Testament of Robert Averay, 1410, LMA, 9171/2, f. 199v, reproduced in *FEEW,* pp. 16-17; testament of Richard Yonge, 1413, LMA, 9171/2, f. 263r, reproduced in *FEEW,* pp. 21-22; testament of John Sutton, 1419, LPL, Reg. Chichele, f. 323r, reproduced in *RHC*, pp. 164-165.

[122] Testament of William Chichele, 1426, LPL, Reg. Chichele, ff. 392v-393r, reproduced in *RHC*, pp. 339-341; testament of Lewis Clifford, 1404, TNA, PRO PROB 11/2A, f. 78v; testament of Henry Watre, 1432, BI, Prob. Reg. 2 f. 616v.

[123] Testament of William Carne, 1496, BI, Prob. Reg. 5, ff. 505v-506r; testament of Anne Scrope, 1498, TNA, PRO PROB 11/11, ff. 212v-214v; testament of William Burton, 1493, BI, Prob. Reg. 5, ff. 519r-520r.

[124] Testament of Thomas Erpingham, 1428, LPL, Reg. Chichele, ff. 402v-403v, reproduced in *RHC*, pp. 378-381; testament of Richard Tyrell, 1431, TNA, PRO PROB 11/3, f. 296v, reproduced in *FEEW,* pp. 89-90; testament of John Barnet, 1433, LMA, 9171/3, ff. 153r, reproduced in *FEEW,* pp. 93-94.

more concise form of words giving way to more descriptive expressions and reflecting the development of the language.[125]   Nowhere, though, does it appear that a particular expression was favoured significantly by any one sector of society, either consistently or during any particular interval.

Be that as it may, as with the constructions referring to God and Mary, those used for the saints illustrate the much wider range of vocabulary found appropriate for the purpose in English than in either Latin or French.   Specifically, in all but one isolated example in the sampled Latin texts, all the commendation clauses that mention the saints do so using only three words – *Dei* (which only occurrs twice), *omnibus*, and *sanctis*.   French is a little more varied, although its three phrases are still made up of three key words, *ciel, saints,* and *paradis*.   The earlier English testaments, however, use a total of eight key words, *blessed, chosen, company, fair, hallows/hallowed, heaven, holy,* and *saints*, as do the later sample, albeit not exactly the same eight – *angels, blessed, celestial, company, court, heaven, holy, saints*.   As was observed with references to God and the Virgin Mary, the later-vernacular sample uses more phrases to describe the saints, even though the same number of key words is used, variety being created by combining formulaic phrases into longer descriptive terms.

<p style="text-align:center">*   *   *</p>

Analysis of the dating, soundness of mind clauses, divine invocation, and commendation of the soul used in the vernacular will texts up to 1435 and how they developed by the end of the fifteenth century reveals a general trend, tentative though it must be, towards a more elaborately pious form of wording by certain members of the middle ranks of society as time passed.   While there are exceptions in the form of extravagantly phrased narrative Latin testaments, the conclusion that the inclination towards embellishment and individuality of expression was facilitated by the use of a familiar tongue, be that English or French, is supported by a relative scarcity of elaboration on basic phrases in the majority of Latin testaments during the period studied.   Embellishment begins tentatively in the French testaments,

---

[125] Testament of John Croxton, 1393, YML Prob. Reg.1, f. 111r, reproduced in *FEEW*, pp. 184-186; testament of John Solas, 1418, TNA, PRO PROB 11/2B, f. 337r, reproduced in *FEEW*, pp. 28-29; testament of Elizabeth Clynton, 1422, LPL, Reg. Chichele, ff. 366r-367v, reproduced in *RHC*, pp. 266-269.

and is not expressed in more than a few of the very earliest English-language texts in the survey, gathering momentum only with the passage of time. Indeed these first forays away from Latin seem more likely to use the traditional Latin words and phrases in translation, particularly in the francophone texts, even though this small group of testaments reveals a certain amount of individuality of expression. It was not until the turn of the fifteenth century that users of the English vernacular began to embrace more individual words and phrases, building, perhaps, on what had gone before, and the earlier developments enabled by the use of French. Any attempt to suggest underlying reasons for these findings would be speculation, although since what could be termed 'more conservative' forms tend to occur earlier in the sample indicating that the English expressions used for testamentary purposes became more varied as use of the vernacular became both acceptable and accustomed.

With the growth in the familiarity of vernacular testamentary writing, however, new 'traditional' forms seem to have emerged, based on the well-known concepts but no longer expressed as direct translations of the Latin phrases. There remained, however, a close adherence to the formal structure of the Latin testament amongst the legal professionals employed by noble and aristocratic households even when more individualized non-Latin expressions were used. It is, of course, possible that the preferences of the client with regard to specific wording could have been taken into account, perhaps when an individual felt a particular devotion to a certain saint, for instance, as in the case of Humfrey de Bohun, who consigned his soul to God and to 'seint Augustyn a qu nous ovons grant affection'.[126] Other than the few cases where an individual testament is known to have been an autograph text, however, it is impossible to judge with any certainty the extent of the personal contribution the testator might have made to the finer details of their will's wording. Nevertheless, the extra freedom engendered by the use of English appears to have enabled greater variety of usage even within clauses common to all, component phrases being mixed and matched, perhaps according to the inclination or habit of the individual scribe, as dictated by the exemplar he was expected to follow, or even on a whim.

---

[126] Testament of Humfrey de Bohun, ninth Earl of Hereford and Essex, 1361, LPL, Reg. Islip, ff. 178v-179v, reproduced in Nichols (ed.), *A Collection Of All The Wills*, pp. 44-56.

CHAPTER SIX

BURY ST EDMUNDS

AND

THE ARCHDEACONRY OF SUDBURY

BURY ST EDMUNDS
AND THE ARCHDEACONRY OF SUDBURY

The county of Suffolk was part of the diocese of Norwich until 1837, and therefore came under the ecclesiastical authority of the province of Canterbury.[1] Since the twelfth century the county as a whole had been divided into two archdeaconries, 'Suffolk' and 'Sudbury', with the archdeaconry of Suffolk administered from Ipswich and that of Sudbury from Bury St Edmunds.   The two archdeaconries exercised independent probate jurisdiction. As can be seen from the map on p. 186 (below) the medieval archdeaconry of Sudbury comprised the west of the county, plus the deaneries of Stow and Hartismere, and a few parishes from the Cambridgeshire side of the county boundary were also included.[2] Enclosed within the geographical boundaries of the archdeaconry of Sudbury were peculiars under the control of the Bishop of Rochester and the Archbishop of Canterbury, as well as the town of Bury St Edmunds itself, which in the medieval period came under the peculiar jurisdiction of its large and powerful Benedictine abbey.[3]

The abbey of Bury St Edmunds was exempt from any superior domestic ecclesiastical controls and subject only to the authority of Rome. Bury St Edmunds' status as a peculiar jurisdiction outside the usual hierarchy of the English ecclesiastical system meant, therefore, that from an administrative point of view the abbey did not recognize the local diocesan court and was not subject to the superior curial status of the archiepiscopal court. With regard to the testamentary matters that are the focus of this study, since the sacrist of the abbey held the office of archdeacon for the peculiar, the wills of the

---

[1] The county of Suffolk became part of the diocese established at Norwich in the 1090s, and remained so until 1837. The archdeaconry of Sudbury became part of the diocese of Ely in 1837, while the deaneries of Hartismere and Stow were absorbed into the archdeaconry of Suffolk at this time. Since 1914 the modern county of Suffolk has been divided between the dioceses of Norwich, of Ely, and of St Edmundsbury and Ipswich.

[2] It should be noted that references in this thesis to 'west Suffolk' imply the combined jurisdiction of the archdeaconry of Sudbury and the peculiar of Bury St Edmunds rather than that part of the civil county known as West Suffolk.

[3] Isleham in Cambridgeshire and Feckenham came under the Bishop of Rochester's jurisdiction, and a few medieval wills from Feckenham are preserved in the registers of the Rochester consistory court which date from 1440. The parishes of Hadleigh, Monks Eleigh and Moulton were part of the deanery of Bocking in Essex, which came under the jurisdiction of the Archbishop of Canterbury. There are no surviving medieval wills from this deanery. See Peter Northeast (ed.), *Wills of the Archdeaconry of Sudbury, 1439-1474: I*, Suffolk Records Society, vol. 44 (Woodbridge: Boydell, 2001) p. xxxix. A detailed map of 'The Parishes of the Archdeaconry of Sudbury' can be found on the endpapers of that volume.

townspeople of Bury St Edmunds, as well as any individuals from elsewhere who happened to die within

the liberty of eight and a half hundreds that constituted the abbot's prerogative (indicated by the

hatched area surrounding the town on the map below) were presented for probate in the sacrist's court.[4]

Map 6.1   BURY ST EDMUNDS AND THE ARCHDEACONRY OF SUDBURY

---
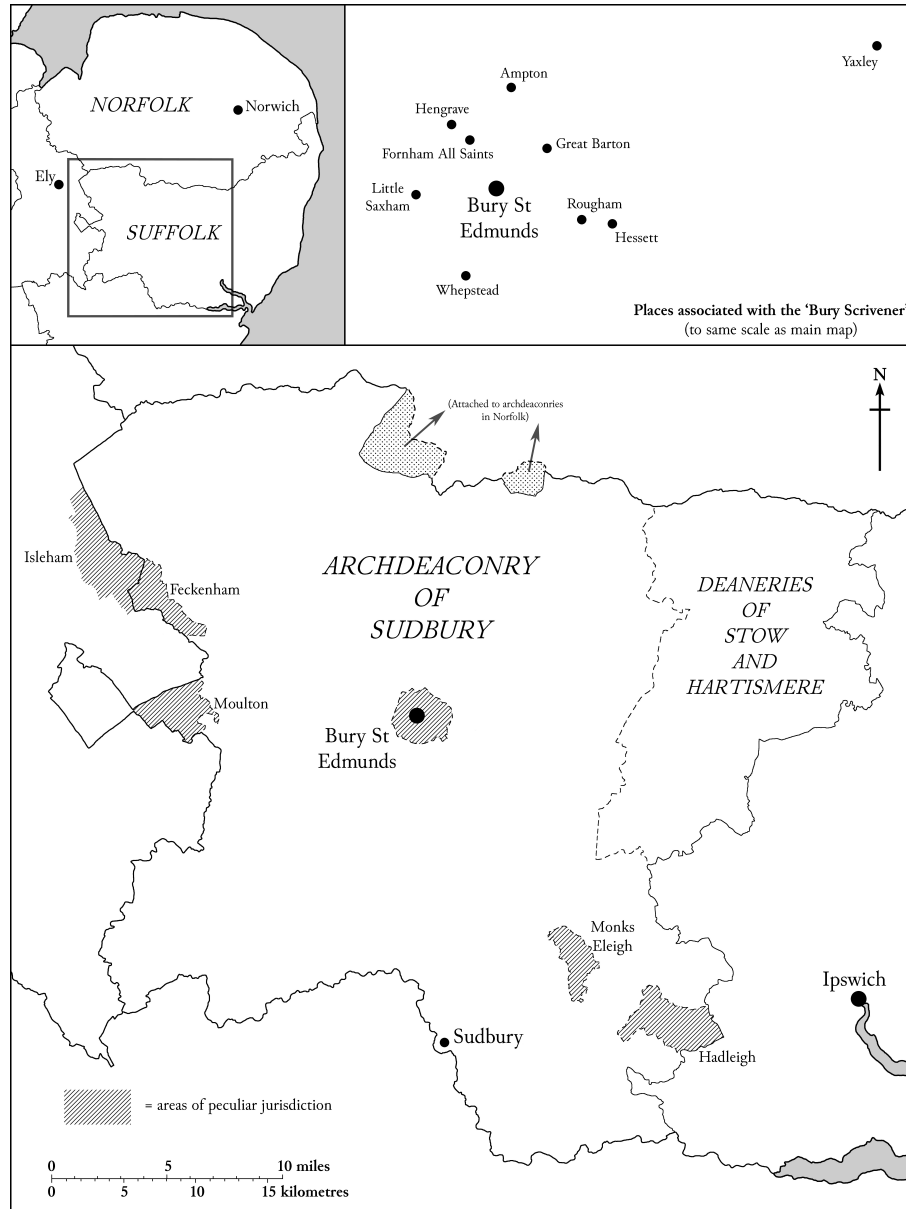
[4] Because of the nature of the division of administrative jurisdiction within the monastic borough – an arrangement that can be traced from the earliest years of the twelfth century - the office of sacrist entailed extensive administrative responsibilities not only within the abbey but in the town of Bury itself. Since the town did not constitute part of the abbot's barony but was part of the conventual property the sacrist (representing the religious foundation) was, in effect, 'lord of the manor of Bury', who exercised the abbot's rights and controlled the profits from the holdings. The sacrist's authority was enhanced by his control over the appointment of town officials, including bailiffs and reeves, an arrangement that persisted, despite minor modifications from time to time, until the dissolution. As a result the sacrist exercised considerable judicial power in the borough courts and, because of his office as archdeacon, in the ecclesiastical courts. For a detailed and specific analysis of the duties and responsibilities of the sacrists of Bury St Edmunds see M. D. Lobel, *The Borough of Bury St Edmund's: A Study in the Government and Development of a Monastic Town* (Oxford: Clarendon, 1935) pp. 31-59.

The number of potential testators to be accommodated within this single probate court was substantial. Since Bury had a gross population that can be estimated to be in the region of 5,000 individuals during the fifteenth century, this represented not only a considerable administrative responsibility for the sacrist but also a significant financial opportunity for the abbey and resulted in the preservation of a discrete but substantial archive of will transcripts.[5] While Bury was not, therefore, amongst the largest urban centres such as Bristol, Norwich, or York, it would have had a similar population to that of Colchester, and was possibly a little larger than Beverley during the immediate post-plague period.[6] Since it has been estimated that as many as three-quarters of the adult male population of Bury St Edmunds presented a will for probate, the registered texts form a self-contained corpus that is therefore ideally suited for analysis.[7]

This chapter will survey the available testaments from both Bury St Edmunds itself and the surrounding archdeaconry of Sudbury up to the end of the fifteenth century, focusing particularly on vernacular texts composed on behalf of women and comparing the trends in language use between urban and rural testators and the testaments of the residents, both male and female, of the small town of Sudbury. The chapter will begin, however, by assessing the effect of the recorded periods of high mortality on the decision to use Latin or English in testamentary composition as revealed by both the Bury St Edmunds and archdeaconry of Sudbury will corpora as a whole, and will also use certain duplicate texts to gauge the nature and accuracy of scribal practices.

---

[5] Estimation of population levels from the available evidence during this period is fraught with difficulty. Robert Gottfried, however, makes a persuasive argument that the pre-Black Death population of Bury stood at a little over 7,000, a figure that had fallen by more than 41% to 4,200 by 1377 (the year in which poll-tax returns offer a figure to work with), and risen only slowly, to less than 5,500 by 1522 when the military muster roll again provides a foundation upon which to base an assessment. It seems reasonable, therefore, to judge that an average gross population in the region of 5,000 individuals could have been resident in Bury during the fifteenth century. Robert S. Gottfried, *Bury St. Edmunds and the Urban Crisis: 1290-1539* (Princeton: Princeton University Press, 1982), p. 54. R. H. Hilton's reservations about the reliability of certain aspects of Gottfried's research should be noted, however. R. H. Hilton, review of Robert S. Gottfried, 'Bury St Edmunds and the Urban Crisis 1290-1539', *Urban History Yearbook* 1983, pp. 183-184.

[6] Christopher Dyer, *Making a Living in the Middle Ages: The People of Britain 850-1520* (2002; New Haven & London: Yale University Press, 2009) p. 296; Jenny Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (1998; Cambridge: Cambridge University Press, 2002) p. 9.

[7] Gottfried, *Bury St Edmunds and the Urban Crisis*, p. 259.

I.   THE EXTENT OF THE ARCHIVAL HOLDINGS

The testamentary records of both the archdeaconry of Sudbury and the peculiar of Bury St Edmunds are

held by the Bury St Edmunds branch of the Suffolk Record Office. The earliest texts registered in the

abbey's sacrist's court and surviving in contemporary transcription predate those in the surrounding

archdeaconry of Sudbury, the former ('town wills') commencing in 1354, while the latter ('rural wills')

started to be registered and copies kept in 1439.

Table 6.1   TESTAMENTARY PRODUCTION: BURY ST EDMUNDS AND
THE ARCHDEACONRY OF SUDBURY, 1354-1499

	BURY	SUDBURY	BURY & SUDBURY COMBINED
LATIN TESTAMENTS			
PROBATE REGISTRY TEXTS:			
Male Testators	1281	2708	3989
Female Testators	274	399	673
ORIGINAL WILL TEXTS:			
Male Testators	1	86	87
Female Testators	0	17	17
TOTAL MALE & FEMALE LATIN TESTAMENTS:	**1556**	**3210**	**4766**
ENGLISH TESTAMENTS			
PROBATE REGISTRY TEXTS:			
Male Testators	105	340	445
Female Testators	37	49	86
ORIGINAL WILL TEXTS:			
Male Testators	0	20	20
Female Testators	0	10	10
TOTAL MALE & FEMALE ENGLISH TESTAMENTS	**140**	**420**	**562**
TOTAL CORPUS:	**1696**	**3630**	**5327**

The two corpora became one in 1566/7, with total holdings ultimately consisting of over a hundred

volumes of testamentary texts for the period from the earliest surviving registrations up to the institution

of civil probate registries in 1858, of which the seven volumes covering the period up to and including 1499 and comprising well over five thousand individual texts in Latin and English by both men and women (as shown in *Table 6.1* above) are of interest here:[8] Of these seven volumes, the town wills up to and including 1499 comprise those registers known as 'Osberne', 'Hawlee', and 'Pye', while those rural wills registered before 1500 are contained in four volumes: 'Baldwyne', 'Hervey', 'Fuller', and 'Boner'.[9] In addition there are 132 original Latin and vernacular will texts in the archive, as well as more than forty testamentary documents (again in both Latin and English) that had been retained despite having been transcribed into the registers. Relatively few wills made by citizens from Bury are to be found registered (or duplicated) in the archives of other probate courts, however, and where this has occurred it was generally because the testators in question also held property outside the town.[10] The extant register-copy texts preserved in the records of the sacrist's court constitute, therefore, a discrete corpus of testamentary documents that represents close to the entire will production of the town from the mid-fourteenth century until the dissolution.

II.   TESTAMENTARY PRODUCTION AND LANGUAGE USE IN BURY ST EDMUNDS

Turning first to the wills of the peculiar and focusing initially on those texts composed on behalf of women, in 1354 (the earliest year for which register copies of testaments are extant) a total of nine will texts were transcribed, all in Latin, of which one was for a female testator.[11] Of the following year's total

---

[8] Bury became a royal peculiar after the dissolution. Jurisdiction passed to the Bishop of Norwich before the end of 1556, and wills were registered in his commissary's court for the next ten years, when the will registrations were combined with those of the archdeaconry, even though the relevant commissary's court technically continued to exist until the Order in Council of 1844. See Peter Northeast (ed.), *Wills of the Archdeaconry of Sudbury*, pp. xxxix-xl, and notes. In instances where companion wills and testaments were in English and Latin, the testator has been shown in the table as producing a vernacular document.

[9] As in some other archives, the registers from Bury and the archdeaconry of Sudbury have customarily been identified according to the name of the first testator to have their will entered in that volume. These register names tend to persist even when, as in the case of 'Baldwyne', that register has lost its first page or gathering and the eponymous text is long gone. More recently, however, references to individual texts within the register volumes have been given using a number form, with Reg. Osberne indicated by 1; Hawlee – 2; Pye – 4; Baldwyne – 9 and 10 [this register was rebound as two volumes in the 1950s]; Hervye – 11; Fuller – 12; Boner – 13. These volumes are all categorized under the prefix R2 and specific texts identified by the addition of the relevant folio number(s). References therefore follow the format 'R2/01/231' for instance - this example denoting the testament of John Coppyng, whose will was the first vernacular text to be listed in the registers of the peculiar.

[10] See Peter Northeast, *Wills in the Archdeaconry of Sudbury*, pp. xxxix-xl. Robert Dunn has identified six such testators: three in the Prerogative Court of Canterbury, two in the Consistory Court of Norwich, and one in the Sudbury Archdeacon's Court. Robert Dunn, 'Death and Rebirth in Late Medieval Bury St Edmunds', in Steven Bassett (ed.), *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (London: Leicester University Press, 1992) 151-169, p. 166, n.4. Robert Gottfried refers to 'about a score of Bury testators in the Prerogative Court of Canterbury and twenty-two in the Norwich Consistory Court.' Gottfried, *Bury St Edmunds and the Urban Crisis*, p. 259, n. 9.

[11] Testament of Agnes Siffoks, 1354, BRO, R2/1/3.

of four texts, two had been composed on behalf of women. It was not until 1419 that the first

vernacular testament was composed for a woman, however.[12] This was the first English instrument of

bequest for a testator of either sex to be entered into the testamentary registers of the sacrist's court and

is an isolated example of a will composed in the mother tongue some sixteen years before the first of the

male vernacular wills and more than fifty years before the next woman's vernacular testament to be

registered here.

Fig. 6.1   BURY ST EDMUNDS: FEMALE TESTAMENTARY PRODUCTION, LATIN AND ENGLISH
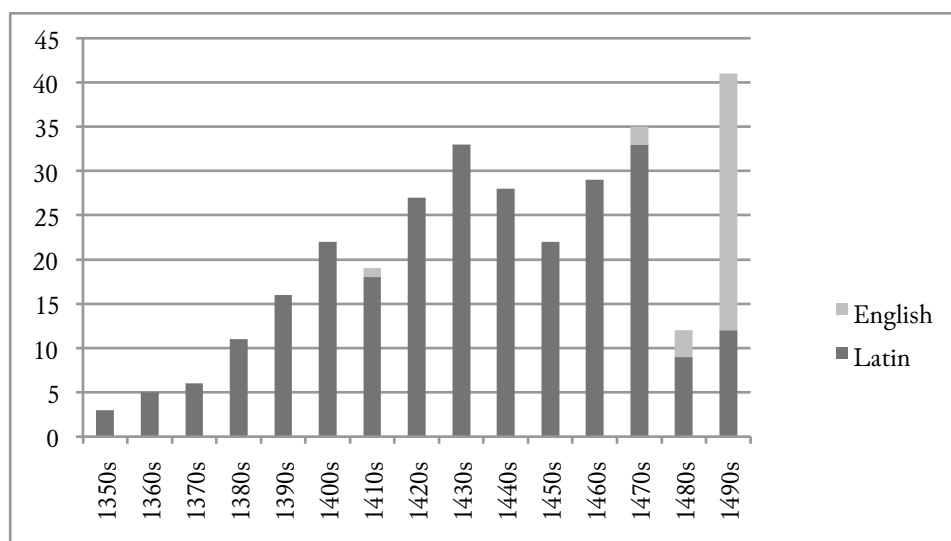
Fig. 6.1 (above) shows the slow but generally sustained growth in female testamentary

production by decade starting in the 1350s and illustrates the emergence and growth of vernacularity,

despite a dip in the 1450s and the anomalous low point of the 1480s. The graph reveals that the writing

of wills in Latin predominated until towards the end of the century, whereupon a dramatic increase took

place in the proportion of those testaments composed in the vernacular on behalf of women. By the

1490s, however, combining that decade's total Latin texts with the English ones composed during the

same ten-year period yields a total of forty-one women's wills, indicating that the growth in female

---

[12] Testament of Joan Heryng, 1419, BRO, R2/1/155.

testamentary production remained broadly constant, a trend indicating that total production was unaffected by the change in language use.

The pattern of female testamentary production, therefore, while it does indeed indicate that steadily more women were making formal disposition of their belongings, does not suggest that the availability of the vernacular necessarily enabled more women to participate in will making, even though it is possible to argue that such participation could have become more informed when undertaken in the mother tongue than it had been when distanced by the use of Latin. Rather, it suggests that this steady growth in registrations echoes the gradual recovery in the size of the population that is known to have been taking place, and thus reflects the increasing percentage of female testators in Bury St Edmunds over the decades in question. Given the demographic skew unavoidably inherent in the nature of female testamentary capacity, it is also probable that the largely smooth upward trend in their will production reflects the growth in the number of widows becoming available to exercise their testamentary prerogative and doing so in English, while revealing less about the presence, testamentary aspirations, or linguistic inclinations of very young or married women.[13]

Examination of the data relating to male testamentary production and language use in the town of Bury over the study period also reveals a growth in the total registration of wills, although at a less consistent rate than that shown by the surviving female testaments. There was also a similarly sudden move from Latin towards English composition in the male texts registered during the 1490s, as can be seen from *Fig. 6.2* (below). Focusing on the language choices of the male testators whose wills were recorded in this decade indicates that the division between Latin and English (when viewed as a percentage) was remarkably consistent with that for female testaments in the same decade. Seventy-one per cent of women's wills registered during the 1490s were composed in the vernacular, while sixty-nine per cent of male wills were also written in English during the same period.

---

[13] Lobel has pointed out that 'the law of Bury showed itself more hostile to women's property rights than the Common Law' and was also 'in agreement with the verdict of the parliament of 1344 that is was against reason for married women to make ... wills, and it only allowed them to do so with their husband's consent.' In support of this Lobel points out that only five married women made bequests of land in the pre-reformation period, and in only two of these is the husband's consent mentioned. Lobel, *The Borough of Bury St Edmund's*, p. 107.

More detailed year-by-year comparison with the registrations of women's texts bears out the impression given by the decadal figures that the 1480s (particularly 1489, a year for which no testaments are present) may have been a period from which only a small percentage of the available texts survived. A possible decrease in the number of testaments being produced in this decade should also be considered, however, particularly in view of the high level of mortality (and therefore will registrations) in previous years, a topic that will be examined later on in this chapter. That the general growth in male testamentary production does not appear to have been consistent during the second half of the fifteenth century and that the total for the 1490s merely returned to the constant of the 1430s and 1440s after the low point of the 1480s, rather than surpassing the high yield of the 1470s bears out the contention made with regard to the women's texts, namely that the relatively sudden advent of vernacular will writing (for whatever reason this might have been) neither encouraged nor facilitated a sudden surge in testamentary production amongst those members of the population that might be expected previously to have felt excluded by the use of Latin.

Fig. 6.2   BURY ST EDMUNDS: MALE TESTAMENTARY PRODUCTION
LATIN AND ENGLISH[14]

---
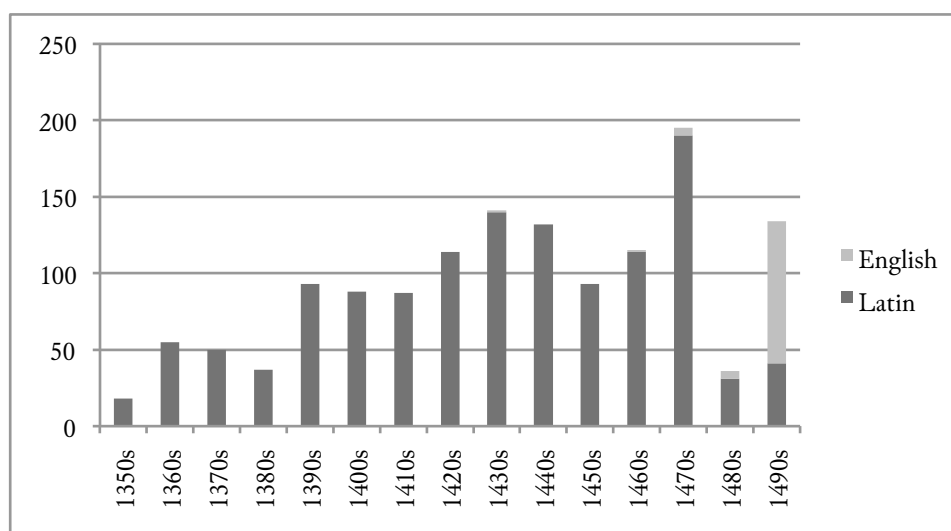
[14] NB. Size and scale limitations have made units smaller than 5 texts impossible to represent. It should be noted, therefore, that one male vernacular testament was registered in the 1430s and one in the 1460s.

Irrespective of gender, therefore, while the use of the vernacular might have enabled individuals other than legal professionals (including testators themselves) to act in a scribal capacity, the possibility of composing a testament in the mother tongue does not seem to have brought about a sudden increase in the total number of Bury residents who found it necessary or desirable to make detailed written disposition of their goods in anticipation of death. Furthermore, the steady early growth in registrations indicates that the testators of Bury cannot be said to have been discouraged from the will-making process during the time when it was only acceptable to use Latin. Nor, since in the second half of the century registrations either continued to grow but only steadily (in the case of the women) or merely marked a recovery of lost ground (with regard to the men's texts), can testators have been dramatically encouraged to make a will simply by the possibility of using English. Such trends also suggest that the need to engage a Latinate (and arguably, therefore, relatively expensive) professional cannot have been viewed as a significant impediment to composing a will amongst a population accustomed to such practices within a well-organized local administrative structure such as Bury is known to have had.[15]

The percentage of the Bury testaments composed in the vernacular before 1500 differs slightly between male and female texts, standing at seven-and-a-half per cent of the men's registered testaments and twelve per cent of the women's. In comparison, the gender-proportion of testators whose wills were composed in English and registered in the archdeaconry of Sudbury is surprisingly uniform.[16] The surviving Sudbury texts indicate that fractionally more than eleven per cent of both male and female testators whose wills were registered in the archdeaconry favoured the vernacular, a percentage which echoes that of the women of Bury. It is the wills of the archdeaconry that will now be addressed.

---

[15] That correct dispositive processes were well established and familiar to the citizenry of Bury St Edmunds can be deduced from the description of the events surrounding a contemporary testamentary dispute in the twelfth-century chronicle of Jocelin of Brakelond. See above pp. 76-77.

[16] It should be noted that although the numbers of surviving original texts have been included in *Table 6.1*, indicating their language, these texts have not been included in the analysis of testamentary growth and language use since their survival is patchy and therefore does not represent a quantifiable data set. Statistical representations and conclusions are based entirely on the corpus of testamentary transcripts contained in the register volumes known as Baldwyne, Hervye, Fuller, and Boner. An example of an original text is reproduced in the appendix

III.   TESTAMENTARY PRODUCTION AND LANGUAGE USE IN THE ARCHDEACONRY OF SUDBURY

Although the archive of the archdeaconry of Sudbury contains more than twice as many testamentary texts as those preserved in the probate registers of the peculiar of Bury St Edmunds, the earliest of the rural texts extant date from 1439, eighty-five years later than the first of the town wills. It seems likely, however, that some of the earliest wills from this corpus have not survived, since the first register in the series – Baldwyne - despite its original outer and inner covers having been preserved when it was bound, does not commence with a testament by an individual of that name.[17] Furthermore, even though this was a period of high mortality with widespread pestilence and bad weather, the fifty-three testaments registered in 1439 constitute an unusually large number of probate applications to have been presented and transcribed during the first months of a system in its infancy.[18] Comparison with the archival holdings of other jurisdictions suggests that testamentary registrations of this type tended to make a slow and sporadic start rather than having extensive and sustained use from the outset, as appears to have been the case from the surviving transcripts. It seems likely, therefore, that grants of probate from the period before 1439 either did not extend to the systematic transcription of wills, or more probably that those records that were kept have perished.[19]

Examination of the texts available, however, shows that in the archdeaconry of Sudbury the Latin wills of female testators were consistently amongst those being presented for probate from the first year for which records are available, although the first woman's will to have been composed in the vernacular was not presented before this court until more than thirty years later.[20] Comparing the advent of female vernacularity in the archdeaconry with that in the sacrist's court does reveal some parallels, however, despite the discrepancies in the temporal span of the two archives. Considering the town wills again for a moment, if the first isolated, even anomalous, woman's vernacular will of 1419 is discounted (its date being outside the scope

---

[17] For a detailed description of the register see Peter Northeast (ed.), *Wills of the Archdeaconry of Sudbury*, pp. xli-xlii and pp. liv-lv.

[18] For a chronology of visitations of pestilence and meteorological influences on mortality, together with the sources of contemporary descriptions between 1431 and 1480, see Robert S. Gottfried, *Epidemic Disease in Fifteenth Century England: The Medical Response and the Demographic Consequences* (Leicester: Leicester University Press, 1978) pp. 47-50.

[19] It would appear that before 1439 testaments were being composed in a form consistent with the expectation of legal process taking place, since the separate last will and testament documents of Cecily Ydene, a resident of Burwell in the rural deanery of Fordham - part of the archdeaconry of Sudbury - was proved in the chapel of All Saints, Newmarket in February 1435. The two separate documents were recorded in register Baldwyne in 1461/2. Testament of Cecily Ydene, 1435, BRO, R2/09/277 and 302.

[20] Testament of Katherine Hunt, 1472, BRO, R2/10/461.

of the archdeaconry's extant wills archive) then the date of the next female-instigated vernacular text to be registered in the town – 1472 – coincides with the documented beginning of vernacular testamentary production by women in the surrounding rural area.[21] With regard to the rural wills, the decadal figures for the women's texts show a consistent growth in the use of English during the 1470s, 1480s, and 1490s, although the wills registered on behalf of the women of the archdeaconry of Sudbury lack the dramatic swing towards vernacularity that the Bury women's texts exhibited during the 1490s. Indeed, fewer wills were presented for probate on behalf of the women of the archdeaconry during that decade than was the case with the female testators of the town, despite the rural catchment area being so much larger, with sixty-four per cent of the thirty-seven women's wills registered in the archdeaconry being in the vernacular, while seventy per cent of the townswomen's forty-one wills presented at the sacrist's court in the same decade were in English.

Fig. 6.3 (below) also illustrates the rapid growth and almost equally rapid apparent decline in women's testamentary production in the archdeaconry during the years covered by this study, despite the steady increase in the use of the vernacular. The profile of the graph is not consistent with a growth in the population, with the reduction in the number of texts presented for probate in the 1480s echoing the similar reduction in surviving testaments in the town during that decade without any subsequent recovery during the 1490s.

Fig. 6.3   THE ARCHDEACONRY OF SUDBURY: FEMALE TESTAMENTARY PRODUCTION, LATIN AND ENGLISH

---
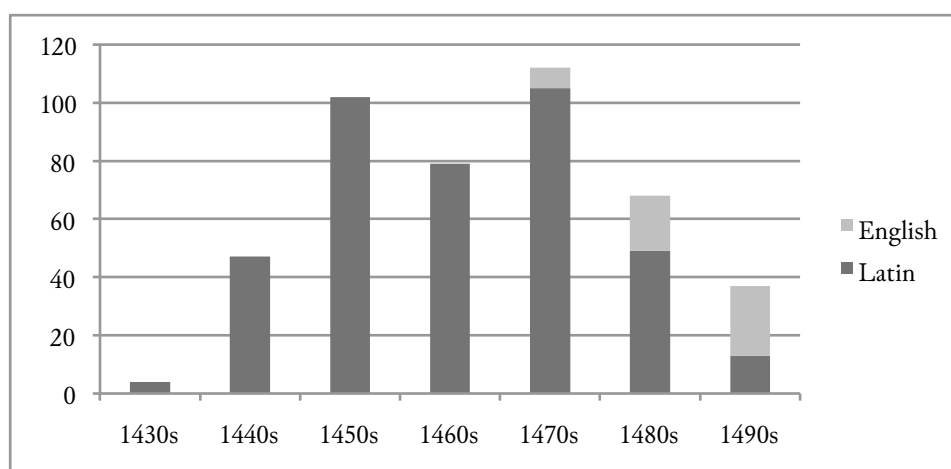
[21] Testament of Joan Heryng, 1419, BRO, R2/1/155; testament of Katherine Hunt, 1472, BRO, R2/10/461.

Comparing the graph of female testamentary production (above) with that showing the same data for the male testators of the archdeaconry of Sudbury in *Fig. 6.4* (below) reveals remarkably similar trends in the increase and decrease of recorded testaments per decade for men and women, even though the corpus of male wills forms a much larger body of texts. The profiles of the graphs show a growth in total testamentary production followed by a decline, despite the uniformly steady growth in vernacular testamentary production in both jurisdictions:

Fig. 6.4 THE ARCHDEACONRY OF SUDBURY: MALE TESTAMENTARY PRODUCTION, LATIN AND ENGLISH[22]
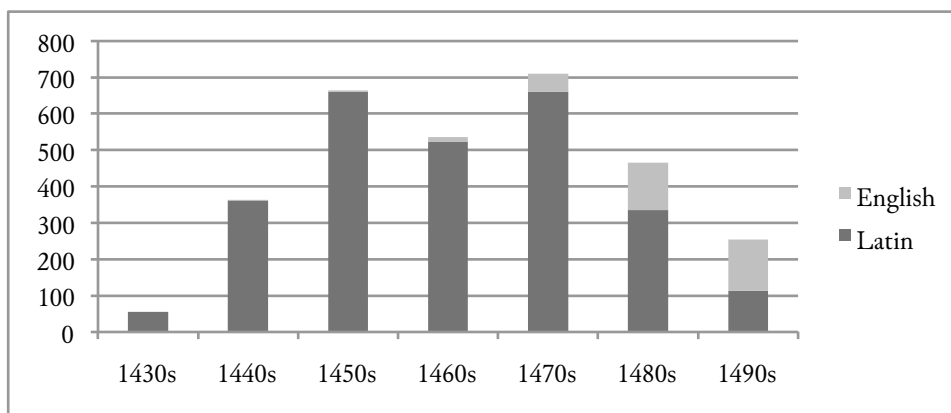
The steadiness of the downwards trend amongst the extant corpus of rural wills implies that as with the town wills the possibility of vernacular composition had not encouraged a sudden change of attitude towards will making amongst either the men or the women of the archdeaconry that resulted in an overall increase in the writing of formal testamentary bequests. Indeed the reduction in the total number of testaments produced implies some other underlying cause, and this, together with its effect on language choice, will be investigated in the next section.

IV.	THE EFFECTS OF PERIODIC CRISIS MORTALITY ON TESTAMENTARY PRODUCTION

The apparent decrease in probate applications by the residents of both Bury St Edmunds and the Archdeaconry of Sudbury from the end of the 1470s that is outlined above may be due in part to the loss

---

[22] As before, size and scale limitations have made units smaller than 5 texts impossible to represent clearly. It should be noted, therefore, that two male vernacular testaments were registered in the 1440s and five in the 1460s.

of records. Nevertheless, a reduction in will registrations in the 1480s and 1490s is more likely to be an eventual consequence not only of the earlier premature fall in population numbers initiated by the bubonic plague pandemic that began in the mid-fourteenth century, but also, particularly in the specific areas under discussion, to reflect the additional periods of high mortality during the fifteenth century. Suffolk was especially severely affected by contagious diseases in the 1450s, 1460s, and 1470s, to the extent that the male replacement ratios here indicate only a modest increase in the population by the 1470s – rather less and later than other areas - while in Bury itself numbers continued to decline.[23]

Regardless of population levels, it is unsurprising that periods of epidemic disease and the associated increase in the death rate at such times should be reflected in a dramatic rise in the number of testaments registered, as has been observed above with relation to the testamentary registrations made in the Court of Husting, and statistics of this sort have been widely used as indicators of mortality levels.[24] In Suffolk, although no rural will registrations survive from the years before 1439, in the earlier-established town archive both the *pestis secunda* of 1361 and the *pestis tertia* of 1370 are vividly illustrated by the abrupt increase in probate applications that were made to the sacrist's court during these years. On neither occasion is there a record of even a single sentence of probate either for the year before or the year after the one in question, while 1361 saw forty-five testaments proved, and in 1370 there were thirty-four. Similarly, an outbreak of pestilence followed by particularly cold weather in 1434 is reflected in another abrupt increase in the number of wills registered in the town during that year to twenty-nine, from a total of only two the previous year. In order to assess the possible contribution of periods of high mortality to the increase in vernacular will writing in the region in the last two decades of the fifteenth

---

[23] With regard to population levels at this time, it has been suggested that the evidence for replacement rates nationally, calculated from Inquisitions *Post Mortem* and testamentary evidence, shows that the decline in the population may gradually have been slowing as early as 1445, and that the decade between 1475 and 1485 ultimately formed the basis for the demographic growth that would take place in the fifteenth and early sixteenth centuries. John Hatcher, *Plague, Population and the English Economy 1348-1530* (Basingstoke: Macmillan, 1977) p. 63. With regard to Bury St Edmunds specifically, though, male replacement ratios were low, reflecting contemporary urban trends, where élite status and wealth was in inverse proportion to the birth/survival of male children resulting in a statistical impression of demographic decline. Robert S. Gottfried, *Epidemic Disease in Fifteenth Century England: The Medical Response and the Demographic Consequences* (Leicester: Leicester University Press, 1978) pp. 195 and 204.

[24] See above, pp. 74-75 and 118.

century this section will analyse levels of testamentary production in relation to the incidence of known

epidemics in west Suffolk.

Starting in 1439, the year of the earliest surviving probate transcripts in the archdeaconry of

Sudbury, it is possible to compare the number of testaments registered in the peculiar of Bury St

Edmunds with those registered in the surrounding rural area. The graph below (*Fig. 6.5*) shows that in

both town and countryside the years when epidemics are known to have taken a heavy toll on the

population are graphically illustrated by a sharp increase in the number of wills presented for probate.

While the periods with the most notable levels of mortality tended to be associated with visitations of

plague, other illnesses also reached epidemic proportions from time to time and tended to be seasonal

and cyclical, with bad weather (when influenza tended to flourish) similarly playing a part. Plague

tended to be particularly virulent in the autumn, and the visitations of 1452 (probably an outbreak that

was exceptionally severe in East Anglia), 1457/8, 1471/2, and 1479/80 can clearly be seen.

Fig. 6.5 TOTAL TESTAMENTARY REGISTRATIONS IN BURY ST EDMUNDS AND THE
ARCHDEACONRY OF SUDBURY, 1439-1499
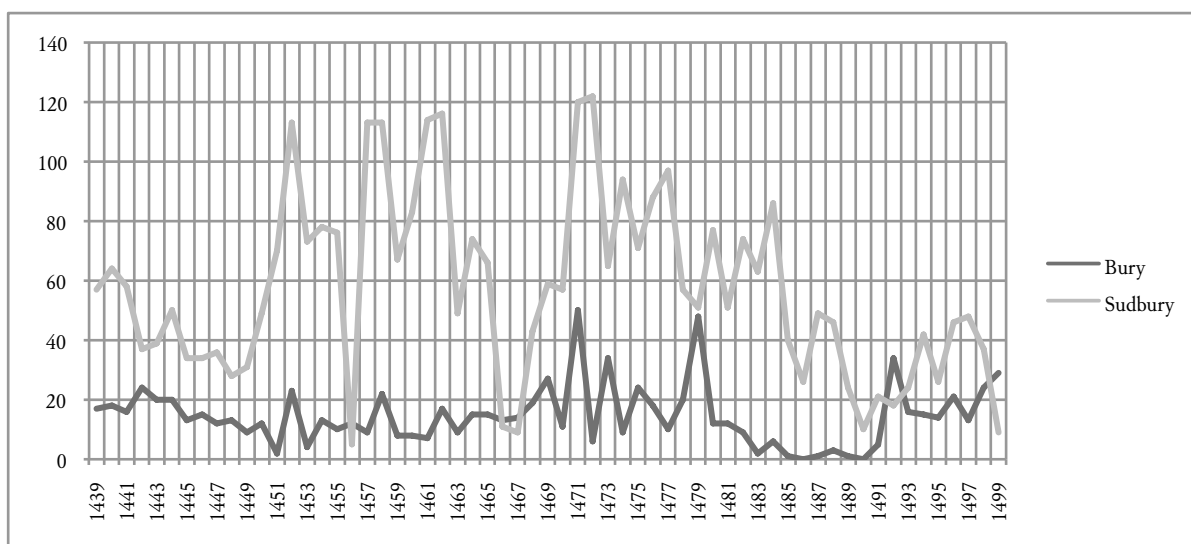
The dramatically large number of will registrations in 1461/2, however, appears not to have been a result

of plague, but an outbreak of pox, although the plague returned once again in 1464/5, while dysentery (a

late summer and early autumn disease) is reflected in the clusters of will registrations made in 1441 and

1473/4.[25]   Examination of *Fig. 6.5* (above) also reveals that while the shape of the year-by-year fluctuation in probate applications tended, proportionally, to be broadly similar in Bury to that in the surrounding archdeaconry of Sudbury, exact replication was not always the case, with the times of urban peak mortality tending to occur sooner and run their course more quickly than those in the surrounding countryside, with a level of severity that appears on some occasions to have been relatively greater in the town, while at other times it was less so.

It was against this background of sequential epidemics, exacerbated periodically by extreme weather conditions resulting in poor harvests, all of which contributed to periods of crisis mortality, that testamentary documents began, at first almost imperceptibly, to be written and recorded in English. *Fig. 6.4* (above) indicates by decade the modest but steady growth in the number of male testators resident in the archdeaconry of Sudbury who chose to make their wills in English, while the preceding chart (*Fig. 6.3*) presents the same data with regard to female testators. This information can be represented in more detail for the entire corpus of rural will-makers in the archdeaconry of Sudbury on a year-by-year basis as follows:

Fig. 6.6 THE ARCHDEACONRY OF SUDBURY: TESTAMENTARY REGISTRATIONS 1439-1499,
LATIN AND ENGLISH

---
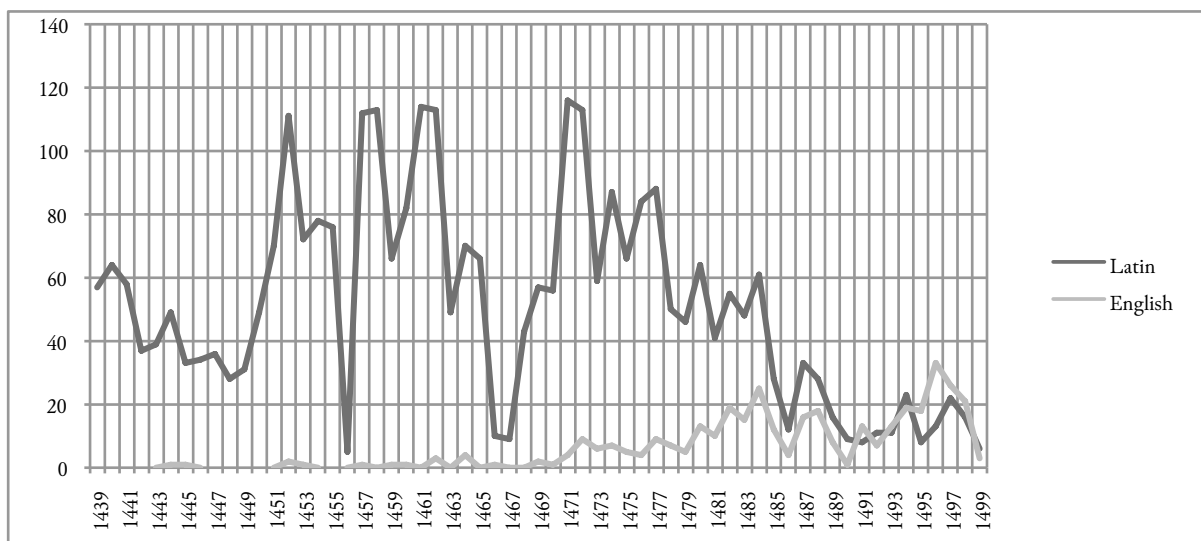
[25] See Gottfried, *Epidemic Disease in Fifteenth Century England,* pp. 47-50. For a discussion of the catastrophic visitation of 'pox' and its progress across East Anglia during this period see ibid. p. 98-99. It would seem possible, however, that the non-specific term 'pox' might have included a number of other conditions.

The earliest occurrences of vernacular testaments during the 1440s, 1450s, and 1460s, were isolated, sporadic, and few in number, and although they coincided with times of peak testamentary production they cannot be said to represent either a significant or a reliably uniform proportion of the total registrations made. It was not until 1471/2, after the devastating mortality of the previous months, that vernacular bequests began to appear in slightly larger numbers. From the mid 1470s the modest clusters of these English wills can be seen to mimic the peaks and troughs representing Latin will production on the graph above (*Fig. 6.6*), a trend that would become more pronounced during the 1480s, when a general tendency in the first half of the decade towards an increase in vernacularity can be observed. This was in contrast to the overall picture of Latin testamentary production after the mid 1470s, which although at times erratic, with spikes that reflect the extremes of annual mortality, shows an overall tendency towards decline until by the mid 1490s the growing popularity (or at least survival) of English texts had exceeded that of the Latin testaments.

While a graphic representation of the increase and decrease in vernacular wills from one year to the next can often be seen to follow a similar profile to that of the Latin registrations, different influences do from time to time appear to hold sway, however. For instance, the Latin testamentary evidence suggests that in the rural area under the probate jurisdiction of the archdeaconry of Sudbury some of the most catastrophic mortality extended over two-year periods (1457/8, 1461/2, 1464/5, 1471/2, 1476/7) during which high numbers of Latin wills were presented, but this does not seem to be a pattern followed by the vernacular testaments. The surviving evidence suggests that the English wills associated with these longer epidemic cycles were either confined to one of the years or, in the case of the 1471/2 outbreak of bubonic plague, rose steeply from four registrations in the first year to nine in the second, a pattern repeated exactly in 1476/7. The 1471/2 visitation of plague seems to mark the point when vernacular will writing in the rural areas was becoming more generally accepted and routine, with several vernacular wills registered in each year thereafter, rather than just isolated single examples,

although as *Fig. 6.6* (above) illustrates, it would be another twenty years before the number of English testamentary registrations would for the first time exceed those in Latin in this jurisdiction.

The testamentary records kept by the sacrist's court indicates that the pestilence of 1471 was also notably severe in the town of Bury St Edmunds. If the large quantity of wills being registered for a single year followed by an abrupt decrease can be taken as a reliable indicator of the progress of infection the full impact of this epidemic seems, as on previous occasions, to have been condensed into a somewhat shorter period than was the case in the surrounding countryside. This was in contrast to the high number of registrations being sustained over two consecutive years as described above in relation to the surrounding villages. Irrespective of the relative severity of infection, though, the probate records confirm what is known from contemporary narrative sources and epidemiological study: that during the 1470s the town of Bury was subject to periodic high mortality as a result of epidemics of both bubonic plague (1471 and 1479) and dysentery (1473), as can be seen from the dramatic cluster of spikes on the graph below (*Fig. 6.7*).

Fig. 6.7 BURY ST EDMUNDS: TESTAMENTARY REGISTRATIONS 1439-1499, LATIN AND ENGLISH
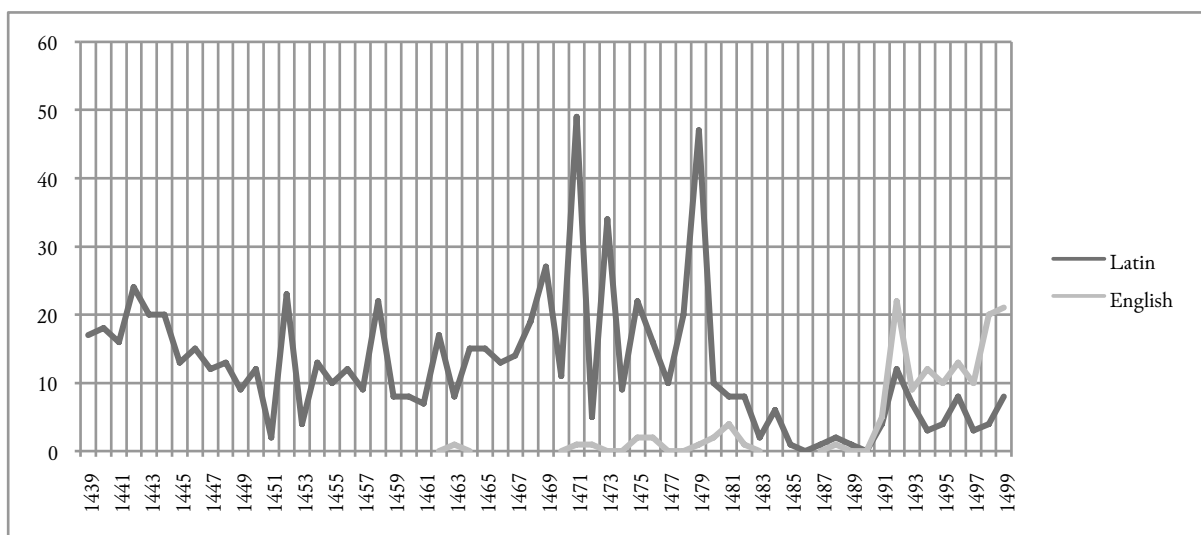
Fig. 6.7 also reveals that in the peculiar, as in the surrounding archdeaconry, the 1470s was the decade when vernacular testaments started to be recorded with slightly more regularity, the three

previous examples of English wills by citizens of the town being the isolated, even anachronistic occurrences of 1421, 1437 and 1468, none of which were years of notably high mortality. Combining the English testamentary outputs of both the peculiar and the archdeaconry between 1439 and 1499 that appeared as the lighter-coloured lines on the two preceding graphs (*Figs. 6.6* and *6.7* above), makes it possible to see the extent to which the vernacular will registrations of town and country resulted in similar statistical profiles, and the times in which this was most markedly the case:

Fig. 6.8 BURY ST EDMUNDS AND THE ARCHDEACONRY OF SUDBURY: ENGLISH TESTAMENTARY REGISTRATIONS, 1439-1499
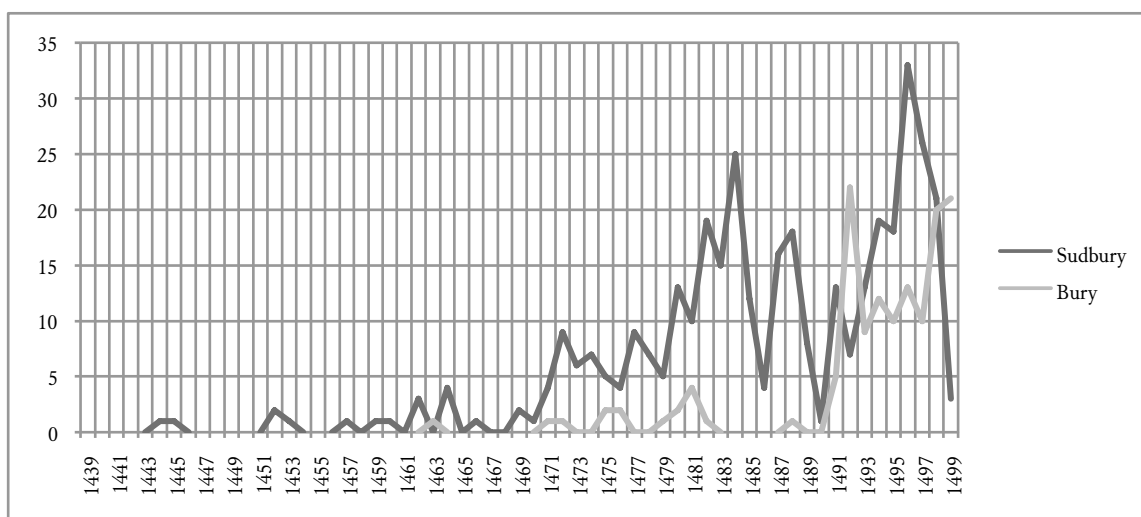
The trend in both town and country was towards an overall, albeit gradual and erratic, increase in vernacular testamentary registrations, although the two regions did not coincide exactly with regard to the timing of their peak periods of English language will presentation. Rather, the years of high vernacular testamentary production in the town appear to have anticipated those in the archdeaconry of Sudbury by two to three years, the former falling in 1475/6, 1481, and 1492, while peaks in the latter occurred in 1477, 1484, and 1494. Since the vernacular testaments registered during these years can be seen from *Fig. 6.5* (above) to reflect a percentage of the high total volume of wills registered at those times either in the town or the countryside, their numbers should therefore be considered to echo the prevailing epidemiological conditions rather than to indicate that the townsfolk were setting a fashion

that the villagers later followed. Specific individual motivation is almost impossible to guess, however, and it is likely that a range of underlying reasons would have contributed to the move towards vernacularity, which during times of high mortality might well have included the death toll amongst local notaries and legal professionals. Should there be a scarcity or even total absence of Latinate will writers, particularly during times of increased testamentary production, it seems possible that more of the prospective testators than might otherwise have done so would have found it necessary to seek an alternative and to engage the services of another individual who might have been unable to compose a will in Latin.

In addition to the possible effects of mortality on the legal profession, the consequence of several decades of contagious diseases on the demographic makeup of society and the ways in which that might have impacted upon language use should also be considered. Reaching secure conclusions about matters related to population size is problematic, however, and such calculations made for any time before the advent of parish records have been subject to debate. Even supposedly national surveys such as the poll tax rolls only extended to heads of households and were often incomplete, requiring an additional layer of speculation before even an approximate calculation of population numbers can be attempted, while more detailed manorial surveys followed their own agendas, reflecting data relevant to estate holdings rather than presenting an accurate demographic picture. The absence of reliable population figures makes calculating the effect of plague on the age-distribution of the post-1348 population even more complex. Although not statistically supported, narrative sources can from time to time reveal a little of the underlying picture, however. It was reported in contemporary and near-contemporary chronicles, for instance, that the plague outbreaks of the 1360s struck particularly at the young.[26] This situation, largely accepted by historians, would have resulted in the short term in a predominance of the middle-aged and elderly, and thus a reduction in the birth rate, the low replacement ratio resulting in a slow rate

---

[26] Chroniclers from England and the Continent described the plagues of 1361-2 and 1369 as particularly devastating to children and young men, while the visitation of 1361-2 was referred to as the 'plague of children' in the *Anonimalle* and Meux chronicles. This opinion was also echoed by the *Brut* and the *Polychronicon* as well as by de Chauliac in France. Later outbreaks of plague in the 1370s and 1380s were similarly characterized. See Jim Bolton, "The World Upside Down': Plague as an Agent of Economic and Social Change', in Mark Ormrod and Philip Lindley (ed.), *The Black Death in England* (Donington: Shaun Tyas, 2003) 17-78, pp. 27-28.

of recovery.[27]   Patterns of mortality would have varied according to region at different times, which in turn suggests that the age profiles might have been similarly variable from one place to another as a result. The sequence of contagions that cut such a swathe through the population was (as in so many places) of numerous different types, and although the plague pandemic that started in 1348 took a terrible toll that might well have afflicted the young population in particular, the adverse weather conditions and epidemics of influenza, dysentery, and pox that came in other years would have had a similarly devastating effect on the older members of society as well.

How considerations of this sort might have impacted upon attitudes towards testamentary language use is impossible to judge with certainty. It seems possible, though, that the high mortality between the 1450s and 1480s prematurely swept away a large swathe of those testators who favoured Latin and whose testaments form the dramatic spikes on the graph below during this period:

Fig. 6.9   BURY ST EDMUNDS AND THE ARCHDEACONRY OF SUDBURY: TESTAMENTARY REGISTRATIONS 1439-1499, LATIN AND ENGLISH
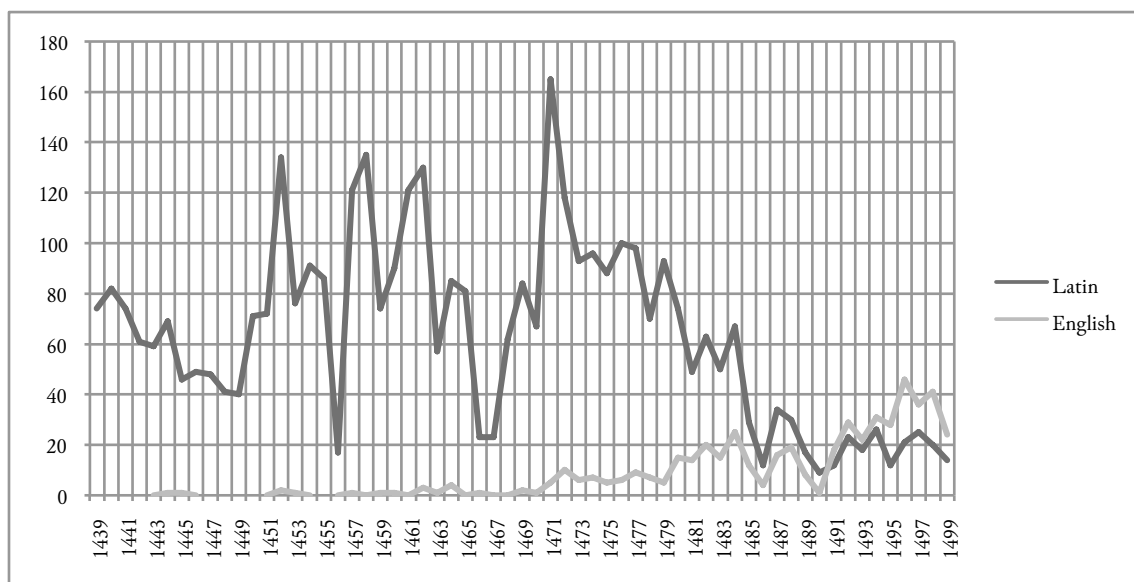
An increasing number of citizens in the years following the worst of the epidemics chose, whether for pragmatic or other reasons, to embrace the concept of mother-tongue will-writing that had first begun

---

[27] Jim Bolton, "The World Upside Down': Plague as an Agent of Economic and Social Change', pp. 28 and 34. Bolton refers in particular to Zvi Razi's corroborative findings that the plagues of the 1360s took a terrible toll on children in Halesowen.

to emerge locally in the 1450s, emanating from London and its immediate hinterland. Vernacular testators in the 1480s and 1490s represented, therefore, a larger percentage of the will-making population at a time when the registration of vernacular testaments was accelerating anyway, as can be seen from *Fig. 6.9* (above). That English wills existed at all during this period is an indication of the growing acceptance of the use of the vernacular for testamentary purposes. That English was used for such a significant proportion of the registered texts in the decade after the periods of peak mortality and overtook Latin will production in west Suffolk decisively in 1490 suggests that the new generation of testators was open to the idea of vernacular testamentary writing in a way that Suffolk citizens of the 1460s and 1470s had not been. Furthermore, the changes in the population hastened by the untimely death of so many who (the evidence suggests) favoured the use of Latin, may also have contributed to the apparent rapidity of the change from Latin to the vernacular for testamentary purposes in the decades to come.

V.   THE TESTAMENT OF KATHERINE OF HOO AND SCRIBAL PRACTICE

As indicated in the preceding sections, the growing popularity of vernacular will making in west Suffolk in the last two decades of the fifteenth century is clearly reflected in the number of register-copy texts preserved in the archives of the sacrist's court of the Abbey of Bury St Edmunds and the archdeaconry of Sudbury. On a practical note, as the volume of vernacular registrations increased in the last decades of the fifteenth century it might reasonably be wondered whether the clerks employed to transcribe the original wills into the probate registers observed high and uniform standards of accuracy. After all, although exceptions do exist and three of them will be examined in the next section, in the majority of cases the text the testator signed survives only in the probate copy and confidence in the transcriptional accuracy is as necessary to modern analysts as it was to the contemporary legal process, albeit for different reasons. To what extent, then, do the register copies reproduce the idiosyncrasies of the original text? Did the numerous probate clerks agree a uniform house style or did they superimpose their own

orthography? Did pressure of work lead them, on occasion, to inaccuracies or a tendency to streamline the more formulaic or tautologous elements of their vernacular copy text? Use of the vernacular could have enabled the copyist to edit and reduce the original in a way that might have been less tempting when transcribing a possibly more succinct (even less well understood) Latin original. Examination of two probate registrations made in the peculiar of Bury St Edmunds on behalf of Katherine of Hoo enables some of these questions to be addressed, at least with respect to the practices of that probate court.[28]

The testament in question is dated 22nd January 1483. The sentence of probate, though, was granted on the last day of February 1493, apparently ten years later. Although not out of the question, the death of the testator apparently came such an unusually long time after the writing of her testament that a copyist's error seems possible. Alternatively, perhaps the original contained a tiny scribal inaccuracy or illegibility in the writing of the date (M^{l} CCCC.**lxxxx**iij appearing as M^{l} CCCC.**lxxx**iij [emphasis added]) that gave the impression, faithfully perpetuated in the register, that it had been composed ten years earlier. Should 1495 have been the intended year then a mere five weeks would have elapsed between composition and registration, a length of time in keeping with majority practice. Be that as it may, the testament, written in English and conventionally phrased, was entered on f. 24v of the register followed by its probate, which records that it had been granted by John Halsted, doctor of theology and sacristan of the abbey. Remarkably though, what initially appears to be an identical text crops up only six leaves later as the texts are now bound, on ff. 31v-32r of the same register. Although transcribed in a different hand the testament is once again dated 22nd January 1483, has the identical sentence of probate, again names John Halsted as sacristan, but this time the date of registration is 22nd February 1494, almost a year later.

Although at first sight the two copies appear to be identical, comparison of the two versions reveals that one clause had been changed between the recording of the first and second copies. After the

---

[28] Testament(s) of Katherine of Hoo, 1483(?), BRO, R2/4/24 and R2/4/31.

opening preambles and some minor gifts of small domestic items the first text states, with reference to the only bequest of value:

> Also I pr*ay* and requyre all my Cofeoffeez that at all tymes thei delyver a state of my ten*em*nts the wiche I dwelle in unto the behove and use of the said Agnes my dough*ter* **never the lesse if it may be spared and keped I will that it remayne in my feoffes hand**s **till tyme thei se her in necessite and then thei to be redy** to delyv*er* the state at the will of the seid Agnes my dough*ter*

In the second text the same clause has been amended to read:

> Also I pr*ay* and requyre all my coeffeffez **wiche be infeoffed and have estate w***ith* **me of & in** my t*eneme*nts the whiche I dwelle in **to delyv***er* **estate** un to the behove & use of the seid Agnes my dough*ter* **at such tyme or tymes whan they be requyred at her most nede and necessity**

[Emphasis added to indicate inconsistencies.]

It is impossible to guess why or at whose instigation this clause might have been changed, although the re-registration appears to have been officially sanctioned. It might be worth noting, however, that the sole executor of Katherine's will was the same daughter Agnes who, apparently without much prevarication on the part of the surviving feoffees under either reading of the clause, was to be endowed with the tenement in question.

Whatever the motivation for the amendment, it is the only difference of any substance between the two texts so may well have been the reason for the repeated probate. The other discrepancies are extremely minor matters of orthography and four instances possibly of eye-skip, possibly of intentional reduction, in the second text on ff. 31v-32r. They can be listed as follows:

24v	31v-32r
marie	Mary
and	&
buried	buryed
the high aughter of Seynt James	the high aughter in the chirche of seynt Jamys
lightell	lytell
soule	sowle
gallonys	galons [two identical instances]

a nother	an od*er*
cofeoffeȝ	cooffeffeȝ
make & ordeigne my executrice	make my executrice
in to witnesse wherof to this my p*re*sent	
testament and last will I have putto my seale	in to witnesse herof I have putto my seall
ȝoven the day and yeer of our lord god a boveseid	[Omitted]

In every other respect the two texts have been identically recorded, idiosyncrasies have been preserved (for instance 'in to witnesse', above) most spellings are uniform, and contractions are used in the same way. Furthermore, on the single occasion on which a differently spelt word occurs twice (the word *gallons*, above) the altered spelling is repeated consistently, suggesting that it was a matter of sustained habit and not haphazard. It is not possible to know whether the ff. 31v-32r text was taken directly from an amended version of the original text, from a rewritten original, or copied from the f. 24v version. Nor is it possible to be sure which scribe was the more accurate – what appears as eye-skip in one version might equally well represent an assumption of the majority format in the other – a feature that will be illustrated in the next section. Whichever text was the more precise, while a few of the spellings appear to have been rendered according to personal preference (and we cannot know which, if either, copy text reproduced the exact usage of the original, or whether a second original was created and if so how faithfully it was copied from the first) a high degree of similarity in spelling and contractions was maintained between the two copies. There is no evidence, however, that total orthographic uniformity was intended, even though it is possible that widely accepted standards were being adhered to either by the two probate clerks or by all the scribes involved, however many that might have been.

VI.   THE ORIGINAL TEXTS: VERNACULARITY AND SCRIBAL PRACTICE

While the two versions of the testament of Katherine at Hoo are preserved in the Bury archive, certain texts from the archdeaconry also contain clues about contemporary scribal practices. This corpus includes at least a hundred and eighty 'original' wills (as they will henceforth be termed, to distinguish them from the transcripts contained in the probate registers) from the period relevant to this study, of

which forty are in the vernacular, while another two are partly English, partly Latin.[29]   The earliest of

these forty-two vernacular or partly vernacular texts dates from 1461, and their chronological

distribution reflects the increasing popularity of English testamentary writing that has already been

observed with reference to the register-copy texts.   The date clauses of the originals reveal that

comparatively few of them were composed during the earlier decades, with only three dating from the

1460s and four from the 1470s, but the tally rises to twelve texts dated in the 1480s, and reaches a total

of eighteen during the 1490s, two thirds of which were composed in the second half of that decade.[30]

From the total corpus of original texts, forty-two can – unusually - also be found transcribed

into the probate registers.   Three of these duplicated texts are in the vernacular and it is these that are

primarily of interest to this study since they can usefully be compared with the transcripts made by the

court of probate scribes permitting an assessment of the precision with which the vernacular testaments

had been copied, and affording scope for the assessment of contemporary scribal practices similar to the

two testaments of Katherine of Hoo discussed above.[31]

Despite some areas of damage to the original testaments it is possible to tell that copies were

carefully made, with differences between originals and register texts being largely confined to

orthography and use of contractions.   The transcript of Thomas Wulward's will has 'high aut*er*' in the

place of the original's 'hey awter', for instance, while *the* was routinely rendered as 'þᵉ' by the court of

probate copyist transcribing the testament of John Irland.   It is possible to tell, though, that the probate

scribes reproduced the texts assigned to them as accurately as they were able, carefully omitting mistakes

in the original that had been scored through.   On occasion, though, the copyist made an assumption

---

[29] One hundred and eighty texts can be accounted for, of which at least a dozen are in a poor state of preservation, making identification of testator and/or date impossible. Some original texts listed in the index volumes appear to be missing from the storage boxes, perhaps wrongly catalogued or misfiled. In only one of those wills where it is possible to identify the location was the testator a resident of Bury St Edmunds itself; all the other testaments were made by residents of the towns and villages under the probate jurisdiction of the archdeaconry of Sudbury. Thirty-four of the original texts were composed on behalf of women, ten in English and twenty-four in Latin, while a further text in either language was made by husband and wife jointly. Texts up to 1499 have been selected to comply with the period of this study, although there are many more in the collection which extend well into the early modern period.

[30] Five more vernacular texts have been damaged and though they can be identified as of fifteenth-century origin they cannot be dated precisely.

[31] Testament of William Toppysfeld, 1479, BRO, W1/24/110 (original) and R2/11/216 (probate copy); testament of John Irland, 1487, BRO, W1/24/5 and R2/11/376; and testament of Thomas Wulward, 1497, BRO, W1/24/146 and R2/13/65. An image of the original testament of William Toppysfeld (W1/24/110) is reproduced in the Appendix, p. 304.

that a phrase would follow the majority usage and was caught out, or became confused while writing

repeating clauses. One example will serve as an illustration of both situations. William Toppysfeld left

two manors, bequeathing them to his three daughters (Elizabeth, Mary, and Jane) in turn after the death

of their mother, establishing the line of descent in the first instance through Elizabeth and her potential

offspring, then Mary and her children, and so on, by using the conventional phrase *and to the heirs of her*

body lawfully begotten.   When transcribing the text the probate scribe mistakenly anticipated the

repetition of that phrase with respect to Mary, but realised his mistake and altered his text to reflect the

unconventional and inconsistent wording of the original. He did not, though, appear to notice his

omission of the phrase 'as gode forbet' with regard to the possible childless death of Elizabeth before

once more succumbing to eye-skip in the line following by accidentally omitting for the second time the

cautious proviso - 'as god for bede y$^{\text{t}}$' - concerning the possibility that Mary might also die before she

had given birth to a child. The original text, therefore, reads:

> yf þ$^{\text{e}}$ seid Elizabeth dy3e **as gode forbet** w$^{\text{t}}$ owte her*es* of her body lawfully begetyn þ$^{\text{t}}$
> þ$^{\text{en}}$ I will þ$^{\text{t}}$ hytt go to my do3$^{\text{ter}}$ Mary and to þe heyr*es* of her body **comyng**' And if
> hytt fortune þ$^{\text{e}}$ seid mary my do3t*er* to dy3e w$^{\text{t}}$ owete heyr*es* **of her body begotyn as**
> **god for bede þ$^{\text{t}}$** þen I wolle hytte go to my do3t*er* Jane.... [emphasis added]

This clause the probate scribe rendered as:

> yf the seid Elisabeth [**words omitted here**] w$^{\text{t}}$ out heyr of her body lawfully be gotyn
> **dye [this word misplaced]** þ$^{\text{t}}$ þan I wyll þ$^{\text{t}}$ it go to my dawghtyr Mary & to the
> heyr*es* of her body ~~lawfull~~ comyng & if happ*en* the sed mary my dawgthyr dye w$^{\text{t}}$ owt
> heyr [**words omitted here**] then I wyll it go to my dawghtyr Jane.... [emphasis
> added]

Eye skip and minor (often corrected) assumptions with regard to conventional phrases seem to

have been the predominant inaccuracies in the probate-register copies. The copyist of Thomas

Wulward's testament managed to reproduce 'our lady & vyrgyn owyr lady seynt mary' as 'our lady saynt

mary saynt mary' and then when confronted with provision for the payment of any 'tythes and offeryngs

not trewly fulfeld' wrote down the more usual phrase 'tythys & offeryng*es* **for gotyn** & not trewly

ffullefellyd' (emphasis added). The fact that later in the will the probate scribe crossed through a word he had written in error and immediately substituted the correct one indicates either that the addition of 'for gotyn' (an habitual component word in that particular form of the clause) was automatic and accidental, or that since the word was so usual the probate scribe considered it an unintentional omission in the original text, although this latter option seems unlikely.

The differences between the original will texts of William Toppysfeld, John Irlond, and Thomas Wulward, and the versions preserved in the probate register are so slight that they can be ascribed to understandable scribal errors. They do not substantially alter either the sense or the phrasing of the vast majority of the clauses, which other than in matters of orthography and the occasional inaccuracy remain as they were originally composed.

In addition to the three texts discussed above, the wishes of two other testators are preserved as both original vernacular texts and probate register copies.[32] Unlike the previous examples, however, the original testaments of John Smyth senior and John Selott, are substantially different from the versions preserved in the probate registers, since while both the original documents are in the vernacular the copies-of-record are in Latin. Neither original is extensive. Smyth's text consists of a well-preserved and complete document commencing with 'In dei nomine Amen' and including the conventional soundness-of-mind clause, commendation of the soul, burial instructions, and provision for debts. The body of the document refers only to the bequest of a tenement to his wife with reversions after her death, but witnesses are named and the text concludes with the date - 'the fyrste day of aprelle' - although no year is given. The Latin text is much more comprehensive and as well as the conventional opening preamble contains more elaborate bequests. The order in which the two documents were produced is impossible to say for sure, the date of the original making no mention of the year. Probate was granted on the Latin text on 20th December 1468, however, more than six years after its

---

[32] Testament of John Smyth senior, 1462, BRO, W1/24/148 and R2/10/415 and testament of John Selott, 1488, BRO, W1/24/52 and R2/11/328.

composition on 1ˢᵗ June 1462. The unusually large interval between the writing of the Latin testament and its eventual point of need might indicate that it had been composed in response to the devastatingly high mortality brought about by the pox in 1461/2, but was in fact not required, since the testator clearly survived that epidemic and a subsequent visitation of plague to die of other causes. Given the time elapsed, whatever the reason, there was time for the vernacular text to have been produced either before or after the one subsequently transcribed into the register. Whether the English version comprised an abandoned codicil or (as seems more likely) an earlier and superseded version, it can be surmised, in view of the completeness of the text with its inclusion of provision for burial and debts, that the English text was not merely intended as a will of realty to accompany an additional testament, even though it was not unknown for companion texts to be in different languages. There is no way of knowing on this occasion, though, why different languages should have been chosen for the two texts or why the English version was preserved despite (apparently) having no use for probate purposes.

The original text of the vernacular testament composed for John Selott survives only as a fragment from which the opening section including the date and the left-hand side of the first part of the bequest section have long since perished. A reference to 'tythes & offerynges for[gotten]' on the upper portion of the right of the page indicates that the necessary preliminary components had once been present, however, and thus that the document constituted a comprehensive testament rather than a codicil to another more complete text, as seems to have been the case with John Smyth's original will. The extent of the damage to the leaf can also be deduced from these words. Since provision for forgotten tithes customarily concluded the opening remarks it indicates that the missing section of the leaf above it was not long and could not have included a large amount of text, just the preambles. Similarly, the naming of the two executors (one of whom is the same as in the Latin register text) followed by the traditional reference to the date – 'Datte þᵉ day & yere abuve [written' – this last word partly torn away] indicates that nothing more is missing from the end of the text since that phrase can reasonably be expected to mark the testament's conclusion.

As with John Smyth's testaments it is not immediately obvious why two different texts by John Sellot should have been preserved, nor why Latin had ultimately been preferred to English despite the fact that the last will and testament of John's wife Isabell, who predeceased her husband by slightly more than two years, had been registered in the vernacular.[33] Also as with John Smyth's testament, it is not possible to tell for sure in which order the documents were composed, since the English fragment does not preserve a date, although we must presume, since the Latin text was the one presented for probate, that this is the later version. Since Isabell had not been mentioned in the vernacular version of her husband's will, its composition almost certainly took place after her death, however, and unexpected bereavement is therefore unlikely to have been the reason why the English text seems to have been abandoned.

It is possible that both the English documents represent early drafts, preliminary consultations between testator and notary necessarily taking place in the vernacular and neither leaf showing evidence of having been sealed. The preservation of these two texts may be little more than an accident therefore: perhaps they remained bundled with the document that was truly the 'last' will and testament. That such a text might even on occasion have been entered into the probate register in error could also account for the presence of two testaments by John Lotkyn (or Lottekyn), the first text (dated 1472) entered in the vernacular on f. 439 but then it and the attached sentence of probate (dated 1476) scored through with repeated diagonal strokes of the pen.[34] A second text (dated 1475) then appears in Latin on the *verso* of the same folio together with the same sentence of probate. The earlier English text identified Lotkyn as living in West Stowe, where he requested burial. His asked that his goods be divided between 'the reparation of the cherche of owr lady in Westowe' and various associates and a family member, giving discretion to his executors to act for the good of his soul 'and for the sowles of my father and my mother and for all my friend*es* sowles'. It is possible that the earlier vernacular text was composed during the visitation of plague that was afflicting west Suffolk at the time it was written,

---

[33] Testament of Isabell Selott, 1486, BRO, R2/11/320.
[34] Testament of John Lotkyn, 1472, BRO, R2/11/439; testament of John Lottekyn, 1475, BRO, R2/11/439.

in the same way that it is possible that the pox of 1461/2 might have prompted John Smyth to put his affairs in order. Perhaps it was written in haste, and may even have been produced without access to a Latinate will-writer. Four years later, when the second text was composed, in Latin, however, Lotkyn appears to have relocated to Reading 'in Coun*ty* Berk*shire*' where he requested burial at the church of St Giles. Probate was granted three months later. Although the second text makes no mention of pious bequests to West Stow the other beneficiaries remain the same, the two 1472 executors are also named again (a third also being designated) but the names of the witnesses were different – presumably Berkshire residents. The registration of the text in Suffolk, despite Lotkyn having died in Berkshire, indicates that he still retained property in the archdeaconry of Sudbury, where probate was obtained by his local executors.

The presence of these vernacular texts appears to suggest that more vernacular testaments – whether early drafts or versions that were later superseded – were created than the official record would ultimately reflect. The duplicated wills of Toppesfyld, Irlond, and Wulward also indicate that the probate-register transcriptions, routinely made as they were, often in great quantity by scribes with little or no personal interest in the contents of their copy text, aimed to preserve the complete document in the exact language used in the version endorsed by the testator, with any discrepancies being isolated and accidental rather than habitual. The same conclusion can be drawn from examination of the two testaments registered on behalf of Katherine of Hoo that were discussed in the previous section. For the purposes of this study, therefore, it is not unreasonable to assume that although the sample is small this high level of precision throughout is representative of the quality of work produced by probate scribes not only in west Suffolk but nationally, and that the vast majority of the will texts preserved in the registers of the many probate jurisdictions across the country constitute scrupulous transcriptions – as far as human eye and hand would permit - of the testaments they record. The phrasing of a sample of these documents will be examined in detail in Section VIII.

VII.   TESTAMENTARY COMPOSITION: THE WORK OF THE BURY SCRIVENER

The work of the probate court scribes is clearly to be seen in the volumes of office copies preserved in archives up and down the country and it is sometimes possible to draw tentative conclusions, as in the two preceding sections, about the working practices of these individuals. It is much harder, though, to glimpse the professional methods of the notaries, scriveners, and clerks who, in consultation with their clients, composed the original testamentary documents. Those original texts that have survived can rarely be traced to the work of a particular person. Although there are exceptions, generally only the odd isolated reference to the presence of a witness described as a *clerk* or a *notary* appears to hint at the possible identity of the document's writer, a name that may never appear again, making a broader picture of the work of that individual impossible to assess. One of these exceptions, William Boyvile, has already been examined.[35]

Amongst the documents pertaining to the town of Bury St Edmunds, the fortuitous survival of a working notebook belonging to a scrivener of the town, Cambridge University Library MS Add. 7318, offers an insight into the day-to-day working practices of a fourteenth-century scrivener that is perhaps unique.[36] The notebook is a small paper volume of eighty-two folios held together by a lacing of parchment strips and contained within a rudimentary parchment cover. Its first owner, William Broun, who described himself as a clerk, seems to have made entries in the notebook from 1398/9 to 1434/5. These are in Latin and French. It seems probable that he was the William Broun whose testament was recorded in Bury's Sacrist's Court in 1440, and that his wife Mary, to whom he referred in his writings, outlived him by only a few years, since the testament of a Mary Broun 'wife of William' was recorded in the same court in 1443.[37] William Broun's entries extend only to f. 8r, but it is the entries made by the second owner, beginning on the verso of this leaf, that are of concern here. Unfortunately it has not as yet proved possible to name the professional *literatus*, whether clerk or (as seems more likely) scrivener

---

[35] For the work of William Boyvile see above, pp. 107-113.
[36] *The text has been described in A. E. B. Owen, 'A Scrivener's Notebook from Bury St Edmunds', Archives,* vol. 14, no. 61 (1979: Spring) 16-22. Owen remarks of the notebook that 'so far as I know it is a unique survival of a type of record which understandably stood little chance of preservation, being purely ephemeral in nature', p. 17.
[37] Testament of William Broun, 1440, BRO, R2/1/248; testament of Mary Broun, 1443, BRO, R2/2/2.

('the Bury Scrivener' for present purposes, therefore) who used the remaining leaves – the bulk of the notebook – for what were probably early drafts, notes, and *aides memoires* associated with the documents he had been commissioned to compose.[38]

The Bury Scrivener's entries in the notebook date from March 1459/60 to April 1464 and are predominantly in Latin, although some items use the vernacular either completely or in part. The number of entries and the length of the period during which they were composed was unavoidably dictated by the number of leaves left in the notebook, and the items represent, therefore, only a four-year-long snapshot of the Bury Scrivener's working life, which probably extended for some years both before and after the period for which his work has been preserved. Nor can we have any idea of how much of his daily output is represented here – it is possible that the compact and portable nature of the notebook meant that only business pertaining to those clients who required a home visit was recorded in this way, while preliminary drafts written at his office (for want of a better term) could be set down on individual sheets which there would have been no need to retain once a fair copy had been made.

From a total of more than eight hundred items, the notebook contains twenty-four wills – the documents that are primarily of concern here - plus one other testamentary clause, all (unsurprisingly at that place and time) written in Latin. Few of the entries in the notebook are dated, but eight of the wills incorporate the date in full, with a further two that (at this first-draft stage) only note the day and month.[39] As can be seen from *Table 6.2* (below) only three of the testators were of unspecified abode, while thirteen were citizens of Bury and nine came from villages outside the town. Of these locations seven (Fornham, Barton, Hengrave, Ampton, Whepstead, Rougham, and Little Saxham), plus the home of the client for whom only a single testamentary clause was noted (Hessett), lie within a five mile radius of Bury St Edmunds and only one, Yaxley, is further away – about fifteen miles by road (see inset, top right of map on p. 186, above). It is impossible to know whether the testators visited the Bury Scrivener

---

[38] Owen is of the opinion that he was 'a scrivener in the first sense of this word, that is, a "professional penman" ... and not in the legal sense of "notary" which it later acquired'. 'A Scrivener's Notebook', p. 17. Nevertheless, the majority of the texts in the notebook are consistent with the work of an individual with legal understanding.

[39] Owen, 'A Scrivener's Notebook', p. 18.

at his place of business or whether he attended them, perhaps while they were bedridden during a time of illness as the wording of some testamentary texts from this period implies.[40] Where it has proved possible to trace the office copies of those will texts that got as far as probate registration, however, the interval between the date of composition and the date of probate indicates either that at least some of the village testators were in health at the time of writing, or if not then the illness that might have provoked anxiety for the state of their affairs had not immediately proved to be terminal. The majority of the testaments composed for testators outside the town, though, were made in sequence between f. 41v and f. 75r, while those made for citizens of Bury occur earlier at f. 11v to f. 29v, and later (and in sequence) at f. 76v to f. 81v.[41] It seems possible that such an arrangement of entries might imply a change in the Scrivener's working habits during the period when the villagers' testaments were written.

Table 6.2　　　　　TESTAMENTARY COMMISSIONS IN THE BURY SCRIVENER'S NOTEBOOK

TESTATOR	FOLIO	LOCATION	YEAR OF COMPOSITION	YEAR OF PROBATE	BRO REFERENCE
Agnes Howlot	11v	Bury	1459/60	1462	R2/2/74
Juliana Berere	13v		1460		
Geoffrey Roket	13v	Bury	1460		
Richard Toly	14v	Bury	1460	1469	R2/2/128
Robert Legat	14v	Bury	1460	1465	R2/2/86
Walter Spaldyng	25v	Fornham	1461	1473	R2/11/16
Robert Bertelot	26r	Bury	1461		
Robert Sewale	29r	Great Barton	1461	1465	R2/10/391
John Nycoll	29r	Bury	1461		
Almoric Werdale	29v	Bury	1461		
John Niench/Neynch	41v	Hengrave	1461/2		
John Curray senior	47v	Ampton	1462	1463	R2/10/343
William Halton	57r		1462		
John Tuffedd senior	59v	Whepstead	1462	1463	R2/10/362

---

[40] See for instance the testament of Isabel Gregory, who left 'the bed that I lyin in, to Aneys New-kole, saf the materas: that schaɫɫ Idany Hale have'. Testament of Isabel Gregory, 1431/2, LMA, 9171/3 f. 296v.

[41] I am indebted to A. E. B. Owen for the foliation of the testamentary texts. Since Dr Owen was working on MS Add. 7318 in 1978/9 he did not have access to the Index Library's volume listing the probate records for the peculiar of Bury St Edmunds and the Archdeaconry of Sudbury, which appeared six years later. This publication has made it possible to trace more of the testamentary references than are listed in B. V. Redstone, 'Calendar of Pre-Reformation Wills registered in Bury St Edmunds', *Proceedings of the Suffolk Institute of Archaeology,* xii part 3 (1906), which Dr Owen used to cross-check the testators in the notebook. Only definite references have been listed, although it is notable that although no subsequent probate details were listed for many of the clients for whom The Bury Scrivener (or 'X' as Owen calls him) was commissioned, other family members from the locations specified can sometimes be identified in the index volumes. See M. E. Grimwade (compiler) and W. R. and R. K. Serjeant (ed.), *Index of the Probate Records of the Court of the Archdeacon of Sudbury 1354-1700,* 2 vols (Keele: The British Record Society, 1984).

Richard Boldiroo (clause)	59v	Hessett	1462	1465	R2/10/343
John Nunne	61r	Rougham	1462/3		
Joan Parmenter	65v		1463		
John Baret	73r	Yaxley	1463		
Ralph Ottele	75r	Little Saxham	1464		
Robert Taberham	76v	Bury	1464		
Isabella Herman	76v	Bury	1464		
Baldwin Clerk	78r	Bury	1464		
John Grygge	79r	Bury	1464		
Isabel Chapman	80v	Bury	1464	1464	R2/2/77
Matthew Roberd/Robert	81v	Bury	1464	1465	R2/2/85

It is also possible that the change in working habits – if such it was – resulted from increased demand for will-making services from the residents of a particular area. The years 1461 and 1462 were times of high mortality brought about by an extended outbreak of pox in the villages of the archdeaconry of Sudbury and most of the Bury Scrivener's testamentary business appears to have been concentrated there during those years (see *Fig. 6.5* above). Heightened public awareness of imminent mortality at such a time would have meant that not only the sick were anxious to make a will, increasing the demand for such services. Although the contagion abated somewhat in 1463 (and there seem to have been correspondingly fewer commissions for testaments that year) 1464 brought plague to both Bury and the surrounding archdeaconry, which resulted once again in increased demand for testaments.

With regard to the languages used in the notebook, very few vernacular testaments survive from west Suffolk during the first half of the 1460s, and all but one of these originated outside the town of Bury St Edmunds, so it is not surprising that the Bury Scrivener automatically drafted his testaments in Latin at this time. Nor is it surprising that he appears to have made no use of French, since even during the period when that language was sometimes used for will-making (1347-1431) no such testaments survive from west Suffolk, and in the interval since William Broun's entries in the notebook French had

fallen from use in even the most conservative commercial circles.[42]   It would appear, however, that although most of the formal documents were composed in Latin, the Bury Scrivener used English for specialist vocabulary such as domestic items and tools, as well as for the occupations of his clients (amongst the testators there were two bakers, a bedweaver, a wright, a woolman and a wiredrawer), as if some at least of these words, being less frequently used than the more formulaic phrases of devotion and bequest, required further thought.   Where circumstances dictated, however, the Bury Scrivener did produce some documents in English. Unusually (Owen makes the point that such a commission would have been fulfilled immediately in the presence of the client) the opening of a letter is included: 'I Thomas Thorn yoman of the kynggys hous yowr cosyn grete yow weyl sendyng yow word'.[43]   While family correspondence of this sort would naturally have been written in English some commercial agreements were also composed (and presumably therefore executed) in the vernacular.   There are four building contracts as well as some mortgages, while the notes for two leases start in Latin but then switch to English for the technicalities.[44]   Such code-switching may indicate that when a document written in Latin would ultimately be required, as with the wills and the leases, it was the Bury Scrivener's habit to work in that language from the outset, making his notes and producing a first draft in Latin while he was receiving instructions in English from his client, a procedure that was automatic when using routine language, but unfamiliar terms had to be noted as given (perhaps for speed) enabling the correct Latin to be substituted later.   Such a process would have made it possible for the scrivener or even an employee – perhaps an apprentice or clerk - to make an immediate fair copy, transcribing the Latin structure from the draft and translating the English terms as required.   It is impossible to know, though, whether the volume of work that was available to any one scrivener at this time, and the income it would have generated, would have been sufficient and dependable enough to justify the expense of an assistant's salary.

---

[42] The latest instance of the use of French for formal record keeping was that of the Mercers' Company in London, which persisted until 1459. See Richard Britnell 'French Language in Medieval English Towns', in Jocelyn Wogan-Browne (ed.), *Language and Culture in Medieval Britain: The French of England c.1100-c.1500* (York: York Medieval Press, 2009) 81-89, p. 87.

[43]   (f. 48v). Ibid. p. 17.

[44] Ibid. p. 21.

VIII.   WEST SUFFOLK: TRENDS IN VERNACULAR PHRASING

As can be seen from *Table 6.1* (above) the total number of pre-1500 testamentary texts surviving from Bury and the archdeaconry of Sudbury is nearly five-and-a-half thousand, although only just over ten per cent of these (five hundred and sixty-two documents) are in the vernacular and therefore relevant to this study. This section, however, will focus largely on the more manageably sized group of ninety-six surviving vernacular texts composed on behalf of the women of west Suffolk during this period. This sample comprises thirty-seven testaments composed for residents of Bury St Edmunds, forty-nine for women who lived in the probate jurisdiction of the archdeaconry of Sudbury, and a further ten original texts also made for women living in the towns and villages of the archdeaconry.[45] Once again, the examination will be confined, on the whole, to those sections that are common to all the texts – the component phrases of the general and pious preambles. This approach enables direct linguistic comparison between urban and rural testators and between testators within the town parishes selected and permits assessment of any similarities or contrasts between west Suffolk practices and the results of the linguistic analyses undertaken in Chapters 4 and 5 of this study.

In order to provide context and balance for the female bias of the main group of texts, a further subset will also be examined that consists of both male and female testaments: all nineteen pre-1500 vernacular testators from the town of Sudbury (the seat of the archdiocese as distinct from either the deaconry or the archdeaconry as a whole). Perhaps because of its somewhat higher population density, or because it was the administrative centre, the town of Sudbury appears to have generated a somewhat larger number of testamentary registrations than its surrounding rural parishes during the relevant period, ideally suiting it to an analysis of this sort.[46] In terms of size and status Sudbury town also represents a compromise between Bury and the small villages of the archdeaconry. The investigation

---

[45] It should be noted that this total figure of ninety-five texts made for women in the vernacular and shown in *Table 6.1* (above) reflects the near-duplicate texts made by Katherine of Hoo, one of which was registered in 1493 and the other in 1494 discussed above, pp. 205-208; the separate will of realty made by Margaret Odeham in addition to her testament which is unsuitable for inclusion in most aspects of this analysis; and two fragmentary original testaments made by women in the vernacular from both of which the portion that had included the preambles is now missing.

[46] Gottfried, in his assessment of demography and mortality in the region, excludes the parish of Sudbury from special study for this reason, but does point out that the higher registration rate might be because of the high death toll in that neighbourhood generally. Gottfried, *Epidemic Disease in Fifteenth Century England*, p. 128.

commences, however, with a systematic examination of the choice of opening formulae recorded in the ninety-six women's testaments from the peculiar of Bury St Edmunds and the surrounding archdeaconry of Sudbury.

VIII. i. DIVINE INVOCATION

With the exception of the testament of Joan Heryng, which predates the other vernacular texts by more than fifty years, none of the surviving texts from either Bury or the archdeaconry omits the opening invocation.[47] The near-unanimous inclusion of this conventional opening phrase is consistent with the findings recorded in the group of sixty-two 'later English testaments' all dating from the 1490s that were discussed in Chapter 5, hereafter 'Group A'.[48] The limited range of invocational phrases found in the west Suffolk texts also reflects the findings of the Group A sample, those in Latin being confined to *In dei nomine Amen*, while the vernacular words used are predominantly *In the name of God Amen*, variations being minor: a few additions of the word *almighty* in the 1470s and 1480s and one instance of 'In the name of our lord cryst Jhesu' in the archdeaconry.[49] The ratio of Latin to English for this phrase is also reasonably consistent between the archdeaconry and Group A, with fifty-eight per cent of archdeaconry testators favouring the vernacular in comparison with fifty-one per cent of Group A. Many more of the wills registered in the peculiar use the vernacular for this clause than in either the surrounding countryside or Group A, however, with seventy-one per cent of the thirty-four town testaments suitable for analysis having an English invocation.[50]

Such a discrepancy in language distribution between town and country cannot be explained with certainty. It does not, however, appear to be a function of the varied dating ranges between the samples, since although the archdeaconry has a larger percentage of pre-1490 texts (forty-seven per cent) than that from the peculiar (twenty per cent), while all the Group A texts date from the 1490s, there is no correlation between date range and language choice. Since it has already been observed, however, that

---

[47] Testament if Joan Heryng, 1419, BRO, R2/1/155.
[48] See above, pp. 165-166.
[49] Testament of Joan Fuller, 1479, BRO, R2/12/1.
[50] See n. 30 (above). Joan Heryng's will was not included in the calculation, since it incorporates no divine invocation in either language, and again Katherine of Hoo's text was only counted once. The testament of Margaret Banyard, 1481, BRO, R2/2/320, makes its divine invocation in both Latin and English.

these ubiquitous opening words seem to have been a matter of scribal routine rather than client preference, it is likely that language choice in this instance reflects the difference in local practice between the legal professionals of Bury and those of the surrounding area and arguably, therefore, might indicate that vernacularity was more widely accepted amongst town notaries than those in either the archdeaconry or the wider geographical area reflected in Group A.

VIII. ii. DATE CLAUSES

Difference in vernacular phrasing between the town and rural wills can also be detected in relation to the wording chosen for the date clauses, with ninety-seven per cent of the Bury testaments using the unembellished form (Date-in-the-month/Month/(Regnal) Year) that is a feature of ninety-two per cent of the Group A texts, while seventy-four per cent of the texts from the archdeaconry use it. Within those rural texts, though, only seven of the non-standard dating clauses (fewer than half) are used in the forty-seven per cent of the texts that are dated before 1490, indicating once again that there is no correlation between the less precise form of words and the larger number of earlier texts.

Only one vernacular text from Bury uses Latin for the date, following on from the Latin divine invocation, lending weight to the assertion that both these opening phrases were matters of scribal routine and as such reflect the usage of the professional rather than the client.[51] Of the group of texts from the archdeaconry though, seven (twelve percent) use Latin for the date, six of these being coupled with a Latin invocation, while the seventh is so brief and imprecise ('Anno Domini 1491') as to constitute a shorthand.[52] The larger number of Latin date clauses in the archdeaconry corpus is consistent with the greater diversity of vernacular dating phrases employed amongst those texts, with ten-and-a-half per cent involving reference to a saint's day or religious festival (something that had never featured in the vernacular wills of the town) and one text omitting reference to the date completely.[53]

---

[51] Testament of Margery Dobin, 1493, BRO, R2/4/23.
[52] Testament of Margaret Drury, 1491, BRO, R2/11/433.
[53] Testament of Cecily Chase, 1477, BRO, R2/11/85.

The vocabulary necessary to compose these formulaic phrases was limited, and confined to predictable categories. In the archdeaconry the lexicon consists of *day, month, year, reign* (together with the name of the appropriate monarch), names of weekdays, names of months, and names of festivals or saints, together with *last* and *before*. (*Our*) *Lord, God, Christ,* and *Jesus* were also present. The word list associated with the peculiar is considerably smaller, consistent with the greater standardization of phrases, and not requiring vocabulary associated with weekdays, festivals, saints' days, or with their juxtaposition.

VIII. iii. SOUNDNESS OF MIND

The trend in the invocation and dating clauses towards more varied phrasing in the rural testaments in comparison with the more standardized (and more recent) forms in the Group A texts and those from Bury itself appears to be maintained in the soundness-of-mind clauses. Looking first at the rural women's vernacular testaments, eleven texts (seven of them dated before 1490) omit the clause – nineteen per cent of the sample. Amongst the forty-six remaining texts there are sixteen different phrases attesting to mental soundness, for which blessing seven testators (fifteen per cent) gave thanks to God. Three more admitted to being *sick in body*, while one described herself as *hale* – a total of nine per cent of the texts including this additional information. In comparison, only four of the Group A texts (seven per cent) omitted the soundness of mind clause. By the nature of this sample these all fell within the 1490s, aligning practices here a little more closely with the archdeaconry of Sudbury than might at first have appeared to be the case, and supporting the suggestion made in Chapter 5 that inclusion of this clause became more reliable with time.[54] On a more personal note, almost fifty per cent of Group A testators expressed gratitude to God for their mental faculties in conjunction with this part of their will – a proportion out of all comparison with the Suffolk testators - and seven per cent added a reference to their health, although in the more geographically and demographically diverse Group A sample three testators enjoyed good health, while only one mentioned sickness. Turning to the testaments of the peculiar, the thirty-five relevant texts registered (and presumably

---

[54] See above, p. 159.

composed) in Bury St Edmunds use, between them, ten versions of the relevant phrase, an identical ratio (3.5:1) to that found in the surrounding rural area.[55] No text, however, omits the clause, no text makes any reference for good or ill to the physical health of the testator, and no testator expressed gratitude to God for their continuing mental capacity. Such an absence of personal comments in the town wills suggests that since this phrase did not incorporate details or sentiments unique to individual testators, this part of the text did not, therefore, involve client participation, and so was probably a matter of scribal routine – perhaps to a greater extent than seems to have been the case in the surrounding rural area.

Turning to the precise phrases and vocabulary used, the town and country will corpora draw on a similar lexicon, sharing *clear, good, memory, mind, perfect,* and *whole*. In addition the archdeaconry texts contain the words *deliberation* and *remembrance*, while the peculiar has *fresh* and *wit*, these originating in a single instance of 'fresch of wytte and hoole of mynde'.[56] Although both the town and country corpora employ a total of eight key words, therefore, the town sample was only increased from six by the addition of these two unique examples. The Group A texts (a larger sample) uses nine words, also from a similar range (pp. 159-60). It can also be seen that town and country both used *mind* and *memory* (although the latter very much as an addition to the former) both corpora describing *mind* as *clear, good, perfect* or *whole*. The town testaments are much more specific in their use of *memory*, however, and only qualify it as *good*, while it appears in a greater variety of constructions in the rural texts (augmented by *remembrance*) and is also described as *whole* and *perfect*.

Looking at the range of phrases composed, that which is most widely used in the archdeaconry texts to confirm the testator's mental sufficiency is the simple 'good mind', which appears eleven times (twenty-four per cent of the texts). This phrase gained in popularity during the period studied, with only three occurrences before 1490, and when combined with the seven texts which employed an embellished version of that expression (for example *good and whole mind, good and clear mind, good mind and whole memory*) it is to be found in a total of thirty-nine per cent of the testaments in the rural sample. The equally simple 'whole

---

[55] Again, the additional texts of Margaret Odeham and Katherine of Hoo are not relevant to the survey.
[56] Testament of Anne Ratcliffe, 1472, BRO, R2/2/167.

mind', is used on eight occasions (seventeen per cent of the texts), and if combined with the almost equally popular expanded phrase *whole mind and good memory* (and again this is used in only two texts before 1490) the word pair *whole mind* appears in thirty-two per cent of the archdeaconry testaments.

Although the composite phrase *whole mind and good memory* with its characteristic overtones of a legalistic doublet occurrs in that form in only fifteen per cent of the rural texts, if we turn to the Bury sample, examination of the wills registered in the peculiar shows that *whole mind and good memory* eventually becomes the most popular phrase in that corpus of texts, being used for twenty-nine per cent of the town's soundness of mind clauses even though it does not make its first appearance until 1492. Consequently, thirty-five per cent of texts composed in the 1490s use it. The growing popularity of this phrase accords with – even exceeds - the trend in the Group A sample, in which it is also the most widely used format, appearing in twenty-one per cent of texts, once again aligning the vernacular compositional habits of the Bury St Edmunds clerks and notaries more closely with those of the Group A texts than with the will writers working in the surrounding archdeaconry of Sudbury. Arguably, it also demonstrates a degree of cross-pollination of ideas amongst the Bury notaries and similarity of method between them and their Group A contemporaries that does not seem to have been the case with the will writers in the diverse collection of town and villages in the archdeaconry.

VIII. iv. COMMENDATION OF THE SOUL

While it would appear that the formulaic phrases discussed above, though not lacking in variety, were with few exceptions matters of scribal routine, it is arguable that the personal preference of the testator might from time to time have informed the choice of words used in referring to matters of a religious nature and that the vocabulary chosen was more likely to be influenced by personal taste (whether of the legal professional or the client) rather than the need for clarity. Indeed this suggestion is supported by the conclusion reached in Chapter 5 that this clause, when written in the mother tongue, exhibits a higher degree of elaboration and individuality than the equivalent Latin ones.[57]

---

[57] See above, p. 171.

Examination and comparison of the phrases used by west Suffolk testators when commending their souls to God also bears out the observations made with regard to the preceding phrases that the will-writers of Bury St Edmunds favoured more conservative forms of words than did those of the surrounding archdeaconry of Sudbury. Indeed, the fifty-seven rural wills in the sample, none of which omit the clause, yield a bewildering array of commendatory phrases, many occurring only once, and some differing only slightly in the components they include. For this reason there are only a few popular forms, the most used of these – *Almighty God, Our Lady Saint Mary and all the (holy) company of heaven* - occurring on only thirteen occasions, equally distributed across the period of the sample. The next most frequently used, with twelve occurrences, differs only slightly, referring to *Almighty God, Our Lady Saint Mary and all the saints (of heaven)*, these two phrases together accounting for thirty-four per cent of the total rural sample. The next most popular term, *Almighty God* alone, appears only six times, five of these before 1490, while all the other forms of words (and there are well over twenty in total) are rarely used more than once and are not peculiar either to the earlier or later part of the sample.

Despite the large number of possible permutations, however, the underlying sentiments remain uniform. Only two texts fail to mention God specifically, only one adding a reference to Jesus, only one substituting the phrase *our Lord*, and only one text using the word *virgin,* all of them in the part of the sample from before 1490.[58] Furthermore, of the eighty-six per cent of the texts that refer to the Virgin Mary only two fail to use the popular term *Our Lady*, some combining this with a reference to 'mother'. Although only one saint is mentioned by name, the saints generally are widely included, only ten texts omitting them, the majority of rural testaments referring either to *saints (of heaven)* or *(holy) company of heaven*, although the more fanciful *celestial court/company* occurs twice, and there is one instance of *blessed choir*.[59] A total of twenty-one key words are used across the sample, although the five marked * occurred

---

[5858] Testament of Margery Ilger, 1483, BRO, R2/11/304; testament of Rose Pellycan, 1489, BRO, R2/11/379; testament of Sarah Sparow, 1485, BRO, R2/11/334; testament of Amy Chapman, 1486, BRO, R2/11/444.

[59] Testament of Anneys Worlyche, 1492, BRO, R2/13/15; testament of Rose Phelypp, 1498, BRO, R2/13/86; testament of Isabel Gylly, 1482, BRO, W2/24/171.

only once: *Almighty, Blessed, Celestial, Choir*, Company, Creator, God, Heaven, Holy, Jesus*, (Our) Lady, Lord, Maiden*, Maker, Mary, Mother, Redeemer*, Saints, St Peter*, Trinity*,* and *Virgin.*

By comparison, the commendatory clauses that appear in the wills from the town are much more restrained and uniform in character, the permutations of possible phrases resulting in only ten distinct forms. Of these the most widely used is, as in the archdeaconry, *Almighty God, our (blessed) lady saint Mary and all the saints (of heaven)*, which appears eleven times, eight of them after 1490. This is followed by a similar format in which Mary is referred to as *(most blessed) mother our lady Saint Mary,* which is used six times, all but one occurring after 1490. Between them these similar phrases are used in forty-nine per cent of the town wills in the sample. Whichever clause is used, the component sections are generally uniform in construction: only one text referring to *our lord Jesus Christ*, while every other testator dedicated her soul to *Almighty God* or *God Almighty*.[60] Only two texts neglect to mention the Virgin Mary, all either referring to her as *our (blessed) lady Saint Mary* or adding *(most) blessed mother*. There is one instance each of *blessed Mary virgin* and *blessed mother maiden and virgin*.[61] Similarly, only two testaments fail to mention the saints, while of the remainder fourteen (forty per cent) all composed after 1490 use the phrase *holy company*.[62] One testator added the unusual *blessed church of angels*. The lexicon used in Bury amounts to sixteen words, the seven occurring only once are again marked with an *: *Almighty, Angels*, Blessed, Church*, Creator*, God, Heaven, Jesus Christ*, (Our) Lady, Maiden*, (Saint) Mary, Mercy*, Mother, Redeemer*, Saints,* and *Virgin,* giving a total of ten words in regular use, in contrast to the archdeaconry's fifteen, but contributing to fewer phrases than are used in the testaments from the surrounding countryside.

IX.   THE TOWN OF SUDBURY

Having looked in detail at the testamentary formulae used by all the women's vernacular will texts in the archives of Bury St Edmunds and the archdeaconry of Sudbury before 1500, this study will now turn to

---

[60] Testament of Anne Ratclife, 1472, BRO, R2/2/167.
[61] Testament of Alice Gowty, 1493, BRO, R2/4/23; testament of Margaret Furseney, 1481, BRO, R2/2/199.
[62] Testament of Anne Ratclife, 1472, BRO, R2/2/167; testament of Margaret Odeham, 1492, BRO, R2/2/167.

an examination of the vernacular vocabulary and phrases used by all the testators both male and female whose testaments identify them as residents of the town of Sudbury itself during the same period.[63]

Sudbury was, then as now, the third largest town in Suffolk after Ipswich and Bury and like the two larger urban centres was divided into parishes. There were two, St Gregory's and All Hallows.[64] There was also a Dominican presence in the town during the medieval period and like the three churches 'the Friars Preachers' are mentioned in the testaments in connection with pious bequests and burials. During the period covered by this study nineteen vernacular testators, thirteen men and six women, named the town of Sudbury as their home and opted to be buried there.

Table 6.3   VERNACULAR TESTATORS 1479-1498, SUDBURY TOWN

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	BRO REFERENCE	FOLIATION
Joan Fuller	1479	R2/12/1	1r
William Frost	1480	R2/11/2	2r
John Epulthweyts	1481	R2/11/253	253r-v
Christian Stowre	1482	R2/11/268	268r
George Prentys	1484	R2/11/356	356r
Sara Sparow	1485	R2/11/334	334r-v
John Roberd	1488	R2/11/447	447v
Rose Pellycan	1489	R2/11/379	379r-v
Thomas Hyngeston	1490	R2/13/17	17r
John Sprotte	1494	R2/13/19	19r
Roger Newman	1494	R2/13/24	24v
Maud Dullingham	1494	R2/13/53	53r
Cecily Prentys	1495	R2/13/24	24v
William Cooke	1497	R2/13/109	109v
Roger Grene	1497	R2/13/53	53v
William Wareyn	1497	R2/13/55	55r
William Martyn	1497	R2/13/61	61v-62r
Richard Bodywall	1498	R2/13/93	93r
John Kyng	1498	R2/13/95	95v

---

[63] Since the town of Sudbury is necessarily part of the archdeaconry of Sudbury those women who lived in the town and wrote English language testaments naturally feature in both samples. Since there are only six such women the duplication of their testamentary details do not cause significant statistical inaccuracies when the vernacular trends amongst the archdeaconry's female vernacular testators are compared with those amongst those of the town of Sudbury.

[64] The mother church of St Gregory had a chapel of ease, St Peter's, in the market place, which would achieve parochial status in its own right after the Reformation although today the building is redundant and its parish operates in tandem with St Gregory's.

English testamentary registrations in the town commenced at the time of the last notable outbreak of bubonic plague, which afflicted the region in 1479/80. Use of the vernacular therefore post-dates the major periods of crisis mortality during pervious decades, and echoes the general trend in the surrounding area towards a general increase in mother-tongue will writing (see *Fig. 6.6*) in the 1470s.

Analysing the vocabulary and formulae found in this group of testaments along similar lines to the larger Suffolk samples reveals that the vernacular will-writers of Sudbury town (hereafter Group T) favoured a range of words and phrases that placed them mid-way between the compositional practices of the archdeaconry and those of the larger town of Bury. With regard to the opening divine invocation, therefore, while fifty-eight per cent of archdeaconry testaments use the vernacular, and seventy-one per cent of those from Bury also do so, sixty-eight per cent of the Group T wills favouring English. As in the sample taken from the surrounding countryside *In the name of God Amen* was the almost unanimous choice. Since the single substitution of *our Lord*, and the one instance of 'In the name of our lord cryst Ihesu Amen', are both in female testaments these represent the examples already remarked upon when looking at the archdeaconry as a whole.[65] The latter phrase comes from the earliest testament of the sequence, so that text is likely to have been the first finalized vernacular instrument of bequest produced on behalf of a resident of the town of Sudbury.

The dating practices observable in the Group T texts also position the town, statistically speaking, in the middle ground between the stylistic conventions of Bury and those of the archdeaconry as a whole. Thus while ninety-seven per cent of Bury testaments use what had become the standard form (Date-in-the-month/Month/(Regnal) Year) and seventy-four per cent of the rural wills do the same, eighty-nine per cent of the testaments from Sudbury town use this form. Compositionally, however, in some ways the Group T texts follow Bury, and in others the archdeaconry. Thus, none of the Group T sample either omits to mention the date or writes it in Latin, features more in line with the Bury corpus. This is balanced by the presence of two texts dated by a combination of saint's day and

---

[65] Testament of Sara Sparow, 1485, BRO, R2/11/334; testament of Joan Fuller, 1479, BRO, R2/12/1.

year, a similar proportion to those found in the archdeaconry corpus, although that habit had fallen out of use amongst the female will writers of Bury St Edmunds.[66] In part because of the smaller size of the corpus, the lexicon associated with this clause in the Group T wills, though boosted somewhat by the vocabulary associated with festivals, is still smaller than that of the archdeaconry but slightly larger than that of Bury, a compromise which may, therefore, be misleading.

With regard to the soundness-of-mind clauses, it is interesting that amongst the Group T texts the ratio of phrase to testator remains identical to that in both the archdeaconry and in Bury, at 3.5:1, with only a single Group T testament omitting the clause.[67] This single omission amounts to five per cent of the whole sample, but still represents a compromise between the nineteen per cent of the archdeaconry will-writers who disregarded this component, and its unanimous inclusion by those from Bury. The style of formulae most popular in Group T, however, aligns more closely with those favoured in the surrounding rural area than with those of Bury, with 'good mind' or 'good and whole mind' appearing in fifty per cent of the Group T texts – a proportional use actually in excess of the thirty-nine per cent of the archdeaconry texts in which it appears. With regard to the precise words used, although the ratio of phrase to testator remains the same, the Group T texts incline towards concise commendatory phrases, rarely opting for the composite forms favoured in both the larger samples. Together with the much smaller sample size this trend towards simplicity results in a shorter word list amongst the Sudbury town testaments with four words (*good, healthy, mind,* and *whole*) being in regular use, and three others appearing only once each (*hale, memory,* and *remembrance*). It is interesting to note, however, that *remembrance* is only ever used in the archdeaconry sample, and *memory* is also more regularly used there, although once again that both these words are only used once in Group T can be regarded as representing a compromise between the rural will writers' practices and the habits of the Bury notaries.

---

[66] Testament of John Epulthweyts, 1481, BRO, R2/11/253; testament of Sara Sparow, 1485, BRO, R2/11/334.
[67] Testament of William Cooke, 1497, BRO, R2/13/109.

By contrast, though, the five Group T testators who expressed gratitude to God for their soundness of mind represent a proportion more than double that of the archdeaconry's twelve percent, while it will be remembered that no Bury testator made this addition. Though still taking a middle path, therefore, on this occasion that path would appear to have been between the habits of the rural testators of the archdeaconry and the more broadly based Group A sample with its fifty per cent acknowledgement of divine mercy, rather than the more concise and regimented formulae of the Bury notaries. Also with regard to these expressions of gratitude, it should perhaps be noted that all five of them occur in the last four years of the sample, and that only two texts from this period neglect to include such a comment. Of the five instances no two phrases are identical but all are short: 'thankyd be god of it', 'thankyng be god', 'thankyd be almyghty god', 'thankyng be allmyty god', and 'god be thankyd'.[68] The similarities of date and form suggest that this particular addition represents a local trend within the town of Sudbury, and while it has hitherto proved impossible to isolate the work of one specific will writer based on phrasing alone it is tempting on this occasion to speculate that these five texts might have been written under the guidance of a single person. Similarly, three nearly consecutive Group T texts from the 1480s use a single unusual word that occurs nowhere else in the sample: *recompensation*, in connection with the back-payment of religious dues.[69] It seems possible, therefore, that these three wills, although their formulaic phrases are otherwise subtly different, might also be the product of a single pen, albeit perhaps of an earlier generation. After all, it is unlikely that a town as small as Sudbury could have generated sufficient work to support many legal professionals at any one time, whatever their status.[70]

The precise degree, however, to which any of the opening formulae used in the sample might have incorporated the personal feelings of the testator or been decided by the writer is hard to judge. As

---

[68] Testaments of Cecily Prentys, 1395, BRO, R2/13/24; testament of William Martyn, 1497, BRO, R2/13/61; testament of William Wareyn, 1497, BRO, R2/13/55; testament of Richard Bodywall, 1498, BRO, R2/13/93; and testament of John Kyng, 1498, BRO, R2/13/95.

[69] Testament of John Epulthweyts, 1481, BRO, R2/11/253; testament of Christian Stowre, 1482, BRO, R2/11/268; testament of George Prentys. BRO, R2/11/356.

[70] 'Sudbury does not seem to have been much larger than a medium-sized market village, and was probably not as populous as Beccles.' Robert S. Gottfried, *Epidemic Disease in Fifteenth Century England*, p. 133.

has been noted, the only component in the opening preamble which might have required at least a consultation with the client is that which made reference to the testator's physical health. Only one will in the Group T sample does so, that of Roger Newman, made in 1494, who remarked on being 'in halthe of body & good lyking', yet in its small way even this addition places the town of Sudbury between the archdeaconry's four instances, and Bury's none.[71]

With regard to the commendation of the testator's soul, this clause once again occupies the middle ground between the multiple variations that occur amongst the testaments produced in the small towns and villages of the archdeaconry and the more modest selection employed by the Bury will writers. Specifically, while there are more than twenty variations in the rural sample and ten in the town, the Group T texts yield nine amongst its nineteen testators, although the differences between many of them are minor. Of these the most popular form, *Almighty God our (blessed) lady Saint Mary and all the saints in/of heaven* appears in thirty-one per cent of the texts, and when combined (as in the archdeaconry) with the next most popular, *Almighty God our lady Saint Mary and all the blessed company of heaven* these very similar forms can be found in fifty-three per cent of Sudbury town's vernacular wills. Arguably five more texts which incorporate other small variations might also be added to the total. Amongst the remaining texts, the differences are largely confined to the substitution of the Trinity for God, or the substitution or addition of Jesus Christ. No texts fails to refer to *Our lady*, whether as a single descriptive phrase or in conjunction with another, and all refer to the saints, either as *all the saints in/of heaven* or *all the (holy) company of heaven*. This degree of adherence to the majority form exceeds even the conservative practices of the Bury will writers. In consequence, at least in part, the lexicon associated with the Group T sample is small, with nine key words plus two others (marked*) both of which occur only once: *Almighty, Blessed, Company, Heaven, Holy, Jesus, (Our) Lady, Maker*, Saints, Saviour*, and Virgin.*

It seems probable that the relative sizes and importance of the three areas under discussion, the town of Bury St Edmunds, the much smaller town of Sudbury, and the surrounding rural area of the

---

[71] Testament of Roger Newman, 1494, BRO, R2/13/24.

archdeaconry of Sudbury – in itself extensive but made up of multiple separate parochial units - had an effect on the vocabulary and phrasing of the vernacular testaments produced there. The densely populated, prosperous and well administered town of Bury was quick to embrace newly emerging standards in testamentary writing and the vernacular phrases used achieved a higher degree of standardization as though close proximity had enable sharing of ideas between the legal professionals working there. The rural area that comprised the archdeaconry of Sudbury, on the other hand, consisted of many parishes where the single local will-writer or clerk might have had little contact with others in the same profession and thus been less subject to the influences of others and less aware of changing fashions in testamentary phrasing. Indeed, it seems likely that in some rural parishes the writing of testaments would have been an occasional service provided by a literate individual – a priest for example – who did not have formal legal training. This observation is supported by the testamentary evidence, since no testator who described himself as a notary claimed residence in a rural parish - all lived in Bury.

Between the two extremes, the small town of Sudbury, although still relatively isolated from the larger centres, was still the nominal seat of the archdeaconry and as such was arguably more sophisticated than the rural parishes although it seems likely that like them it would have numbered relatively few legal professionals amongst its residents. We cannot be sure what might have influenced the will writers of any of these areas to choose the vocabulary they did within the narrow confines of the traditional phrases that constituted a well-written testament, any more than we can really be sure why one individual should favour Latin and another English. It seems, though, that despite the formulaic nature of every part of a will's opening phrases, there remained infinite scope for variety, that in fact use of the vernacular permitted these outwardly routine opening sections to be written according to personal preference or the impulse of the moment. Although here and there a will's preamble may have been influenced by the testator, it is much more likely to reflect the professional habits and sentiments of the legal clerk or notary. Yet irrespective of the source of a text's inspiration, the flexibility of the vernacular enabled an almost infinite variety, to the extent that it is unusual for any two opening sequences to be identical in every particular.

CHAPTER SEVEN

WILLS IN THE YORK REGISTRY

WILLS IN THE YORK REGISTRY

The county of Yorkshire has historically comprised the three civil divisions of the North, East, and West Ridings, the North Riding being separated from the East Riding by the River Derwent, and from the West Riding by the River Ouse. The Ainsty of York (a wapentake of a few square miles to the west of the city bounded by the rivers Nidd, Ouse, and Wharfe) can be regarded as a separate civil division during the period of this study. It was annexed to York in 1449 and was not part of any of the ridings until 1889. At this date it was included within the administrative area of the West Riding although it is situated at the point where all three ridings meet.

With regard to ecclesiastical administration, until the mid sixteenth century almost all of the county of Yorkshire was contained within the diocese of York and divided into five archdeaconries. These in turn were made up of twenty-five deaneries.[1] As the northern archiepiscopal seat, the archbishop's prerogative court of York exercised jurisdiction over the whole northern province, so probates were issued there for any testator with goods constituting *bona notabilia* in more than one diocese within the province or more than one archidiaconal jurisdiction in the diocese. Probate applications from testators (laymen and unbeneficed clergy) of slightly more modest means who held property only within the diocese of York were the responsibility of its Exchequer court. This court was the northern equivalent of a consistory court in the southern province and here again the archbishop also had ultimate jurisdiction in his more local capacity as bishop of the diocese of York.[2] Records of both courts were entered in the same registers and the archdeaconries did not have probate jurisdiction.

Because of the large number of testamentary texts in the archive of the Prerogative and Exchequer courts of the York diocese as a whole this chapter will focus particularly on the vernacular testaments made by individuals resident in the civil division of the East Riding and those texts made by

---

[1] The five relevant Archdeaconries were York (which included nearly all the West Riding), the East Riding, Cleveland, Richmond, and Nottingham. In 1541 the Archdeaconry of Richmond – the western half of the North Riding - was assigned to the diocese of Chester and then transferred to Ripon in 1836, while in 1839 the Archdeaconry of Nottingham became part of the diocese of Lincoln, ultimately therefore coming under the jurisdiction of Canterbury. See Anthony J. Camp, *Wills and Their Whereabouts* (Canterbury: Phillimore, 1963) p. 88 and J. S. W. Gibson, *Wills and Where to Find Them* (Chichester: Phillimore, 1974) pp. 150-164.

[2] Applications for probate on the testaments of beneficed clergy were made to the chancery court.

residents of the city of York itself. Furthermore, since all of the East Riding has consistently been contained within the diocese of York, testamentary registrations in this region (apart from its peculiars) came entirely under the jurisdiction of York's Prerogative and Exchequer courts and unlike the North and West Ridings none if its Exchequer Court archive was subsequently relocated.[3] In the city of York certain parishes came within the peculiar jurisdiction of its dean and chapter and probates were also issued by the dean and chapter's court during visitations or vacancies of the see, but it is those city of York testaments that form part of the corpus of records associated with the Prerogative and Exchequer courts that are of interest here.[4] Before looking in detail at the language and phrasing of the vernacular testaments from the East Riding and York, however, the next section will outline the extent of the surviving corpus of texts in the archival holdings of the Prerogative and Exchequer courts of the York diocese as a whole and analyse the connection between language choice and the interval between testamentary composition and probate registration.

I.   TESTAMENTARY TEXTS IN THE YORK REGISTRY

The testaments registered in the Prerogative and Exchequer courts have been held at the Borthwick Institute for Historical Research in York since 1958-60.[5] Records of grants of probate made by these courts date from 1389 to the abolition of ecclesiastical probate jurisdiction in 1858 with total holdings

---

[3] Out of 471 East Riding ecclesiastical parishes, more than eighty came under peculiar jurisdiction during the medieval period. Many peculiars were small in size, but others were extensive, while some areas of peculiar jurisdiction were administered jointly with the exchequer court. It should be noted that one of the larger peculiars, Howden and Howdenshire in the south-east of the East Riding, had been under the jurisdiction of the prior and convent (later the dean and chapter) of Durham since shortly after the Conquest and would continue to be so until the nineteenth century.

[4] According to the 1428 taxation there were thirty-nine parish churches in York at that time, while at least thirty-three churches with full parochial functions survived until the sixteenth century. See P. M. Tillott (ed.), 'The Parish Churches', in *A History of the County of York: The City of York*, Victoria History of the Counties of England (London: Oxford University Press, 1961) 365-404. Those which came under the peculiar jurisdiction of the dean and chapter were: Bedern, St Andrew, St John del Pike, St John Hungate, St John Ousebridge, St Lawrence, St Martin Coney Street, St Mary Bishophill Junior, St Mary Layerthorpe, St Maurice, St Michael Belfry, St Nicholas, St Sampson, and St Wilfrid. There were also fifteen parishes outside York, six in Nottinghamshire and three in Lancashire. Vacancies relevant to the periods of this study occurred in 1397, 1398, 1405-8, 1423-6, 1464-5, 1476, and 1480. Perusal of the records of the prerogative and exchequer courts confirms that no probates were issued by these courts during these periods. In addition to the vacancies there are other gaps in the registers the first of which occurred in 1396. Most notably, after the vacancy of 1405-8 there are no surviving entries until a block of texts registered in 1417 and 1418, after which there is another gap until the end of the 1423-6 vacancy period. Jumps in the foliation as it now stands indicate that the texts from this section may have been lost at some point between the numbering of the leaves and the current binding. After the long gap in the first quarter of the fifteenth century there are six more periods when missing sections do not coincide with vacancies of the see, but all except one (November 1469 to October 1470) are short, ranging from three to ten weeks.

[5] The exception is the probate records associated with the archdeaconry of Richmond. This archdeaconry was moved to the diocese of Chester in 1542 and then to Ripon in 1836. Probates from Richmond (other than those issued by the prerogative court) are held in Leeds. It should be noted, however, that despite the reallocation of Nottinghamshire to the southern province in 1837 only original probate records have been relocated to Nottinghamshire county record office; the register copies are still in the Borthwick archives.

comprising 246 registers. It is the first six registers covering texts composed up to and including 1499 that are relevant to this study. Although the keeping of formal office copies appears to have commenced in 1389 several texts predate that point.

Table 7.1 TESTAMENTS IN THE YORK PREROGATIVE AND EXCHEQUER COURTS

	YEAR FIRST RECORDED TEXT COMPOSED ACCORDING TO LANGUAGE	NUMBER OF TEXTS	NUMBER OF ADDITIONAL PROBATES ENTERED [6] [TESTAMENT NOT TRANSCRIBED]	NUMBER OF ADDITIONAL ADMINISTRATIONS ENTERED [INTESTATE]	TOTAL NUMBER OF REGISTER ENTRIES
LATIN					
Male Testators	1355	5283	803	1359	7445
Female Testators	1382	894	279	278	1451
TOTAL NUMBER OF MALE AND FEMALE LATIN TESTAMENTS		**6177**			
NON-LATIN					
Male Testators:					
French	1390	5			
French & Latin	1428	1			
English	1429	105			
Latin & English	1429	17			
Total		**128**			
Female Testators:					
English	1426	24			
Latin & English	1489	3			
Total		**27**			
TOTAL NUMBER OF MALE AND FEMALE NON-LATIN TESTAMENTS		**155**			
TOTAL NUMBER OF REGISTER ENTRIES (1389-1499)		**6332**	**1082**	**1637**	**9051**

---

[6] Since the original texts have not been preserved their language cannot be know. They have therefore been numbered amongst those in Latin, this language being the majority choice during the period of the study and used exclusively before 1426.

The earliest transcript in terms of date of composition, that of Thomas de Sywardby, which was made an unusually long time before the testator's death, is dated 1355, albeit not registered until 1391.[7] Another will, dated 1364, upon which probate had been granted the following year, appears to have been registered retrospectively, probably in 1390.[8] In total thirteen testaments predate the first transcriptions into the register of probate, by intervals ranging from one year to the astonishing thirty-six years by which de Sywardby apparently anticipated his own demise. The existence of texts of this date indicates that formal testamentary procedures were already well established in this region, as was the case in Bury, London, and other areas examined in previous chapters of this thesis. This may imply that earlier records were kept but have not survived.

As can be seen from *Table 7.1* (above) the total number of testaments registered on behalf of both men and women in the Prerogative and Exchequer courts before 1500 was more than six thousand. In contrast, the number of texts written in a language other than Latin, either completely or in part, was fractionally less than two-and-a-half per cent of the total. All vernacular texts are listed in the appendix. This represents a considerably smaller proportion of the testamentary registrations than in west Suffolk, where vernacular testaments accounted for nearly twelve per cent of the surviving register copy texts. Similar statistical comparisons can be made with regard to the percentage of female testators and the proportion of women who chose to make a will in English rather than Latin. Thus just over fourteen-and-a-half per cent of all the testators whose wills were transcribed into York's Prerogative and Exchequer court registers were female, compared with nearly seventeen-an-a-half per cent whose testaments were preserved in west Suffolk. With regard to a possible link between gender and language preference, in neither region is there a striking difference between the proportion of women favouring the vernacular when compared with the proportion of men who did so, but the ratio is closer in York than in Suffolk.

---

[7] Testament of Thomas de Sywardby, 1355, BI, Prob. Reg. 1 f.38r, reproduced in *Test. Ebor. I*, pp. 67-68. As here, those testaments footnoted that have been reproduced in *Testamenta Eboracensia* have been noted. It should be noted that on occasion these transcriptions are incomplete.
[8] Testament of Henry de Bempton, 1364, BI, Prob. Reg. 1 f. 20r.

Fig. 7.1 THE YORK PREROGATIVE AND EXCHEQUER COURTS: ENGLISH TESTAMENTARY
REGISTRATIONS, MALE AND FEMALE
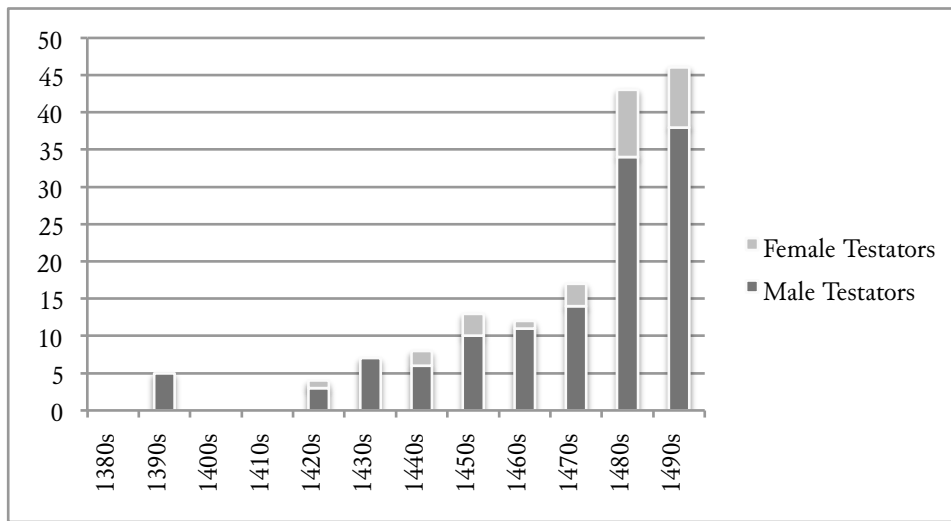
Specifically, in west Suffolk as a whole twelve per cent of women favoured English while ten per cent of

men did so, a difference of two per cent.[9] In Yorkshire, on the other hand, while almost three per cent

of women testators used English a similar percentage of men's wills also did so, or included an element

other than Latin, amounting to a figure only fractionally lower than that of the women; at two-and-a-

half per cent a difference of just half a percentage point. Such apparent similarity in language preference

between men and women may be a function of the comparatively small number of vernacular testators.

Nevertheless, even though relatively few Yorkshire testators, whether male or female, chose to use the

vernacular a steady growth in the production of non-Latin wills is noticeable after the 1420s and a

dramatic increase in the use of English for testamentary purposes can be observed in the 1480s and 1490s

in *Fig. 7.1* (above).

II.   LANGUAGE CHOICE AND THE INTERVAL BETWEEN COMPOSITION AND REGISTRATION

The case of Thomas de Sywardby referred to above, whose testament antedates the commencement of

registration and seems to have been made thirty-six years before it was needed, is most unusual by the

---

[9] The figures given here are for west Suffolk as a whole, derived by combining the statistics relating to testators from Bury St Edmunds and the surrounding Archdeaconry of Sudbury.

standards of the time – testaments were very often made on the deathbed or when the end of life seemed inevitable. Yet perhaps even more remarkable is the apparent hiatus following the composition of a testament made in 1400 on behalf of Joan Rellerstone, a married woman from an unnamed parish in the city of York, which was not registered for another forty-two years. It is tempting to wonder whether the probate application might have been carried out considerably *post mortem*, even as an afterthought; or perhaps the testament might have been made, with unusual foresight, on or shortly after Joan's marriage. The possibility of a textual error should not be ruled out, however.[10]

In 1355 when de Sywardby's testament was being composed it would have been somewhat surprising if it had been written in a language other than Latin even though French had been used by royal testators since the thirteenth century.[11] Admittedly a few wills were being produced in French by high status testators during de Sywardby's time, but the earliest English language text to have survived nationally dates from 1387 while the earliest English language text to have been preserved in the York corpus was not composed until 1426.[12] It is useful, nevertheless, to examine the intersection between language used and the length of time that elapsed between composition of the testament and probate registration to compare the practices of men and women and of Latin and non-Latin testators. Since the earliest of the English language testaments did not start to appear in the York diocese until the 1420s, in order to compare like with like those Latin wills written before this date can, for the moment, be discounted. Both Latin and non-Latin samples consist, therefore, of texts composed from the 1420s until 1499.[13]

---

[10] Clearly erroneous are five Latin testaments claiming to have been composed between one and thirty-nine years *after* probate was granted. Testaments of John Fysher Jr., 1397, BI, Prob. Reg. 2, f. 8r (reg. 1393); Thomas Pynchon, 1438, BI, Prob. Reg. 3, f. 20r (reg. 1399); Sir John Stevenson, 1483, BI, Prob. Reg. 2, f. 589v (reg. 1463); Sir Thomas Vicars, 1488, BI, Prob. Reg. 5, ff. 329r-329v (reg. 1487); and Robert Watson, 1488, BI, Prob. Reg. 5, f. 326v (reg. 1487).

[11] The testament of Edward I, for instance, was made in French in 1272. It is reproduced in John Nichols (ed.), *A Collection of all the Wills Known to be Extant, of the Kings and Queens of England, Princes and Princesses and Every Branch of the Blood Royal, From the Reign of William the Conqueror to That of Henry the Seventh Exclusive* (1780; New York: Kraus, 1969) pp. 18-21.

[12] Testament of Robert Corn, 1387, LMA, MS 9171/1, f. 198v, reproduced in *FEEW*, pp. 1-2; testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, ff. 492v-493r, reproduced in *Test. Ebor. I*, p. 410.

[13] For present purposes 'non-Latin' indicates not only those testaments written entirely in English and French but also those that although partly composed in English or French (a codicil, for instance) still used Latin for some of the text.

On examining the data it is immediately apparent that in both the Latin and non-Latin samples the usual interval between the date of the text and its probate registration was very short, a matter of weeks or a few months only – a figure that can be standardized as 'less than one year'. The next most common interval was a period more than twelve months after the composition of the testament but less than two years. Calculating the total number of testators within these two temporal categories reveals that the vast majority of testaments were composed less than two years before being presented for probate. Specifically, with regard first to Latin testators, of those individuals who made their will between the 1420s and 1499, seventy-two per cent did so less than a year before their death and ninety-two per cent within two years. Examining the evidence in a little more detail reveals only a small difference in the behaviour of men and women in this particular part of the sample. Of those men who made a Latin testament between the 1420s and 1499 seventy-two per cent of the texts had been registered for probate within a year and ninety-three per cent in two years. Only seven per cent of those men who chose to make a Latin will did so well in advance, therefore, whether motivated by intimations of mortality or by an imminent journey or other possibly life-threatening exploit, as was sometimes the case. For women the proportion of texts registered within a year was the same as for men, and only slightly lower (ninety per cent) within a two-year interval. It is possible that the ten per cent of women who made Latin testaments in good time were encouraged to do so early in widowhood by the death of their husband and the experience of dealing with his testament in an executorial capacity, or by the new burden of property ownership and the awareness that carrying out their late husband's final wishes might be a long-drawn-out commitment that they would not live long enough to fulfil: continuing responsibility had to be delegated to the next generation. These percentages are summarized in *Table 7.2* (below).

When the interval between the composition and registration of non-Latin testaments is assessed in the same way it is immediately clear not only that the proportion of testators who postponed such matters until death approached was markedly lower, but also that the behaviour of men and women in

this respect showed less similarity than it had in the group of Latin testators. It also appears that the gendered trend was reversed. Specifically, only forty-seven per cent of men's non-Latin testaments were registered for probate within a year of their composition. For women, on the other hand, the percentage figure for registration within the same short interval after death appears to be somewhat larger at sixty-three per cent. The differential of sixteen per cent between the behaviour of men and women suggests that those female testators who used a familiar language were less likely (or perhaps less able) than their male counterparts to plan ahead, a reversal of the situation with Latin testators. The interval between testamentary composition and registration was still appreciably longer amongst those women making a will in English than amongst those using Latin, however. In summary, only half of all non-Latin testaments were made less than a year before the testator's death, in comparison with nearly three-quarters of those made in Latin.

Table 7.2   THE YORK PREROGATIVE AND EXCHEQUER COURTS: INTERVAL BETWEEN COMPOSITION AND PROBATE REGISTRATION OF LATIN AND NON-LATIN TESTAMENTS

	PERCENTAGE OF TESTAMENTS REGISTERED WITHIN ONE YEAR	PERCENTAGE OF TESTAMENTS REGISTERED WITHIN TWO YEARS
VERNACULAR PROBATE REGISTRATIONS 1420-1499		
Male Testators	47	77
Female Testators	63	81.5
Male and Female Testators Combined [155 texts]	50	78
LATIN PROBATE REGISTRATIONS 1420-1499		
Male Testators	72	93
Female Testators	72	90.5
Male and Female Testators Combined [5,115 texts]	72	92
LATIN PROBATE REGISTRATIONS 1355-1420		
Male Testators	78	95.5
Female Testators	81	96
Male and Female Testators Combined [1,057 texts]	79	96

Any conclusions drawn from these statistics can only be tentative, particularly in view of the smaller sample of texts available for non-Latin testators than for Latin: there were 155 non-Latin testaments registered in York's Prerogative and Exchequer courts during this period in comparison with 5,115 that used Latin. It is worth remarking, though, that when the earlier Latin testaments are examined (a sample of 1,037 texts made between 1355 and 1420) the difference in habit between Latin and non-Latin testators is more pronounced again.[14] The number of Latin testaments from this earlier period that were registered within a year of composition was higher, with seventy-eight per cent in the earlier sample compared with seventy-two per cent in the later one. The number registered within two years was also higher in the earlier period, at ninety-six per cent compared to ninety-two per cent later, implying that an even larger proportion of Latin testators had made their will at the last minute in the years between 1355 and 1420 than would be the case between 1420 and 1499. Furthermore, the behaviour of men and women in this respect was even more closely aligned amongst earlier Latin testators than amongst those of the later period. Thus, although Latin testators seem gradually to have been making their wills a little earlier, it is still clear that those individuals who made the decision to have their last will and testament recorded in English or French were much less likely to be doing so at the last minute. Although the causes underlying such trends are likely to be multiple and complex, perhaps the wish to understand every word of one's own testament was just part of a broader, even a growing, personal predisposition towards good administrative practices, and represented just one facet of the responsible attitude that also prompted vernacular testators (particularly men) to put their affairs in order in good time, rather than postponing such considerations until the point of need.

III.   The East Riding and the City of York: The Regional Context

The East Riding of Yorkshire is bordered to the east by the North Sea coast between Holderness and Filey, to the north by the River Derwent, to the south by the Humber estuary, and is separated from the

---

[14] The total number of male testators who made Latin wills is fewer than that shown as the total figure for male Latin testators in *Table 7.1* (above) since the five texts with incorrect dating listed in n. 10 (above) cannot be included.

West Riding by the River Ouse. The city of York stands at the confluence of the rivers Ouse and Fosse, adjoining the north-west tip of the East Riding, as illustrated on the map below. York was a major trading centre during the middle ages with a population in the region of fourteen to fifteen thousand at the end of the fourteenth century, although as epidemics took their toll and trade declined so did the population until by 1524-5 it had shrunk drastically, perhaps by as much as half.[15]

Map 7.1   THE EAST RIDING AND THE CITY OF YORK: DISTRIBUTION OF ENGLISH WILLS

By comparison, the port of Kingston upon Hull was considerably smaller with about three thousand inhabitants in the late-fourteenth and fifteenth centuries – considerably less than Bury St Edmunds,

---

[15] Christopher Dyer, *Making a Living in the Middle Ages: The People of Britain 850-1520* (2002; New Haven & London: Yale University Press, 2009) p. 300.

therefore; a relative difference reflected in the number of probate applications made.[16]   The strongly ecclesiastical town of Beverley, on the other hand, had a population of five to six thousand at the end of the fourteenth century, although like York it too would diminish, the number of residents falling to around two thousand by the first quarter of the sixteenth century.[17]

III. i.   THE EAST RIDING: THE TESTAMENTARY SAMPLE

The testamentary archive of the diocese of York's Prerogative and Exchequer courts includes twenty-eight register copies of testaments composed entirely in English that can be securely linked to testators from the East Riding.[18]   Of these, two are autograph texts made by brothers, and four were composed on behalf of women, including the first surviving English language testament in the York diocese, which was written in April 1426 and registered in July the same year.[19]   As with the testament of Joan Heryng from Bury St Edmunds this text is an isolated vernacular forerunner occurring a considerable time before the next English language testament in the sample.[20]

The vernacular testators from the East Riding (listed in full in *Table 7.3* below) could all be described as members of the mercantile élite or minor gentry so do not represent a social cross-section. The group includes six merchants, two drapers, a mariner, a mercer and an apothecary.   Other testators are defined according to status: one knight, two aldermen, and four whose wills describe them as either squire or esquire, as well as one parson and one priest.   All the female testators were widows.   Eighteen of the group (including five of the merchants) were from the port of Hull – an ideal urban subset for analysis purposes.

---

[16] See above, p. 187, n. 5.

[17] Jenny Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (1998; Cambridge: Cambridge University Press, 2002), pp. 8-10. For the sake of brevity the city of Kingston upon Hull will henceforth be referred to simply as Hull – a practice not entirely without precedent in the fifteenth century.

[18] It is probable that the sample given here does not include all those East Riding testaments registered in the Probate and Exchequer courts, since not all the domicile locations given could be unambiguously identified.

[19] Testaments of John and Thomas Dalton, 1487 and 1497, Prob. Reg. 5, ff. 487v-5r and Prob. Reg. 6, ff. 51r-2r, respectively, reproduced in *Test Ebor. IV*, pp. 21-26 and 126-128 respectively.   See above, p. 175 for discussion of John Dalton's will. Testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, ff. 492v-493r, reproduced in *Test. Ebor I*, pp. 410; testament of Ellen Gilliott, 1459, BI, Prob. Reg. 2, ff.421r-v, reproduced in *Test. Ebor. II*, p. 237; testament of Isabell Grymston, 1479, BI, Prob. Reg. 5, f. 165r, reproduced in *Test. Ebor III*, p. 251-253; testament of Isabell Wilton, 1486, BI, Prob. Reg. 5, ff. 297v-8r.

[20] Testament of Joan Heryng, 1419, BRO, R2/1/155. The next vernacular text is that of testament of John Aldwyk, 1444, BI, Prob. Reg. 2, f. 96r, reproduced in *Test. Ebor. II*, p. 105.

Table 7.3   THE EAST RIDING OF YORKSHIRE: VERNACULAR TESTATORS

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	DOMICILE	BI PROBATE REGISTER REFERENCE[21]
Joan Gascoigne	1426	Holme on Spaldingmore	Reg. 2, ff. 492v-3r
John Aldwyk	1444	Kingston upon Hull	Reg. 2, f. 96r
John Thorn	1453	Kingston upon Hull	Reg. 2, f. 292v
Thomas Ardern	1453	Sewerby cum Marton	Reg. 2, f. 326r
William Clyderhowe	1454	Kingston upon Hull	Reg. 2, ff. 295r-v
Ellen Gilliott	1459	Kingston upon Hull	Reg. 2, ff. 421r-v
Thomas Mounteney	1466	Kingston upon Hull	Reg. 4, ff. 232v-3r
John of Feryby	1470	Beverley	Reg. 4, f. 166r
Robert Peton	1473	Kingston upon Hull	Reg. 4, ff. 209r-10r
Sir Hugh Goodrich	1473	Escrick	Reg. 4, ff. 211r-v
Nicholas Molde	1474	Kingston upon Hull	Reg. 4, ff. 126v-7r
Isabell Grymston	1479	Flinton	Reg. 5, f. 165r
John Hapsam	1481	Kingston upon Hull	Reg. 5, f. 59r
Richard Peke	1481	Kingston upon Hull	Reg. 5, f. 59v
Sir John Constable	1482	Halsham	Reg. 5, f. 368v
William Baron	1484	Kingston upon Hull	Reg. 5, ff. 250v-1r
Isabell Wilton	1486	Kingston upon Hull	Reg. 5, ff. 297v-8r
Guy Malyerd	1486	Beverley	Reg. 5, ff. 308v-9r
Ralph Gascoigne	1486	Burnby	Reg. 5, ff. 340v-1r
Robert Saltmerssh	1487	East Cottingwith	Reg. 5, ff. 427v-8r
John Dalton	1487	Kingston upon Hull	Reg. 5, ff. 483v-5r
Edmund Copyndale	1490	Kingston upon Hull	Reg. 5, ff. 383v-4r
Thomas Wod	1490	Kingston upon Hull	Reg. 5, ff. 402v-3v
Laurence Swattok	1492	Kingston upon Hull	Reg. 5, ff. 410v-11r
John Spicer	1493	Kingston upon Hull	Reg. 5, ff. 450v-1v
Sir Martin of the See	1494	Barmston	Reg. 5, ff. 453r-v
Edmund Greneley	1497	Kingston upon Hull	Reg. 5, ff. 501r-v
Thomas Dalton	1497	Kingston upon Hull	Reg. 5, ff. 51r-2r

III. ii.   THE CITY OF YORK: THE TESTAMENTARY SAMPLE

As already outlined, fourteen of the city of York's multiple parishes (there were at least forty in total during the late-medieval period) came under the jurisdiction of the dean and chapter's court.[22] Sentences of probate on the testaments of those citizens resident in the city's remaining parishes were issued either by the Exchequer Court, or – for those of more substantial means – the Prerogative Court. York's considerable population, second only to that of London during the first half of the fifteenth

---

[21] Where the relationship between the date and foliation of the texts appears to be haphazard it seems probable that this is a result not only of the date of composition rather than of probate being given, but also of the registers doing double duty for the prerogative and exchequer courts, and of the practice of entering the transcripts in the register according to deanery.

[22] See above, p. 236, n. 4.

century, resulted in between two and two-and-a-half thousand testamentary texts being entered into the court's registers before 1500. Of these only twenty-five are in English throughout, and therefore suitable for analysis, and comprise the sample listed below.

Table 7.4   THE CITY OF YORK: VERNACULAR TESTATORS

NAME	DATE OF COMPOSITION OF TESTAMENT	BI PROBATE REGISTER REFERENCE[23]
Margaret Coke	1443	Reg. 2, ff. 420v-421r
Elizabeth Delaryver	1454	Reg. 2, f. 301r
Janet Caudell	1479	Reg. 5, f. 154v
Robert Marler	1483	Reg. 5, f. 47r
Miles Metkalf	1486	Reg. 5, f. 365r
John Carre	1487	Reg. 5, ff. 327v-9r
Janet Holme	1488	Reg. 5, ff. 335r-v
John Warthell als. Ratclyff	1488	Reg. 5, ff. 347r-v
William of Thorneton	1488	Reg. 5, f. 353r
William Aukeland	1489	Reg. 5, ff. 365v-6r
Sir William Akers	1489	Reg. 5, ff. 371v-372r
Richard Manchestre	1490	Reg. 5, ff. 381v-2v
Juliana Clerkson	1491	Reg. 5, ff. 406r-v
John Broune	1492	Reg. 5, ff. 425r-v
John Beseby the elder	1493	Reg. 5, f. 434v
William Akers	1493	Reg. 5, f. 438v
John Londisdale	1493	Reg. 5, f. 440r
William Wynter	1493	Reg. 5, ff. 443r-v
Agnes Maners	1494	Reg. 3, ff. 312r-v
John Banes	1494	Reg. 5, f. 451v
Marjory Salvayn	1496	Reg. 5, f. 480r
Robert Johnson	1496	Reg. 5, ff. 510v-11v
Robert Kirke	1497	Reg. 5, f. 509r
George Blanat	1497	Reg. 5, f. 510r
Thomas Thorland	1499	Reg. 6, ff. 6r-v

Although the corpus of vernacular will texts made by citizens of York before 1500 is similar in number to that from the East Riding during the same period, use of English for testamentary purposes appears to have been slower to gather momentum in York than in the east of the county, the first three recorded texts (all by women) being widely spaced over a period of thirty-six years. Towards the end of the

---

[23] As before, the apparent inconsistencies of foliation are a result of the variable intervals between composition and registration and the contemporary administrative and scribal practices.

fifteenth century, however, English will writing grew rather more rapidly in popularity (relatively speaking) with more than half the total number of vernacular testaments produced in York before 1500 being composed during the 1490s. The group of vernacular testators includes seven women, six of them widows (one of knightly status) while the seventh makes no reference to a husband either alive or dead and may have been single. Only seven of the men's testaments give any indication of their maker's profession. Like those from Hull the York testators seem to have been of largely mercantile status, with a draper, two founders, a grocer, and a tanner represented, and two who described themselves as merchants. There was also a priest and a 'gentilman'. The grocer and one of the merchants mention having held civic office, one as an alderman another as mayor, while one testator although not specific about his former rôle hints that it was an important one. He left his obsequies to the discretion of his executors, requesting that:

> I be done fore at my beryall and myn eghtyndaye conveniently and according to my degree and the office the which I had in the Citie as myn executores semeth best.[24]

IV.   EAST YORKSHIRE: TRENDS IN VERNACULAR PHRASING

The focus of this section is on the vernacular wills made by citizens of the East Riding and the city of York that form part of the testamentary archive of the Prerogative and Exchequer courts. As in the studies of the wills from Bury St Edmunds, Sudbury, and the surrounding west Suffolk countryside that were the subject of Chapter 6 of this thesis the introductory phrases of the texts will be analysed in order to facilitate comparison both within and between the Yorkshire samples and with practices in west Suffolk. The more geographically diverse 'Group A' sample of late-fifteenth century testaments that were examined in Chapter 5 will also be considered. The Yorkshire testaments will be discussed both as a combined sample of fifty-three texts and, when relevant, in terms of the three individual sub-groups, one consisting of wills made by the urban testators from the commercial centre of York, another of those from the port of Hull, and a third of testaments from the smaller settlements of the East Riding.

---

[24] Testament of Miles Metkalf, 1486, BI, Prob. Reg. 5, f. 365r, reproduced in *Test. Ebor. IV*, pp. 9-10.

IV. i.   DIVINE INVOCATION

None of the testamentary texts from either York or the West Riding omits the standard invocatory phrase - a result consistent with findings elsewhere. Also as in other places there appears to be no correlation between the language chosen for these opening words and either the date, the gender of the testator, or the location. Sixty-two per cent of all east Yorkshire will writers (the combined East Riding and city of York samples) favoured English - a proportion neatly poised between Group A's fifty-one per cent and the seventy-one per cent of the Bury St Edmunds will texts.[25] Amongst the thirty-eight per cent of vernacular testaments that open with a Latin invocation, however, the traditional *In dei nomine Amen* predominates - exclusively in the nine vernacular testaments from the city of York. In the East Riding sample (including Hull), however, there are two instances of *In nomine patris et filii et spiritus sancti Amen*, one in the testament of a parson, Hugh Goodrich, made by licence of his abbot, the other in an autograph text couched in extremely devout language.[26] The substitution of this more overtly pious phrase at the opening of the testament of a man of the church suggests that, like the autograph text, it was tailored to the individual, although whether the particular sentiment was included at the testator's behest or on the initiative of the will-writer is uncertain.   Since the testament, unconventionally, uses the third person (albeit in the present tense, so it seems unlikely to be nuncupative) it is possible that the text was penned not by a legal professional but by some other educated individual, perhaps a fellow cleric.

The familiar Latin liturgical phrase invoking the Trinity that is used in Goodrich's text also crops up in translation in other testaments. Indeed, although the phrase *In the name of God Amen* is, like its Latin model, used almost exclusively, two women's texts, both from York, begin with *In the name of the Father the Son and the Holy Ghost Amen*. This direct translation of the only variant Latin phrase indicates that its use might have been more commonplace than the sample texts imply. The only

---

[25] It should be noted that the descriptive term east Yorkshire (used here to imply the combined areas of the East Riding and the city of York) is not synonymous with the one-time civil division of East Yorkshire.

[26] Testament of Hugh Goodrich, 1473, BI, Prob. Reg. 4, ff. 211r-v; testament of John Dalton, 1487, BI, Prob. Reg. 5, ff. 483v-5r, reproduced in *Test. Ebor. IV,* pp. 21-26.

other variants in the vernacular invocatory phrases are minor and occur in two of the earliest texts in the sample, both from the East Riding: *In the name of the Holy Trinity* (omitting an *Amen*) from 1426, and the slight variation *In the name of God so be it* from 1444 – as if the will-writer was determined to comply minutely with the client's requirement that every word be in English.[27]

IV. ii.   DATE CLAUSES

When the English-language testaments from the East Riding (including Hull) and the city of York are combined, as in the previous section, the resulting sample of fifty-three vernacular testaments proves to follow dating principles identical (statistically) to those of Bury St Edmunds, with ninety-two per cent of the texts using the standard form of Date-in-the-month/Month/(Regnal) Year. While the testaments written in rural west Suffolk are somewhat more variable in structure than those of the town of Bury such is not the case amongst those East Riding texts made outside the urban centre of Hull, all of which conform to the (by now) traditional pattern. Nor is there any correlation between dating structure and either gender of testator or year of composition. So standardized does the dating clause appear that it lends further support to the assertion that, like the majority of invocatory phrases, it had long been a matter of scribal routine, entered in the text on the day the final fair copy was written. Autograph texts and those composed by non-professionals are exceptions, but even here examination of the unconventional testament of Hugh Goodrich and the autograph will of John Dalton reveals that their only deviation from the norm in terms of dating is to leave this clause until the end of the text, perhaps mindful that the process of writing and gathering witnesses together might take some time to finalise. The autograph text that Thomas Dalton modelled closely on his brother's relocated the date to the beginning, however, indicating that the conventional arrangement of clauses was as familiar to most individuals as the linguistic formulae.[28]

---

[27] Testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, ff. 492v-493r reproduced in *Test. Ebor, I*, p. 410; testament of John Aldwyk, 1444, BI, Prob. Reg. 2, f. 96r, reproduced in *Test. Ebor. II*, p.105.
[28] Testament of Thomas Dalton, 1497, BI, Prob. Reg. 6, ff. 51r-52r, reproduced in *Test. Ebor. IV*, pp. 21-26.

Looking at the combined east Yorkshire samples in more detail, none of the texts uses Latin for the dating clause (a feature shared with Bury St Edmunds, although markedly unlike rural west Suffolk), nor does any testament make reference to a saint's day or religious festival (again like Bury rather than its hinterland). Furthermore, only one Yorkshire text adds the day of the week, there are just three substitutions of the regnal year for the calendar year, and only a single will omits the date altogether.[29] A close look at the vocabulary used for the whole corpus reveals that, unsurprisingly in view of the limited textual variations, the lexicon is limited. The universally applicable *day*, *month*, *year*, and (*our*) *Lord God* are common to all, together with *first* and *last* rather than a numeral for a testament executed on the appropriate date in the month, and the name of the monarch when necessary to define the regnal year. The only additions are amongst the wills from Hull where *Tuesday* and *incarnation* also appear – once each - while the York sample includes one instance of *Jesus Christ*.

IV. iii.   SOUNDNESS OF MIND

The trend towards uniformity and a limited range of vocabulary in the east Yorkshire dating formulae is also a feature of the clauses attesting to soundness of mind – a characteristic that is (unlike in west Suffolk) common to all three groups of Yorkshire samples analysed. Nevertheless, subtle differences in usage make it appropriate to examine the three east Yorkshire subsets of testaments individually. This approach reveals, for instance, that seven of the nine Yorkshire testaments that omit the clause entirely were produced for testators from the city of York and amount to twenty-eight per cent of that subset. This is despite the fact that the sample from that city is weighted towards the end of the century and inclusion of a soundness-of-mind clause has seemed in other regions to be more reliable by that date - mental stability was, after all, a prerequisite of testamentary capacity.

---

[29] Testament of Robert Peton, 1473, BI, Prob. Reg. 4, ff. 209r-210r; testament of Robert Marler, 1482, BI, Prob. Reg. 5, f. 47r; testament of Miles Metcalf, 1486, BI, Prob. Reg. 5, f. 365r, reproduced in *Test. Ebor. IV*, pp. 9-10; testament of Sir John Constable, 1482, BI, Prob. Reg. 5, f. 368v, reproduced in *Test. Ebor. III*, p. 278-280; testament of Isabell Grymston, 1479, reproduced in *Test. Ebor. III*, pp. 251-253; testament of Marjory Salvayn, 1496, BI, Prob. Reg. 5, f. 480r, reproduced in *Test. Ebor. IV,* pp. 116-117.

Unlike the wills from rural west Suffolk, which employed a considerable variety of constructions, the vernacular testaments composed in the comparable provincial areas of the East Riding, although relatively few in number, employ even less variety than those of either Hull or York. On more detailed examination, two of the texts do not use the clause at all, one of these being the unconventional testament made on behalf of Hugh Goodrich.[30] All those that do include it, however, refer to the 'mind' of the testator, the majority of instances defining it as *whole*, but one favouring *good mind* and another *secure mind*, this last text noting - somewhat impersonally - 'I Robert Saltmerssh of Cotingwith Esquire hole the body and secure the mynde'.[31] Additional embellishments within the sample are few, with one testator claiming to be 'of hole mynde and saule', and another to be 'of hole mynde beyng and sure witt'.[32] Just two of the testators thanked God for their continuing mental soundness, although only Robert Saltmerssh referred to his physical health – a feature more in line with the Bury St Edmunds testaments than those from either the archdeaconry of Sudbury or the Group A texts. As a result not only of the small sample but of the uniformity of the phrasing, the lexicon of relevant terms is limited to six key words: *God, good, mind, soul, whole,* and *wit*, with four additional words (*grace, secure, sure,* and *thanked*) appearing only once each.

In the eighteen vernacular testaments from Hull, there are no omissions of the clause, and again all the texts use the word *mind*, described either as *whole* (eleven texts), or *good* (six texts), and in one instance as both. Amongst the Hull testaments, though, some favourite composite phrases can be observed, notably *of good mind and remembrance thanking God* used in six testaments between 1473 and 1493, together with the slightly longer, *of good **and whole** mind and remembrance thanking God thereof* [emphasis added] in a text composed in 1466. There is also a unique instance of 'hole of mynd and in gude discrecon'.[33] Alongside *mind* the other popular term amongst the Hull texts is *wit*, with

---

[30] Testament of Hugh Goodrich, 1473, BI, Prob. Reg. 4, ff. 340v-341r (see above, p. 249); testament of Ralph Gascoigne, 1486, BI, Prob. Reg. 5, ff. 340r-341v, reproduced in *Test. Ebor. IV*, pp. 15-16.

[31] Testament of Robert Saltmerssh, 1487, BI, Prob. Reg. 5, ff.427v-428r.

[32] Testament of Isabell Grymston, 1479, BI, Prob. Reg. 5, f. 165r, reproduced in *Test. Ebor. III*, pp. 251-253; testament of Guy Malyerd, 1486, BI, Prob. Reg. 5, ff. 308v-309r, reproduced in *Test. Ebor. IV*, pp. 18-19.

[33] Testament of John Thorn, 1453, BI, Prob Reg. 2, f. 292v.

the phrase *whole wit and mind* occurring three times, while 'myghty of mynd and of hayll witt' is also used.[34] The autograph texts made by the Dalton brothers, John and Thomas, both use two soundness of mind clauses each in their extensive opening preambles. The details vary only slightly [indicated by italics] beyond the orthographic variations, with: 'beyng in my right witte and mynde loved be god hole and not seke' and 'beyng of lyve and hole mynd and memorie loved be god' (John); and 'beyng in my ryght witt and mynd loved be god hoole and nott seek' and 'beynge of lyve *Entendment* & memorie loved be god' (Thomas).[35] While the Dalton brothers' texts are the only ones that refer to physical health, a total of eleven Hull testaments give thanks to God for mental faculties, a high proportion of grateful testators that is at odds with practices in Bury.

Seven of the soundness-of-mind phrases in those texts from the Hull sample that give thanks to God are uniform in phrasing and their similarities also extend to other clauses, suggesting that these texts have a common author, something that is investigated further below. All use the same standard Date-in-the-month/Month/Year format for the date and the same language for the statement of intent: *(make) ordain and dispose this my present testament containing my last will in the manner and form following* before proceeding to virtually identical commendations of the testators' souls: *First I bequeath my soul to Almighty God my maker and saviour and to our blessed Lady His glorious mother and to (all) the holy (/whole) company of heaven.* On the whole the variations (indicated by brackets in the foregoing example) are individual occurrences, and so minor as to be negligible. Furthermore, five of the seven texts (the exceptions being the first and last in the sequence) make provision for burial dues with the phrase *with my mortuary accustomed*, a form of words unique to this group of texts.

---

[34] Testament of William Clyderhowe, 1454, BI, Prob. Reg. 2, ff. 295r-295v, reproduced in *Test. Ebor. II*, pp. 171-172.
[35] Testament of John Dalton, 1487, BI, Prob. Reg. 5, ff. 483v-485r, reproduced in *Test. Ebor. IV*, pp. 21-26; testament of Thomas Dalton, 1497, BI, Prob. Reg. 6, ff. 51r-52r, reproduced in *Test. Ebor. IV*, pp. 126-128.

Table 7.5 HULL: UNIFORM TESTAMENTS

NAME	DATE OF COMPOSITION OF TESTAMENT	BI PROBATE REGISTER REFERENCE
Thomas Mounteney	1466	Reg. 4, ff. 232v-232r
Robert Peton	1473	Reg. 4, ff. 209r-210r
Richard Peke	1481	Reg. 5, f. 59v
William Baron	1484	Reg. 5, ff. 250v-251r
Edmund Copyndale	1490	Reg. 5, ff. 383v-384r
Thomas Wod	1490	Reg. 5, ff. 402v-403v
John Spicer	1492	Reg. 5, f. 450v-451v

The single variant reading, in Edmund Copyndale's commendatory clause, jumps from ... *maker and saviour* to *of heaven* – perhaps an instance of eye-skip on the part of one of the scribes involved. Of the divine invocations all but one of this group use English; the Latin exception once again is the testament of Edmund Copyndale, hinting that perhaps this text had been assigned to a different clerk, and perhaps that these opening words were so routine that they did not even constitute part of the rough draft given to the copyist, but were left to the discretion of even the humblest clerk or scribe.

Closer examination of the texts of these seven testaments reveals that four of them mention a scrivener by the name of William Haryngton, who acted as witness to Robert Peton, executor to Richard Peke, was named as a beneficiary in the will of Edmund Copyndale and acted as supervisor for Thomas Wod, also receiving a bequest of twenty shillings. Under the circumstances it seems likely that Haryngton was involved in the composition of the texts in the group, whether or not he also served in an administrative capacity. Testaments both within the group and outside it also have other beneficiaries or administrators in common, suggesting a close mercantile network with a shared inclination toward vernacularity. Edmund Copyndale was remembered in Robert Peton's will as was a local vintner called Bertyn Gilliott whose mother had made her testament in English in 1459.[36] One of the witnesses to Edmund Copyndale's testament was a local merchant called Edmund Greneley, who would also make his

---

[36] Testament of Ellen Gilliot, 1459, BI, Prob. Reg. 2, f. 421r-421v, reproduced in *Test. Ebor II,* p. 237.

will in English seven years later.[37] Testator Thomas Wod mentioned a John Yole in his will of 1490.[38]
Yole would act as witness to the will of Hull apothecary Laurence Swattock two years later.[39]

In part because of this uniformity of language the non-autograph, so presumably professionally composed, Hull testaments between them use a total of only seven key words: *God, good, mind, remembrance, thanking, whole*, and *wit*, with another two (*discretion* and *mighty*) occurring only once. Adding the Dalton brothers' autograph texts, however, would contribute a further six words: *right, loved, sick, live, memory*, and '*entendment*'. Fewer key words were therefore used habitually in the East Riding (a ratio of 2.6:1) than in either east Suffolk (3.5:1) or the Group A sample (6:1).

Of the vernacular testaments from the city of York, it has already been noted that seven of the twenty-five texts in the group omit the soundness-of-mind clause. Amongst the remaining twenty-one testaments suitable for analysis fifteen refer to the maker's *mind*. Twelve of these profess it to be *whole* and one other *good*, while it is also used in some more individual constructions. Thus two texts use the word *whartful/quertful* (prosperous, fortunate), one referring to 'gude whart and gude hele in mynd and of bodie' and another describes the maker as 'whartfull of mynd and in good remembrance'.[40] Unlike the Hull testaments, few of those from York use composite phrases in this clause, the majority of will-writers preferring the unembellished *(in) whole (of) mind*, one adding *and remembrance* and another 'with my hole witt and reason'.[41] One phrase is notable, though, not only for its precision of usage but because it was (and remained) peculiar to Scotland. The testament of Elizabeth Delaryver, composed in 1454, records her to be 'in my trewe and lege powste' – *in my true and liege poustie*.[42] From the old French *lige poesté* and the medieval Latin *ligia potestas* this phrase confirms the testator's full possession of her faculties, yet with the specific legal meaning under Scottish law of being in sufficient health of

---

[37] Testament of Edmund Greneley, 1497, BI, Prob. Reg. 5, ff. 501r-501v.
[38] Testament of Thomas Wod, 1490, BI, Prob. Reg. 5, ff. 401v-403v, reproduced in *Test. Ebor. IV*, p. 60.
[39] Testament of Laurence Swattock, 1492, BI, Prob. Reg. 5, ff. 410v-411r.
[40] Testament of John Carre, 1487, BI, Prob. Reg. 5, ff. 327v-329r, reproduced in *Test. Ebor. IV,* pp. 26-30; testament of Thomas Thorland, 1499, BI, Prob. Reg. 6, ff. 6r-6v.
[41] Testament of Robert Johnson, 1496, BI, Prob. Reg. 5, ff. 510v-511v, reproduced in *Test. Ebor. IV*, pp. 120-121; testament of William Aukeland, 1489, BI, Prob. Reg. 5, ff. 365v-366r.
[42] Testament of Elizabeth Delaryver, 1454, BI, Prob. Reg. 2, f. 301r, reproduced in *Test. Ebor. II*, pp. 173-174.

mind to dispose of heritable property.[43] Since there is no indication in the text of any Scots connection on the part of the testator it is possible that the legal professional who composed the document was from Scotland. While is also possible that there was a certain amount of local cross-pollination of specialist language at that time, this instance is a unique example of the phrase amongst the vernacular testators of east Yorkshire during the period in question. Discounting this exceptional occurrence, the lexicon used by the York will-writers is modest: *good, health, mind, reason, remembrance, whart(ful)*, and *whole*. Only one testament gives thanks to God, although another notes the testator to be 'in trew faith of the church of crist'.[44]

While constructions involving the word pairs *good mind* and *whole mind* can therefore be seen to be as common in the testamentary texts of east Yorkshire as in those of west Suffolk, *whole mind* is never used in combination with *good memory* a favourite composite phrase in both west Suffolk and Group A, the word *memory* being little used in that specific context in east Yorkshire testaments. Similarly, while the words *clear* and *perfect* are both used in Suffolk in conjunction with *mind*, neither of those words occurs at all in any of the east Yorkshire texts.

IV. iv.   COMMENDATION OF THE SOUL

Amongst the east-Yorkshire testaments, even though the three component sections of the commendation of the soul clauses do not individually employ a wide range of vocabulary the relatively large number of possible permutations makes this clause more varied in character than the ones preceding it. When the three principals - God, the Virgin Mary, and the saints - are examined separately and minutely it is also possible to discern local preferences in expression between the texts of the provincial East Riding, the port of Hull, and the city of York. Testaments from the East Riding, for instance, when commending the testator's soul to God tend to use just the universally favoured words *God Almighty* or *Almighty God*. Apart from a single addition of *my maker and redeemer* seventy-five per

---

[43] *OED.*

[44] Testament of Robert Marler, 1483, BI, Prob. Reg. 5, f. 47r, reproduced in *Test. Ebor. III*, p. 287.

cent of available vernacular texts use this term without any further embellishment.[45] Eighty-three per cent of Hull testaments do the same, although because of the uniform embellishment favoured in the group of wills associated with the scrivener William Haryngton, half the texts in the Hull sample augment the basic construction to give *Almighty God my maker and saviour.*[46] Eighty-four per cent of York testaments – twenty-one texts - also use the simple phrase *Almighty God* or *God Almighty*, but in this case fewer than a third of those, just six texts, make an addition, four between 1492 and 1499 describing God as *my creator* one as *my creator and saviour* and one as *my maker*. The characteristic *my maker and saviour* of the Hull group is not used either in the testaments from the city of York or the provincial East Riding, the sample of texts (although admittedly small) implying that will-making in Hull proceeded independently from will-making in its hinterland, and vice versa.

When the references in this clause to the Virgin Mary are examined in the same way the trend, as in other parts of the country, is towards more variety. As with the references to God, a core phrase - *Our Lady Saint Mary* - is common to all three subsets, with most of the variations being achieved by embellishments. As before, the testaments from the provincial areas of the East Riding use the simplest wording, seventy per cent favouring the unembellished form. Amongst the Hull testaments an augmented wording is slightly more common because of the uniform phrases used in the Haryngton texts, while those from York have the most variety with only forty per cent of texts using the simple core construction with variations ranging from the simple 'oure lady' to the extravagantly stated 'the moste glorius Virgin oure ladie seynt Marie modre of oure lord Ihu Criste'.[47] In all three groups, then, the phrase *Our Lady Saint Mary* predominates and it is unusual for any text to refer to the Virgin Mary without using the term *Our Lady*. The word *virgin* only appears in a relatively small number of texts however – twice in the East Riding (one instance, the testament of Sir John Constable, possibly an

---

[45] Testament of Sir Martin of the See, 1494, BI, Prob. Reg. 5, ff. 453r-453v, reproduced in *Test. Ebor. IV*, pp. 100-101.
[46] For William Haryngton see above p. 254.
[47] Testament of William of Thorneton, 1488, BI, Prob. Reg. 5, f. 353r; testament of Richard Manchestre, 1490, BI, Prob. Reg. 5, ff. 381v-182v.

autograph text), once in Hull, and four times in York.[48]   Only one East Riding text and three of those

from York combine Mary's two characteristics of virginity and motherhood although this latter quality is

often emphasised alone.[49]   The lexicon of five key words used in this part of the clause in the East

Riding – *blessed, (our) Lady, (Saint) Mary, mother, virgin* – has only one addition amongst the Hull

testaments – *glorious*, which also occurs in York with one further addition – *maiden*.

The final part of the clause, the inclusion of heavenly saints, also uses a core phrase common to all

three subsets and favoured in west Suffolk – *All the saints in/of heaven*.   This time, though, a smaller percentage

of East Riding testaments relies on it exclusively – only forty per cent in the provincial settlements and

twenty-two per cent in the port of Hull in comparison with sixty-eight per cent in York.   In Hull the most

popular collective noun to describe the saints is *company*, with sixty-one per cent of texts including that word,

while in York *fellowship*, *celestial company* and *glorious court and company* are used.   Only five testaments

amongst the three subsets mention any specific saints by name.[50]   If named saints had been those of the local

parish church where burial was anticipated then their inclusion might perhaps have been automatic, a

refinement inserted on the initiative of the will-writer.   In only one case, however, the testament of John

Carre from the parish of St Sampson in York, is that the case, and even here St Sampson is not the only saint

named, the local St John of Beverley as well as Mary Magdalen are also petitioned.[51]   In none of the other

testaments in which a specific saint's name appears is there any apparent connection with the dedication of

the intended church of burial.   Such an inclusion therefore implies a degree of client participation in the

choice of language at that point; indeed the autograph texts are those of the Dalton brothers of Hull.[52]   John

---

[48]   Testament of Sir John Constable, 1482, BI, Prob. Reg. 5, f. 368v, reproduced in *Test. Ebor. III*, pp. 278-280; testament of Guy Malyerd, 1486, BI, Prob Reg. 5, ff. 308v-309r, reproduced in *Test. Ebor. IV,* pp. 18-19; testament of Ellen Gilliott, 1459, BI, Prob. Reg. 2, ff. 421r-421v, reproduced in *Test. Ebor. II*, p. 237; testament of John Carre, 1487, BI, Prob Reg. 5, ff. 327r-329r, reproduced in *Test. Ebor. IV*, pp. 26-30; testament of John Warthell, 1488, BI, Prob. Reg. 5, ff. 347r-347v; testament of Robert Johnson 1496, BI, Prob. Reg. 5, ff. 510v-511v, reproduced in *Test. Ebor. IV*, pp. 120-121; testament of Thomas Thorland, 1499, BI, Prob. Reg. 6, ff. 6r-6v.

[49]   Testament of Sir John Constable, 1482, BI, Prob. Reg. 5, f. 368v, reproduced in *Test. Ebor. III*, pp. 278-280; testament of Janet Caudell, 1479, BI, Prob. Reg. 5, f. 154v, reproduced in *Test. Ebor. III*, pp. 245-246; testament of John Carre, 1487, BI, Prob Reg. 5, ff. 327r-329, reproduced in *Test. Ebor. IV*, pp. 26-30; testament of William Akers, 1489, BI, Prob. Reg. 5, ff. 371v-372r.

[50]   Testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, ff. 492r-492v, reproduced in *Test. Ebor. I*, p. 410; testament of Thomas Adern, 1453, BI, Prob. Reg. 2, f. 326r, reproduced in *Test. Ebor. II*, pp. 195-196; testament of John Carre, 1487, BI, Prob Reg. 5, ff. 327r-329r, reproduced in *Test. Ebor. IV*, pp. 26-30; testament of William Akers, 1489, BI, Prob. Reg. 5, ff. 371v-372r; testament of Thomas Dalton, 1497, BI. Prob. Reg. 6, ff. 51r-52r, reproduced in *Test. Ebor. IV*, pp. 126-128.

[51]   Testament of John Carre, 1487, BI, Prob. Reg. 5, ff. 327v-329r, reproduced in *Test. Ebor. IV*, pp. 26-30.

[52]   See above, pp. 245, 250, 252-253.

Dalton, writing in 1487, named 'saynt Michael saynt John Baptist saynt Evangelist saynt Kat*r*yn and ^{to} saynt Barbara', while his brother, whose testament is dated 1497 expanded the list to read 'Saynt Mighell Saynt John Ev*an*gelist Saynt petur Saynt John Baptyste Synt Thomas of Ind Saynt Antony Saynt K*a*t*h*ryn Saynt Barbera Saynt Sebastyan and Synt Ursula'.[53]

Small though the samples of vernacular wills from Yorkshire are at this period, English language will-making having been slower to start or to gain popularity in the northern counties than further south, it would seem that most such testaments reflect the format of the established Latin texts and are generally of standard phrasing. Yet even in those areas that produced comparatively few English testaments, usage is individually nuanced and follows very local conventions, the favoured phrases not slavishly imitative of compositional styles elsewhere either in the southern counties or even in neighbouring towns. The necessary component phrases, although outwardly formulaic and constrained to reflect the familiar testamentary legalities, retained sufficient scope for individual compositional choices to be made. Since they were not slavishly followed, such broad regional characteristics are not sufficiently pronounced to enable the regional provenance of an unidentified testament to be securely deduced without additional evidence, especially during a period when will-writers were largely anonymous. Observations enabled by close reading analyses of this sort, however, prompt the suggestion that with examples such as the group of uniform texts from Hull and those from the Sudbury T sample that used the unconventional word *recompensation*, testaments from the same neighbourhood sharing characteristic individualized phrases might reasonably be expected to have some history in common, even though the testators might otherwise be unconnected.

V.   TESTAMENTARY LANGUAGE: DISPOSITIVE CLAUSES

In order to assess developments in vernacular will phrasing over time and to create a basis for comparison between regional corpora the main analytical focus of this thesis has been on the

---

[53] Testament of John Dalton, 1487, BI, Prob. Reg. 5, ff. 483v-485r, reproduced in *Test. Ebor IV*, pp. 21-26; testament of Thomas Dalton, 1497, BI, Prob. Reg. 6, ff. 51r-52r, reproduced in *Test. Ebor. IV*, pp. 126-128.

vocabulary used in the formal opening sections of the texts under discussion – those phrases that were common to all. The bulk of a testament, on the other hand, the part in which personal belongings were bestowed upon family and friends and provision made, where possible, for the future security of dependents, was as individual as each testator. Direct comparison within these clauses is therefore harder, although this part of a properly constructed testamentary text also conformed to legal and stylistic conventions within which linguistic choices were made, albeit with more scope for freedom of expression. The complementary survey undertaken in this final section will therefore examine the vocabulary used in the bequest sections of a subset of Yorkshire wills, the English language testaments composed on behalf of women that were registered in York's Prerogative and Exchequer Courts before 1500, demonstrating the wide linguistic scope and immediacy of these texts.

V. i.   THE SAMPLE OF TEXTS FOR ANALYSIS

It has been observed above that English language will-writing increased in popularity more slowly in the north of England during the later medieval period than was the case in London and the surrounding counties, resulting in a much smaller number of vernacular texts being registered in the northern province than in the southern probate courts at that time. English-language testaments composed on behalf of women are therefore fewer again and represent only a small proportion of the wills registered for probate in the Prerogative and Exchequer Courts in York. Just twenty-seven such texts appear in the years before 1500, seventeen of them (sixty-three percent) composed in the 1480s and 1490s. Because of the small size and relative geographical isolation from southern linguistic trends of this particular group of texts it is ideally suited to an examination of both dispositive language and regional vocabulary. All the testators are listed in the Appendix but for ease of reference are reproduced below:

Table 7.6 WOMEN'S VERNACULAR TESTAMENTS IN THE YORK REGISTRY

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	DOMICILE	BI PROBATE REGISTER REFERENCE
Joan Gascoigne	1426	Holme on Spaldingmore	Prob. Reg. 2, ff. 492v-423r
Margaret Coke	1443	York	Prob. Reg. 2, ff. 420v-421r
Agnes Shirburn	1444	Great Mitton	Prob. Reg. 2, ff. 96r-96v
Helen Gilson	1451	Guisborough	Prob. Reg. 2, f. 227v
Elizabeth Delaryver	1454	York	Prob. Reg. 2, f. 301r
Ellen Gilliott	1459	Kingston upon Hull	Prob. Reg. 2, ff. 421r-421v
Maud Euer	1466	Old Malton	Prob. Reg. 4, ff. 48r-48v
Dame Alice Nevile	1478	Leeds	Prob. Reg. 5, f. 106r
Janet Caudell	1479	York	Prob. Reg. 5, ff. 154v-155r
Isabell Grymston	1479	Flinton	Prob. Reg. 5, f. 165r
Isabell Makeblith	1483	Healaugh	Prob. Reg. 5, f. 205r
Dame Margaret Pygot	1485	Clotherholme	Prob. Reg. 5, ff. 267r-267v
Alice Thwates	1485	Selby	Prob. Reg. 5, ff. 276v-277r
Dame Jane Boynton	1486	Yarm	Prob. Reg. 5, ff. 351v-352r
Isabell Wilton	1486	Kingston upon Hull	Prob. Reg. 5, ff. 297v-298r
Janet Holme	1488	York	Prob. Reg. 5, ff. 335r-335v
Margaret Stokdale	1488	Scarborough	Prob. Reg. 5, f. 373r
Ellyn Johnson [Codicil]	1489	Beverley	Prob. Reg. 5, ff. 361r-362v
Eleanor Agland	1489	Wakefield	Prob. Reg. 5, ff. 379r-379v
Agnes Witham	1490	Sheriff Hutton	Prob. Reg. 5, f. 468v
Juliana Clerkson	1491	York	Prob. Reg. 5, ff. 406r-406v
Agnes Maners	1494	York	Prob. Reg. 3, ff. 312r-312v
Marjory Salvayn	1496	York	Prob. Reg. 5, f. 480r
Margaret Berwik [Codicil]	1497	Bulcote	Prob. Reg. 5, ff. 513v-514v
Katherine Mownford	1498	Doncaster	Prob. Reg. 3, ff. 334r-334v
Katherine Sage [Codicil]	1498	Scarborough	Prob. Reg. 5, ff. 516v-517v
Matilda Mallom	1499	Skipton	Prob. Reg. 6, ff. 56v-57r

Closer examination of the group suggests that the testators were of predominantly gentry status and there is no indication that any of them had a husband still living. Most are described either as *widow* or (in a choice of language directly related to the Latin phrase 'nuper uxor' given in one testament) *late the wife of* followed by the name and generally the status of their late husband, while one woman is described as 'a voesse sum tyme wife of ...'.[54] Of the twenty-seven texts listed, one, that of Margaret Stokdale, is a form of 'use', a precursor to a will of realty, while three (as indicated above) are extensive codicils, written in

---

[54] Testament of Katherine Mownford, 1499, BI, Prob. Reg. 3, ff. 334r-334v, reproduced in *Test. Ebor. IV*, pp. 154-155; testament of Alice Thwates, 1485, BI, Prob. Reg. 5, ff. 276v-277r, reproduced in *Test. Ebor. IV*, pp. 10-11.

English and added to earlier Latin texts. Seven of the testaments provide evidence of literate practice in their makers – Alice Nevile's testament records that she had furnished her executors with an inventory described as 'by myn own hand writing', while six other women left books, generally several each, including primers, psalters, mass books, and portuouses, and one described by its owner as 'my rede Inglissh boke'.[55] This last is the only book described by a physical characteristic, and may be one with a secular subject, in contrast to the religious volumes more commonly bequeathed. Although books left in wills were generally the more expensive ones, no indication is given in these texts either of any ornament or of their worth beyond the intrinsic value of devotional texts in a pious context.

V. ii.   LANGUAGE OF BEQUEST

Since the content of the bequeathing clauses is so wide-ranging in scope, this section focuses primarily on those linguistic features that are common to the whole sample, descriptive terms used to define and identify certain categories of item, rather than the varied artefacts listed in individual texts. The first category for analysis however – choice of bequeathing verb – has much in common with the linguistic features examined in earlier chapters.

Since the first and principal testamentary bequest was that of the soul to God some reference has already been made to the terms in which that could be expressed. Looking at dispositive language as a whole though, use of verbs such as *commit* or *commend* for this initial spiritual bequest affords a clear distinction between that and the subsequent more tangible gifts. Even when a verb such as *bequeath* was chosen for the commendation of the soul, however, it appears unusual for that same verb to be used exclusively for this clause and the rest of the bequests, even though it sometimes reappears as one of a selection. The exception is *will*, the simplest and most popular bequeathing verb, which appears in twenty of the texts either alone or as part of a composite construction such as *will and bequeath*, and is used exclusively only in those three texts that make no distinction between the bequest of the soul and

---

[55] Testament of Margaret Pygot, 1485, BI, Prob. Reg. 5, ff. 267r-267v.

of corporeal possessions.[56] The next most frequently used verb is *give*, either alone or in combination, followed by *bequeath*, although *bewill, devise,* and *grant* also appear. Unusually, the word 'legate', used as a past participle to indicate *bequeathed* also appears, specifically referring to 'the residue of all my godees … not legate'. This is a verb form associated with the north, but not hitherto recorded before 1533, although the sixteenth-century example is also in connection with the residual bequests as in this instance of 1466.[57]

Generally next in importance after the bequest of the soul is the payment for burial, often in northern testaments referred to as the *corse present*, and pious bequests for the benefit of the testator's soul.[58] The three codicils in the sample do not include this information, nor does Margaret Stokdale's short text allocating real property, but the remaining twenty-four testaments do so, fifteen using the northern word *kirk* rather than *church*.[59] While *church* appears in four texts, no testament mixes the two terms. It is also interesting to note at this point that the testament of Yorkshire-man Richard Roose that was 'wretyn at London' in 1406 also uses the word *kirk* throughout, strongly suggesting that the London notary who wrote it faithfully recorded the exact words his client had used.[60]

In the texts under discussion, those goods bestowed by testamentary bequest are of sufficient worth to merit specific mention and generally, being within the gift of a widow, comprise items of a domestic or personal nature. This is not exclusively so, however – some pay for their *mortuary* or *corse present* with an animal, their 'best beyst', a 'draght Ox' or 'my hors my sadill'.[61] Indeed, valuable farm stock is precisely described, the words used to do so recording contemporary local usage. Each of Maud Euer's sons is to receive 'v twynt*es* and two thrent*e stott*es' [five two-winter and two three-winter heifers],

[56] Testament of Ellen Gilliott, 1459, BI, Prob. Reg. 2, ff. 421r-421v, reproduced in *Test. Ebor. II*, p. 237; testament of Eleanor Agland, 1489, BI, Prob. Reg. 5, ff. 379r-379v; testament of Juliana Clerkson, 1491, BI, Prob. Reg. 5, ff. 406r-406v.

[57] Testament of Maud Euer, 1466, BI, Prob. Reg. 4, ff. 48r-48v, reproduced in *Test. Ebor. IV*, pp. 284-286. 'Legate' (v), 'To give by will, to bequeath.' *OED.*

[58] 'Corse-present' (n), 'A customary gift due to the clergy from the chattels of a householder at his death and burial; a mortuary.' *OED.* It is a northern expression and its use is almost universal in the texts considered here.

[59] For distribution of *church* and *kirk* forms, see Angus McIntosh, M. L. Samuels and Michael Benskin (ed.), *A Linguistic Atlas of Late Mediaeval English*, vol. I: *General Introduction, Index of Sources, Dot Maps* (Aberdeen: Aberdeen University Press, 1987) p. 401.

[60] Testament of Richard Roose, 1406, LMA, MS 9171/2, ff. 75v-76r, reproduced in *FEEW,* pp. 12-14.

[61] Testament of Isabelle Grymston, 1479, BI, Prob. Reg. 5, f. 165r, reproduced in *Test. Ebor. III,* pp. 251-253; testament of Maud Euer, 1466, BI, Prob. Reg. 4, ff. 48r-48v, reproduced in *Test. Ebor. IV*, pp. 284-286; testament of Alice Nevile, 1478, BI, Prob. Reg. 5, f. 106r.

one son also being given 'two stagg*es*' [castrated bulls], while Jane Boynton's will passes on her 'best mayre & folower', a northern or Scottish dialect term not hitherto noted until 1584 and then denoting a calf rather than a foal.[62]

The words used to describe such things were to an extent dictated by the other possessions from which a specific one must be differentiated: a woman with only one string of prayer beads to leave, for instance, did not need to distinguish it. That so many were described in some way suggests that perhaps only the best was being bestowed (such is the implication underlying Janet Holme's bequest of 'my best payre of bed*es*', a common but somewhat subjective description) others being less valuable were unworthy of mention.[63] Isabell Wilton's careful description of 'j payre of Bed*es* of Corall conteignyng thre tymes l [50] w*ith* all the gaud*es* of silv*er* and gilt and of ev*er*y side of gaude a bede of silv*er*' perfectly distinguishes it from the smaller and less valuable 'payre of bed*es* of Corall of ij tymes fyfty' listed with minor bequests towards the end of her testament.[64] While *coral* beads are the most usual, *gold, jet, amber,* and *chalcedony* are also mentioned. One set is described as having silver 'langels' or *latchets*, a word previously only recorded in connection with equine ornaments at this date.[65]

Domestic items are no less clearly differentiated one from another. Katherine Mownford's testament describes numerous peces (wine cups or drinking bowls), including 'the litill pece w*ith* a fote', one 'which shalbe worth xx s. that is to say the same pece the which the vicar of Bracewell hath of boryng' and (in a comment that must have been directed at somebody with intimate knowledge of her possessions) another 'litill pece on of the thre litill peces the which I brought from Wakefold w*ith* me'.[66] Other peces throughout the sample are described by form as *flat, standing, covered,* or *uncovered,* while some are identified by weight, Isabell Wilton carefully distinguishing between one of eleven ounces and

[62] Testament of Jane Boynton, 1486, BI, Prob. Reg. 5, ff. 351v-352r. 'Follower' (n), 4, 'The young of cattle.' *OED*.
[63] Testament of Janet Holme, 1488, BI, Prob. Reg. 5, ff. 335r-335v.
[64] Testament of Isabell Wilton, 1486, BI, Prob. Reg. 5, ff. 297v-298r.
[65] Testament of Katherine Sage, 1498, BI, Prob. Reg. 5, ff. 516v-517v. 'Langel', (n.) 'A thong, rope, or other contrivance used to confine the legs of an animal in order to prevent its straying; a hobble.' 'Latchet', (n.) 1. 'A loop; a narrow strip of anything, a thong.' *OED*.
[66] Testament of Katherine Mownford, 1498, BI, Prob. Reg. 3, ff. 334r-334v, reproduced in *Test. Ebor. IV*, pp. 154-155.

one of twelve.[67]   Many domestic items are described according to substance - *silver, gold, gilt, pewter, brass, latten, bronze* - or in terms of their decoration, perhaps *pounced* or *unpounced,* even in one case 'pownsed w*ith* boores'.[68]   Not all the domestic items listed are rich or ornamental, however, and receive more down-to-earth descriptions.   Janet Caudell's testament describes her best pan as 'kilped' [having loop handles, possibly detachable] while Ellen Gilliott left, among many other items, 'j yetteling with the eres' [a boiler pot, presumably with handles] and 'one pot of brass with one brode mouth', both of which seem likely to be the testator's own descriptions.[69]   Similarly, Ellen Johnson in her codicil of 1489 bestowed her 'wort ley*d*s' (brewing utensils) 'yryn galows ... w*ith* þe hyngyls of yryn' (*gallows* being usage not listed in this context until 1512) and numerous other practical items, including 'a ax a byll and a Iak', the latter – a *jack* or saw-horse - is another term not otherwise recorded until 1573.[70]   That such personal descriptions are so unselfconsciously set down in the everyday language of the day serves to emphasise the intimate familiarity of the testator with the vernacular will-making process.

Ellen Johnson's codicil is a good example of items being described by their location. Again this implies that the instructions were intended for the attention of somebody sufficiently familiar with the household to recognise the items from their description.   This text, like many others, gives the impression of recording the testator's words verbatim in the order they were spoken as she visualised each room in her mind's eye from 'the feder bed at I ly on in the p*arlour*' with 'the hallyng at my bed feyt'.[71]   Other items are identified as 'in the buttre', 'in the hall', or 'in the gretar chest in my p*ar*lor wher*e* I ly', or even, with unusual precision with reference to a chair as 'w*ith* this mark on the bodom' the text then reproducing a circle surmounted by a cross.   Isabell Wilton's testament identifies 'a payr tangs that langith to the Chyminy ... a Counte*r* standing in the grete hall ... the other Chares that stands in the Closett ... a pruce kyst that standith in the Chambre over the gile ... [and] a grete almory

---

[67] Testament of Isabell Wilton, 1486, BI, Prob. Reg. 5, ff. 297v-298r.

[68] Testament of Joan Gascoigne, 1426, BI, Prob. Reg. 2, ff. 492v-493r, reproduced in *Test. Ebor. I*, p. 410.

[69] Testament of Janet Caudell, 1479, BI, Prob. Reg. 5, ff. 154v-155r, reproduced in *Test. Ebor. III*, pp. 245-246; testament of Ellen Gilliott, 1459, BI, Prob. Reg. 2, ff. 421r-421v, reproduced in *Test. Ebor. II*, p. 237.

[70] Testament of Ellen Johnson, 1489, BI, Prob. Reg. 5, ff. 361r-362v. 'Jack' (n. 1), 9. 'A wooden frame for sawing wood upon.' *OED.*

[71] 'Foot' (n.), 5. a. 'The end of a bed, a grave, etc., towards which the feet are placed.' *OED.* While the term *bed foot* is recorded some six years earlier, the precise usage *bed feet* does not appear until 1670.

that standith in my Chamber'.[72]   Juliana Clerkson gives every appearance of differentiating between sisters in the same way, leaving 'my suster that was in the house w*ith* me 1 grene bed w*ith* a man and a woman on it'.[73]

While household items might be identified by location, textiles tend to be distinguished by colour or fabric.   Garments in *red, green, violet, black, blue, white,* and *russet* all feature, and Marjory Salvayn, having two tawny gowns, identified one as being 'reversed with blake damask' and the other 'reversed w*ith* velvet'.[74]   While velvet and damask, even in one text 'bord Alexander' (a kind of striped silk), were characteristic of high-status textile items often also identified by their decoration as *purfled, broidered,* or *stevened* (a more specialist form of embroidery) less ornamental textiles are also named – *linen, scarlet, sanguine, musterdevillers, harden*, and *plunket.*

The detailed and sometimes idiosyncratic descriptions of the many personal items bequeathed indicate the close participation of the testator in the will-making process, while the juxtaposition of items implies that they might well have been listed in the order that they were remembered with minimal later editing.   From time to time the phrasing of the bequests also gives the impression that the notary or clerk recording the final wishes was present at the bedside of the testator and noted their words verbatim, not only recording terminology that was specific and precise but also preserving contemporary usage.

---

[72] Testament of Isabell Wilton, 1486, BI, Prob. Reg. 5, ff. 297v-298r.
[73] Testament of Juliana Clerkson, 1491, BI, Prob. Reg. 5, ff. 406r-406v.
[74] Testament of Marjory Salvayn, 1496, BI, Prob. Reg. 5, f. 480r.

CONCLUSION

CONCLUSION

The primary focus of this study has been on the emergence and development of the vernacular last will and testament in the later medieval period, yet making such bequests in the mother-tongue was not a new departure, but as old as the concept of will-making. It was only with the advent of formal dispositive instruments during an age of Latin record-keeping that the documentation of testamentary giving strayed away from the natal language of the testator. The secondary purpose of the study was therefore to define and contextualise the foundation of the process, and to span the apparent gap between pre- and post-Conquest will-making by focusing on the continuity permitted by vernacular oral practices: in large part, this has been achieved. Although surviving evidence of such usage during this period is slight, the opening chapters of this study have plotted the path of mother-tongue gift-giving and death-bed endowment from the *cwide* to the canonical testament by means of pious bequests, manumission texts, and descriptions of the contemporary oral testamentary processes with which many people (albeit those of high status and notable prosperity) were familiar. This opening section established the unbroken sequence of will-making from which the familiar English language last will and testament grew, and the early influences that dictated its later form and phrasing, charting the development of the range of clauses that rapidly became characteristic of a well-constructed testament. This process was made all the more necessary because no English language will formularies survive from the medieval period. Indeed it is doubtful that any were produced; the tentative but concerted move towards vernacularity indicates that it was the familiar Latin text that was the formulary, implying an understanding of both Latin and the testamentary process in those who first reworked such documents in English in the mid-fourteenth century.

The minute analysis and comparison of the opening clauses of those earliest English language wills as well as the French ones that preceded them, contemporary Latin testaments, and a sample of English language texts from the 1490s has established the evolutionary process. It revealed that

although the French and the English texts were modelled closely on the Latin ones they used less rigidly formulaic language, and that while the French texts were in many ways the forerunners in terms of non-Latin will-making the phrases used in the English wills were more varied again. Yet although a larger lexicon was used in French than Latin, and more words again were used in the English texts, by the end of the fifteenth century when English will-writing had become more routine (a process of familiarisation that happened relatively rapidly countrywide) the phrasing had become more standardized and the legalities were being more carefully observed.

Few French language testaments survive and it is probable that relatively few were written, so the sample for analysis was small in statistical terms (although admittedly it is also unlikely that every extant text is included here). Examination of those available, however, shows that French will-writing was predominantly favoured by the highest in society, and that necessary components were more often neglected in these than in the Latin texts, hinting that they were composed by Francophone administrators who were not necessarily fully conversant with testamentary conventions. By contrast, amongst the Latin sample of texts it was those produced for elite testators that stuck most rigidly to the established structure and format, suggesting a superior standard of professional competence in the writers employed (or perhaps retained) by prosperous and high-ranking testators. English, on the other hand, tended to be favoured by those a little lower down the social ladder, although such a designation is naturally relative, testamentary production inevitably being demographically skewed in favour of those who were sufficiently prosperous to have possessions to bequeath.

The comparative analysis of the earliest texts encompassed those produced nationwide. With a greater number of later texts available, undertaking several case-studies of wills from different areas of the country rather than focusing on a possibly atypical region or corpus made it possible to fine-tune the methodology and to gauge the local diversity of vernacular testamentary habits. Thus, it emerged that while in the East Riding of Yorkshire the rural wills had much in common with those produced in the local urban centres of York and Hull, those of west Suffolk appeared to contradict this finding; the rural

wills here showed much more individual variety than those composed by the notaries of Bury St Edmunds. On the other hand, rural testators in both regions were a little quicker to embrace the vernacular than their urban contemporaries. To draw conclusions about urban and rural testamentary processes based on only two such corpora would be premature, even though observations can be made. More geographically diverse regional samples need to be analysed to compensate for the disparity between demographics, sample-sizes, date-ranges, survival-rates, and attitudes to will-writing that unavoidably influence such findings. Indeed, the total number of register-copy testaments in the Prerogative and Exchequer courts of the northern province, at 6,332 texts, was only a thousand more than the combined total of 5,327 from Bury St Edmunds and the Archdeaconry of Sudbury – an area of just half a county in the southern province. Within these totals, vernacular testaments constituted a smaller proportion of west-Suffolk probate registrations than they did in the capital, and the percentage was markedly lower again in the areas under the jurisdiction of York's Prerogative and Exchequer courts, English language will-writing decreasing as a percentage of the whole in proportion to the distance away from London. Furthermore, listing and collating all the west Suffolk and east Yorkshire texts confirmed the initial impression that a relative increase in vernacular testamentary production during the 1480s and 1490s was general. The evidence from west Suffolk, where Anglophone testaments overtook Latin after 1490, also indicates that the demographic changes brought about by prolonged periods of crisis mortality might have hastened and accentuated this linguistic realignment in some areas.

The advent of English language legal processes – the procedures instituted by the Court of Chancery, for instance – and the gradual development of vernacular legal terminology, is thought to have facilitated participation in legal processes by people who did not understand Latin. With regard to will-making, however, this study indicates that those who might be expected to have been excluded by their lack of Latin – women for instance – do not seem to have been encouraged to make formal testaments just because it became possible to do so in English. Who, then, made vernacular testaments? Observations suggest that while all sectors of society did so to some extent, English language will-

making was particularly favoured by the merchant class, something that is most clearly visible in the testamentary samples from the northern province. It seems possible that this trend was a function of the intersection between upward mobility and increased prosperity amongst this probably largely non-Latinate sector of society; one, moreover, that was accustomed to a high degree of personal involvement with their own administrative affairs. The clear, if surprising, evidence that the English language testator was more likely to plan ahead and make their will in advance of intimations of mortality is further confirmation that vernacular will-making was attractive to those who wished to retain maximum control over the process and to understand every word of a text that encompassed (and recorded) not only the achievements of a lifetime, but their hopes of the world to come.

While it is possible to argue that use of the mother tongue would have enabled a more informed participation in the composition of a testament, it is only possible to be completely certain of the testator's personal involvement with phrasing and word choices when a will is clearly identified as an autograph text. A small contribution to the opening phrases can be identified on occasion, however – notably where the testator must have volunteered information on their state of health, or where particular saints were mentioned by name. The same may also be true in instances where an extravagant level of self-loathing, beyond formulaic expressions of unworthiness, was given: it seems unlikely that such sentiments would have been included unless specifically requested. More considerable client-involvement is suggested in the bequest sections, however, by analysis of the women's vernacular texts in the York registry (and indeed by another text that preserves the northern expression *kirk* despite being composed in the south) suggesting that the first-person phrasing may indeed imply that parts were dictated and set down verbatim. Close reading does indicate, though, that forms of words characteristic of individual will-writers can be identified, even if only tentatively (other clues are required for full confirmation) and that conventions of phrasing followed were very local. In short, the routine opening clauses commonly dismissed as 'formulaic' were in fact far from being slavishly uniform either nationally or regionally.

Assessment of the level of client participation in testamentary processes naturally raises questions not only about the rôle of the notary, scrivener, or legal clerk involved in producing each text, but also concerning the degree of accuracy that was maintained when executed documents were transcribed into the probate registers. Analysis of duplicate texts has shown that as far as humanly possible the integrity of the copy text was maintained and that the texts available for study do indeed constitute accurate reproductions of the originals. Nevertheless, further work to identify orthographic habits within the output of single scribal hands would help to establish the degree to which the finer details of the original text were being preserved or regularised, and would shed further light on scribal practices more generally.

Finally, despite some tragic losses over time, the surviving medieval testamentary corpus is vast. Those texts that were composed in the vernacular, thus preserving the voices of those for whom and by whom they were made, are unremarked within the predominantly Latin probate court records archived across the country. Indexing and analysing such texts would establish the extent of vernacular will-writing nationwide, while analysis of the vocabulary used would enable the spread of vernacular testamentary production and related specialised terminology to be mapped. The episcopal registers, for example, only touched on in this study, also require further investigation in order to establish patterns of language use within them.

The analysis of the language used in vernacular testamentary texts is a new field of research. This thesis has established both the context and the scope, but much more work, both general and detailed, needs to be done to identify and collate those vernacular texts that survive in order to continue the interpretation of the linguistic trends within them.

APPENDIX

The twelve groups of texts listed and referenced below consist of the English testaments from the London parish of St Lawrence Jewry referred to in Chapter 4 of this thesis; those in English, French, and Latin that are analysed in Chapter 5; and the vernacular wills from Suffolk and Yorkshire discussed in Chapter 6 and Chapter 7 respectively. All are given in alphabetical order according to the surname of the testator. The five images that follow illustrate the range and scope of the testamentary texts drawn upon in this study. They are presented chronologically beginning on p. 300 with an Anglo-Saxon chirograph, the *cwide* of Ætheling Æthelstan of 1014. This is followed by the thirteenth-century will of Amerya de Ponte from the Exeter Mayor's Court roll. Examples of register copies from two London probate courts are reproduced on p. 302 and p. 303. The first is that of Agnes de Derby which was written by William Boyvile in June 1361 and transcribed into the Court of Husting roll the following month. The second, from the Commissary Court, is the transcript of Richard Claver's autograph testament composed in 1456. The sequence concludes with the will of William Toppysfeld, one of the original testamentary documents preserved in the archive of Suffolk County Record Office at Bury St Edmunds that were discussed in Chapter 6 (above).

ST LAWRENCE JEWRY : TESTAMENTS OF THE 'CLAVER/BONYFANT' CIRCLE

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	REFERENCE
Beyer, Margaret	1494	TNA, PRO PROB 11/10, ff. 82v-83r
Bonefant, Anne	1497	TNA, PRO PROB 11/10, ff. 122v-123r
Bonyfant, Roger	1494	TNA, PRO PROB 11/10, ff. 122v-123r
Cantlowe, Henry	1490	TNA, PRO PROB 11/8, 210v-213r
Cantlowe, Joan	1492	TNA, PRO PROB 11/9, ff. 105v-107v
Claver, Alice	1489	TNA, PRO PROB 11/8, ff. 189v-190r
Claver, Richard	1456	LMA, 9171/5, f. 235r
Cliff, Agnes	1491	LMA 9171/1, f. 116v
Cliff, John	1489	TNA, PRO PROB 11/8, ff. 321v-322r
Dey, John	1475	TNA, PRO PROB 11/6, 154r-155v
Fabyan, Thomas	1487	TNA, PRO PROB 11/8, ff. 65v-7r
Filer, Beatrice	1479	LMA, 9171/6, f. 280v
Filer, Edward	1479	LMA, 9171/6, f. 280v
Filer, Thomas	1482	LMA, 9171/6, f. 335r
Gibson, Stephen	1491	TNA, PRO PROB 11/8, 314v-315v
Pratte, Alice	1490	TNA, PRO PROB 11/8, f. 321r-321v
Pratte, William	1486	TNA, PRO PROB 11/7, ff. 192r-192v
Skyrwith, John	1486	TNA, PRO PROB 11/7, f. 212v
Skyrwith, Katherine	1491	TNA, PRO PROB 11/9, ff. 50v-52r

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	REFERENCE
Ashcombe, Margaret	1434	LMA, 9171/3, f. 410v
Averay, Robert	1410	LMA, 9171/2, f. 199v
Barnet, John	1433	LMA, 9171/3, f. 343r
Bathe, Thomas	1420	TNA, PRO PROB 11/2B, f.408r
Beauchamp, Joan	1435	LPL, Reg. Chichele, ff. 455r-456v
Blackburn, Nicholas	1431	BI, Prob. Reg. 2, ff. 605r-606v
Borten, Roger	1434	LMA, 9171/3, f. 412r,
Braybroke, Gerard	1427	LPL, Reg. Chichele, ff. 411r-413r
Broke, Thomas	1417	TNA, PRO PROB 11/2, f. 316r
Broune, John	1418	LMA, 9171/3, f.73v
Chelmyswyk, John	1418	TNA, PRO PROB 11/2B, f. 335v
Cheyne, Edward	1415	LPL, Reg. Chichele, ff. 278r-v
Chichele, William	1426	LPL, Reg. Chichele, ff. 392v-393r
Chirche, Alice	1430	LMA, 9171/3, f. 262r
Clanvowe, Peryne	1422	TNA, PRO PROB 11/2B, f. 429v
Clifford, Lewis	1404	TNA, PRO PROB 11/2A, f. 78v
Clynton, Elizabeth	1422	LPL, Reg. Chichele, ff. 366r-367v
Corn, Robert	1387	LMA, 9171/1, f. 198v
Credy, John	1426	TNA, PRO PROB 11/3, f. 46v-47r
Croxton, John	1393	YML, D&C Reg. 1, f. 111r
Davy, William	1426	LMA, 9171/3, f. 228r
Dove, Isabelle	1434	LMA, 9171/3, f. 379v
Elmesley, Roger	1434	LMA, 9171/3, ff. 431v-432r
Erpingham, Thomas	1428	LPL, Reg. Chichele, ff. 402v-403v
Fitz-Harry, William	1431	LMA, 9171/3, f. 285v
FitzHugh, Elizabeth	1427	DCM, Reg. Langley, f. 135r
Flore, Roger	1424	TNA, PRO PROB 11/3, f. 69r
Gascoigne, Joan	1426	BI, Prob. Reg. 2, f. 492v
Girdeler, John	1402	LMA, 9171/1, f. 198v
Gray, Richard	1432	LMA, 9171/3, ff. 431v-432r
Gregory, Isabell	1430	LMA, 9171/3, f. 296v
Hanyngfeld, William	1426	TNA, PRO PROB 11/3, ff. 45r-v
Heryng, Joan	1419	BRO, R2/1/155
Heth, Ralph	1434	LMA, 9171/3, f. 414r
Langford, William	1411	TNA, PRO PROB 11/2B, f. 187r
Latymer, Anne	1402	TNA, PRO PROB 11/2A, f. 18v
Latymer, Thomas	1402	TNA, PRO PROB 11/2A, ff. 11r-11v
Mangeard, Walter	1433	LMA, 9171/3, f. 380r
Mulsho, Herry	1425	LPL, Reg. Chichele, ff. 401r-v
Newent, Walter	1428	TNA, PRO PROB 11/3, f. 78v
Newland, William	1425	LMA, 9171/3, f. 170v
Olney, John	1420	TNA, PRO PROB 11/2B, f. 433r
Plot, John	1408	LMA, 9171/2, f. 138r
Poynings, Thomas	1428	LPL, Reg. Chichele, ff. 405v-406r
Rogerysson, John	1419	LMA, 9171/3, f. 50v

Roos, Richard	1406	LMA, 9171/2, f. 75v
Salwayn, Roger	1420	BI, Prob. Reg. 5, f. 480r
Sandford, John of	1429	BI, Prob. Reg. 2, ff. 563r–v
Schapman, Robert	1428	LMA, 9171/3, f. 203v
Solas, John	1418	TNA, PRO PROB 11/2B, f. 337r
Sutton, John	1419	LPL, Reg. Chichele, f. 323r
Thomas, Stephen	1417	TNA, PRO PROB 11/3, f. 358r
Toker, John	1428	LMA, 9171/3, f. 202v
Tvoky, Thomas	1418	TNA, PRO PROB 11/3, f. 346v
Tyrell, Richard	1431	TNA, PRO PROB 11/3, f. 106v
Van Sandwyk, Harry	1430	LMA, 9171/3, f. 258v
Walwayn, Thomas	1415	TNA, PRO PROB 11/3, ff. 253r–253v
Wartre, Henry	1432	BI, Prob. Reg. 2, f. 616v
West, Lady Alice	1395	TNA, PRO PROB 11/2A, ff. 29v–31v
Whyteman, Richard	1428	LMA, 9171/3, f. 209r
Willughby, Robert	1429	BI, Prob. Reg. 3, f. 394r
Yonge, Richard	1413	LMA, 9171/2, f. 263r

Tᴇsᴛᴀᴛor	Dᴀᴛe oꜰ Coᴍpoꜱɪᴛɪoɴ oꜰ Tᴇꜱᴛᴀᴍᴇɴᴛ	Rᴇꜰᴇʀᴇɴcᴇ
Aldburgh, William	1391	BI, Prob. Reg. 1, f. 32v
Arundel, Richard Earl of	1392	LPL, Reg. Arundel ff. 183v-186v
Ayton, Gilbert de	1350	BI, Reg. 10, ff. 324r-324v
Besyles, Peter	1426	LPL, Reg. Arundel, ff. 163v-164r
de Burgh, Elizabeth, Lady Clare	1355	LPL, Reg. Islip ff. 164v-166v
Culpepper, Thomas	1429	LPL, Reg. Chichele, ff. 403v-405r
Edward Prince of Wales	1376	LPL, Reg. Sudbury ff. 90v-91v
Ellis, John	1398	BI, Reg. 16, f. 133r
Fauconer, William	1415	LPL, Reg. Chichele, f. 278r,
Gloucester, Eleanor de Bohun Duchess of	1399	LPL, Reg. Arundel ff. 163v-164r
Hawley, Thomas	1419	LPL, Reg. Chichele, ff. 333r-334v
Hereford & Essex, Humfrey de Bohun 9th Earl of	1361	LPL, Reg. Islip ff. 178v-179v
Hereford & Essex, Humfrey de Bohun 10th Earl of	1372	LPL, Reg. Witlesey, ff. 127r-127v
Lancaster, Henry Duke of	1360	LPL, Reg. Islip ff. 172r-v
Lancaster, John of Gaunt, duke of	1397	BI, Reg. 16, ff. 135r-135v
Latimer, William	1381	BI, Reg. 12, f. 115r
March, Edmund Earl of	1380	LPL, Reg. Courteney, ff. 188v-189v
March, Philippa Countess of	1378	LPL, Reg. Courteney ff. 189v-190r
Montagu, Elizabeth	1414	LPL, Reg. Chichele, ff. 268v-270r
Mowbray, Sir William	1390	BI, Prob. Reg. 1, f. 27r
Mowbray, Sir William	1391	BI, Prob. Reg. 1, f. 29r
Norfolk, John Mowbray, 2nd duke of	1429	LPL, Reg. Chichele, ff. 434v-435v
Pigot, John	1428	BI, Prob. Reg. 2, ff. 544r-545v
Pyncheon, John	1392	LMA MS 9171, ff. 263r-263v
Stapleton, Bran de	1394	BI, Prob. Reg. 1, ff. 69v-70r
Stury, Alice	1414	LPL, Reg. Chichele, ff. 266r-67r
Thorpe, Edmund	1418	LPL, Reg. Chichele, ff. 335r-535r
Ufford, Isabell	1416	LPL, Reg. Chichele, f. 296r
Walays, Steven de	1347	BI, Reg. 10, f. 320v
de Warren, John	1347	BI, Reg. 10, f. 316v
Woderous, John	1397	BI, Prob. Reg. 2, f. 5r
York, Edmund Duke of	1400	LPL, Reg. Arundel f. 194v
York, Edward, Duke of	1415	LPL, Reg. Chichele, vol. II, ff. 284v-285v
York, Philippa, Duchess of	1431	LPL, Reg. Chichele, ff. 428r-428v

TESTATOR	DATE OF COMPOSITION OF TESTAMENT	REFERENCE
Anton, John	1425	LPL, Reg. Chichele, ff. 386v-387r
Banks, Richard	1415	LPL, Reg. Chichele, ff. 285v-286r
Barker, John	1395	BI, Probe. Reg. 1, f. 69r
de Blythe, Henry	1345	YML, D&C Reg. 1, f. 41r
Bourbage, Richard	1435	LPL, Reg. Chichele, f. 449r
Cacherell, Henry	1425	LPL, Reg. Chichele, ff. 388r-389r
Cliderow, John, Bishop of Bangor	1435	LPL, Reg. Chichele, ff. 454v-456v
Clynton, Thomas	1415	LPL, Reg. Chichele, f. 281v
Crane, John	1415	LPL, Reg. Chichele, f. 280r
Cresset, John	1415	LPL, Reg. Chichele, f. 284r
Daubriggecourt, John	1415	LPL, Reg. Chichele, ff. 280v-281v & 301r-v
Edmond, Stephen	1425	LPL, Reg. Chichele, ff. 385r-385v
Fordham, John, Bishop of Ely	1425	LPL, Reg. Chichele, ff. 389r-v
Fouleshurst, John	1415	LPL, Reg. Chichele, f. 290r
Graystock, John	1395	BI, Prob. Reg. 1, f. 95r
de la Hay, Peter	1345	BI, Reg. 10, f. 319v
Ingleby, Henry	1375	BI, Reg. 12, f. 3
Knolles, Thomas	1435	LPL, Reg. Chichele, ff. 451r-451v
Kyneton, John	1375	BI, Reg. 12, f. 20v
Leventhorp, John	1435	LPL, Reg. Chichele, ff. 452r-454r
Maureward, Margery	1425	LPL, Reg. Chichele, f. 387r
Morgan, Philip, Bishop of Ely	1435	LPL, Reg. Chichele, ff. 454r-454v
de Motrum, Adam	1415	LPL, Reg. Chichele, ff. 276r-278r
Panter, Richard	1425	LPL, Reg. Chichele, f. 387v
Parker, Richard	1425	LPL, Reg. Chichele, ff. 285v-286r
Peke, John	1425	LPL, Reg. Chichele, f. 385v
de Playce, Robert	1345	BI, Reg. 10, ff. 302r-v
de la Pole, Michael	1415	LPL, Reg. Chichele, ff. 283r-283v
de la Pole, Richard	1345	BI, Reg. 10, f. 303r
de la Pole, William	1365	BI, Reg. 11, ff. 217r-217v
Roos, Robert	1425	LPL, Reg. Chichele, f. 387v
Rye, Roger	1425	LPL, Reg. Chichele, f. 388r
Salerne, John	1415	LPL, Reg. Chichele, ff. 286v-287r
le Scrope, John	1405	YML, D&C Reg. 1, f. 138v
Sturmyn, John	1425	LPL, Reg. Chichele, ff. 387r-387v
de Sywardby, Thomas	1355	BI, Prob. Reg. 1, f. 38r
Talbot, William	1425	LPL, Reg. Chichele, f. 389r
Usflete, Gerard	1405	BI, Prob. Reg. 3, f. 24r
Wakering, John, Bishop of Norwich	1425	LPL, Reg. Chichele, ff. 383v-385r
Waynflete, John	1425	LPL, Reg. Chichele, f. 385r
de Wodehous, Robert	1345	YML, D&C Reg. 1, f. 309r
de Wodhous, John	1345	BI, Reg. 10, f. 301r
Wyleby, Isabella	1415	BI, Reg. 17, f. 362r

Testator	Date of Composition of Testament	Domicile	Reference
Agmondesham, Philip	1490	London	TNA, PRO PROB 11/8 ff. 264v-266r
Audley, Anne	1497	London	TNA, PRO PROB 11/11 f. 189r
Babham, Margaret	1498	London	TNA, PRO PROB 11/11 ff. 197r-197v
Babham, Thomas	1490	London and Cookham	TNA, PRO PROB 11/8 ff. 275r-285v
Banks, Richard	1499	Leeds	BI, Prob. Reg. 3 341r-341v
Berell, John	1492	London	TNA, PRO PROB 11/9 ff. 55r-57r
Blanal, George	1497	York	BI, Prob. Reg. 5 f. 510r
Bolle, Joan	1498	London	TNA, PRO PROB 11/11 ff. 184r-184v
Bonyfant, Roger	1494	London	TNA, PRO PROB 11/10 ff. 122v-123r
Bourchier, John	1495	Maldon	TNA, PRO PROB 11/10 f. 211v
Bourgchier, Elizabeth	1498	Maldon	TNA, PRO PROB 11/11 ff. 259r-259v
Brice, Alice	1498	London	TNA, PRO PROB 11/11 ff. 238r-238v
Bufford, Richard	1490	London	TNA, PRO PROB 11/8 ff. 122v-123r
Burre, Stephen	1496	Barking	TNA, PRO PROB 11/10 ff. 263r-263v
Burton, William	1493	Wighill	BI, Prob. Reg. 5 ff. 519r-520r
Calverley, Robert	1498	Calverley	BI, Prob. Reg. 5 ff. 518v-519r
Carne, William	1496	Newark	BI, Prob. Reg. 5 ff. 505v-506r
Churchyard, Margaret	1498	London	TNA, PRO PROB 11/11 ff. 221v-222r
Clerk, Edmund	1496	London	TNA, PRO PROB 11/11 ff.
Coke, Margaret	1497	Bridlington	BI, Prob. Reg. 2 ff. 308v-309r
Conyers, Nicholas	1497	Stokesley	BI, Prob. Reg. 5 f. 509v
Copyndale, Edmund	1490	Kingston upon Hull	BI, Prob. Reg. 5 f. 383v
Dalton, John	1495	Kingston upon Hull	BI, Prob. Reg. 5 ff. 483v-484v
Danby, James	1496	Leeds	BI, Prob. Reg. 5 f. 499v
Delamere, Thomas	1490	Sparsholt	TNA, PRO PROB 11/9 ff. 169v-170v
Dynham, Jane	1496	Exeter	TNA, PRO PROB 11/11 ff. 87r-87v
Foderinghay, Ralph	1497	London	TNA, PRO PROB 11/11 ff. 83v-84r
Green, Jane	1498	Clare	TNA, PRO PROB 11/12 ff. 35r-36v
Greveley, Edmund	1497	Kingston upon Hull	BI, Prob. Reg. 5 ff. 151r-152r
Groos, Margaret	1498	Norwich	TNA, PRO PROB 11/11 ff. 216v-217v
Hirst, Robert	1498	Leeds	BI, Prob. Reg. 3 ff. 336r-337r
Holme, John	1490	Huntington	BI, Prob. Reg. 5 ff. 389v-390r
Hopton, Thomasin	1497	Yoxford	TNA, PRO PROB 11/11 ff. 151r-152r
Johnson, Robert	1496	York	BI, Prob. Reg. 5 ff. 510v-511v
Kirke, Robert	1497	York	BI, Prob. Reg. 5 f. 509r
Machestre, Richard	1490	York	BI, Prob. Reg. 5 ff. 381v-382r
Markynfeld, Thomas	1493	Ripon	BI, Prob. Reg. 5 ff. 498r-499r
Mervyn, John	1492	Church Lawford	TNA, PRO PROB 11/9 ff. 71v-73r
Mower, Thomas	1492	London	TNA, PRO PROB 11/9 ff. 129r-130r
Muschamp, Maud	1498	London	TNA, PRO PROB 11/11 ff. 163v-164v
Muston, George	1492	Bishopton	TNA, PRO PROB 11/9 f. 73r
Norfolk, Margaret d. of	1490	[Multiple]	TNA, PRO PROB 11/10 ff. 1272-127v
Osenay, Richard	1492	Worcester	TNA, PRO PROB 11/10 ff. 62r-63v

Osterich, Anne	1499	London	TNA, PRO PROB 11/12
Payne, William	1493	London	TNA, PRO PROB 11/10 ff. 245v
Rawson, James	1499	Friston by the Water	BI, Prob. Reg. 3 ff. 340r-340v
Rayner, Robert	1499	Ripon	BI, Prob. Reg. 3 ff. 312v-313r
Reynham, John	1499	Stoke-by-Nayland	TNA, PRO PROB 11/11 ff. 281r-282r
Salvayn, Marjory	1496	York	BI, Prob. Reg. 5 f. 480r
Saunders, Isabelle	1497	Amersham	TNA, PRO PROB 11/11 ff. 93r-93v
Scrope, Anne	1498	East Harling	TNA, PRO PROB 11/11 ff. 212v-214v
Scrope, John	1494	East Harling	TNA, PRO PROB 11/10 ff. 211r-212v
See, Martyn of	1494	Barneston-in-Holderness	BI, Prob. Reg. 5 ff. 453r-453v
Sponer, John	1498	London	TNA, PRO PROB 11/11 ff. 255r-255v
Stonar, Jane	1498	Henley	TNA, PRO PROB 11/10 ff. 122r-122v
Sydenham, Jane	1498	Canington	TNA, PRO PROB 11/11 ff. 284r-184v
Thorlond, Thomas	1499	York	BI, Prob. Reg. 6 ff. 6r-6v
Vavasor Henry	1499	Hazelwood	BI, Prob. Reg. 3 ff. 316r-318r
Whyske, Thomas	1491	London	TNA, PRO PROB 11/10 ff. 18r-18v
Willughby, Maud	1497	Tatteshall	TNA, PRO PROB 11/11 ff. 59r-59v
Wynter, William	1493	Boston	BI, Prob. Reg. 5 ff. 443r-443v
Wyske, Margaret	1494	Boston	TNA, PRO PROB 1/10 ff. 242v-243r

TESTATOR	DATE OF PROBATE OF TESTAMENT	REFERENCE	FOLIATION
Akrys, Edmund	1495	R2/04/37	ff. 37r
Aleyn, William	1495	R2/04/52	ff. 52v-53v
Aleyn, William	1498	R2/04/72	ff. 72r-72v
Alom, George	1498	R2/04/71	ff. 71v-72r
Alowe, William	1499	R2/04/83	ff. 83r-83v
Ampe, Edward	1476	R2/2198 & /256	ff. 256r-257v
Andrews, Edmund	1492	R2/04/7	f. 7r
Baggott, Roberts	1492	R2/04/21	ff. 21v
Baker, Edmund	1495	R2/04/56	ff. 56r-56v
Baldry, Steven	1499	R2/04/89	ff. 89r-89v
Balkley, Thomas	1497	R2/04/54	ff. 54v-55v
Banyard, Henry	1471	R2/02/156	ff. 156r-161v
Baret, John	1463	R2/02/95	ff. 95r-105v
Baylly, Harry	1499	R2/04/84	ff. 84v-85r
Benale, John	1493	R2/04/25	ff. 25r-26r
Bolton, William	1492	R2/04/18	ff. 18v-19v
Borell, Thomas	1494	R2/04/34	ff. 34v-35r
Boteler, John	1494	R2/04/27	ff. 27r-28v
Bower, Thomas	1499	R2/04/81	ff. 81r-81v
Boydon, Thomas	1499	R2/04/81	f. 81v
Brampton, John	1476	R2/02/229	ff. 229r-231v
Bredge, Richard	1499	R2/04/89	ff. 89r
Brower, Thomas	1499	R2/04/80	ff. 80v-81r
Burgeys, John	1499	R2/04/84	f. 84v
Chirche, Reginald	1498	R2/04/74	ff. 74v-76r
Chryston, John	1498	R2/04/73	ff. 73v-74r
Coket, John	1498	R2/04/67	ff. 67v-68v
Coppyng, John	1437	R2/01/231	ff. 231v-232v
Couper, Edmund	1494	R2/04/26	ff. 26v-27r
Couper, Roger	1499	R2/04/82	ff. 82r-82v
Cowper, Nicholas	1491	R2/04/2	ff. 2v-3r
Crosse, Robert	1497	R2/04/66	ff. 66v-67r
Darby, William	1492	R2/04/15	f. 15r
Derman, John	1496	R2/04/50	ff. 50v-51v
Dobyn, William	1497	R2/04/58	f. 58r
Dogett, Thomas	1492	R2/04/6	f. 6r
Doket, Richard	1498	R2/04/69	f. 69r
Doo, Thomas	1496	R2/04/54	ff. 54r-54v
Emmes, Richard	1498	R2/04/62	ff. 62r-62v
Fedyan, Laurence	1493	R2/04/22	ff. 22r-22v
Fennyng, John	1495	R2/04/42	ff. 42v-43r
Fissh, William	1499	R2/04/84	f. 84r
Foster, John	1493	R2/04/35	ff. 35r-35v

Foster, Jons	1495	R2/04/41	ff. 41r–41v
Frost, John	1498	R2/04/65	f. 65r
Fuller, William	1494	R2/5/108	f. 108v
Goosehawke, Richard	1488	R2/04/48	f. 48r–48v
Grome, Thomas	1498	R2/04/70	ff. 70v–71v
Gylmyn, William	1498	R2/04/79	ff. 79v–80r
Gyppyng, John	1492	R2/04/11	ff. 11r–11v
Halled, Miles	1492	R2/04/4	f. 4r
Harlwyn, John	1496	R2/04/52	f. 52r
Hary, Robert	1494	R2/04/33	ff. 33r–33v
Hawes, William	1497	R2/04/66	ff. 66r–66v
Hendy, William	1498	R2/04/72	ff. 72v–73r
Herry, John	1482	R2/02/330	ff. 330v–331r
Hervy, Robert	1496	R2/04/48	ff. 48v–49v
Honeybourn, William	1493	R2/04/19	ff. 19v–20v
Hynge, Roger	1496	R2/04/52	ff. 52r–52v
Ingold, John	1491	R2/04/32	ff. 32v–33r
Ivy, John	1492	R2/04/13	ff. 13v–14r
Leche, John	1498	R2/04/74	ff. 74r–74v
Long, Henry	1497	R2/04/59	f. 59r
Lyenge, William	1481	R2/02/328	ff. 328r–330v
Lymnour, Thomas	1499	R2/02/298	ff. 298r–298v
Machell, Thomas	1499	R2/04/98	ff. 98r–98v
Marleys, John	1492	R2/04/5	f. 5r
Mathew, William	1494	R2/04/33	ff. 33v–34r
Mattyward, Thomas	1492	R2/04/3	ff. 3v–4r
Medowe, Thomas	1498	R2/04/65	ff. 65v–66r
Motte, Robert	1491	R2/04/3	f. 3r
Newehawe, Adam	1496	R2/04/49	ff. 49v–50v
Osbern, John	1496	R2/04/59	f. 59v
Otlee, Rolf	1499	R2/04/94	ff. 94r–95v
Page, Roger	1499	R2/04/87	ff. 87r–88r
Parker, Richard	1479	R2/02/287	ff. 287v–288r
Parker, Thomas	1492	R2/04/16	f. 16
Plandon, John	1491	R2/04/16	ff. 16v–18v
Purser, John	1492	R2/04/6	f. 6r
Raby, Robert	1497	R2/04/61	ff. 61v–62r
Robinson, Miles	1492	R2/04/14	ff. 14v–15r
Roye, William	1492	R2/04/6	f. 6v
Sadde, William	1498	R2/04/68	ff. 68v–69r
Sekker, Thomas	1496	R2/04/47	ff. 47v–48v
Sergesmith, John	1496	R2/04/78	ff. 78r–79r
Skynne, Robert	1499	R2/04/85	f. 85v
Smyth, John	1480	R2/02/304	ff. 304r–313r
Smyth, Lawrence	1481	R2/02/325	ff. 325r–328v
Sporle, John	1494	R2/04/31	ff. 31r–31v
Stanton, Edmund	1498	R2/04/63	ff. 63v–64v
Stanton, Robert	1499	R2/04/86	ff. 86r–87r
Sterne, Adam	1498	R2/04/73	f. 73r

Storrs, John	1492	R2/04/21	f. 21r
Strayles, Thomas	1495	R2/04/40	ff. 40r-40v
Thorn, William	1499	R2/04/77	ff. 77v-78r
Tompson, John	1495	R2/04/38	ff. 38v-39r
Umfrey, David	1498	R2/04/80	ff. 80r-80v
Wall, John	1475	R2/02/222	ff. 222v-223v
Wareyn, Benett	1494	R2/04/34	ff. 34r-34v
Wollys, Robert	1492	R2/04/12	ff. 12v-13r
Wryth, Richard	1497	R2/04/60	f. 60r
Wyntor, John	1494	R2/04/108	f. 108r
Wyrlych, John	1498	R2/5/99	ff. 99r-100r
[Damaged]	1498	R2/04/69	ff. 69v-70r
[Damaged]	1499	R2/04/76	ff. 76v-77r

Testator	Date of Composition of Testament	Reference	Foliation
Banyard, Margaret	1481	R2/2/320	ff. 320r-323r
Bardewell, Joan	1496	R2/4/46	ff. 46v-47r
Berywey, Alice	1496	R2/4/45	ff. 45v-46r
Blowgate, Alice	1492	R2/4/15	ff. 15v-16r
Boole, Joan	1493	R2/4/24	ff. 24v-25r
Brette, Joan	1496	R2/4/106	ff. 106v-107r
Cowbregge, Margaret	1480	R2/2/298	ff. 298v-300r
Dobyn, Margery	1493	R2/4/23	f. 23r
Dorward, Emma	1492	R2/4/7	f. 7v
Doye, Christian	1499	R2/4/90	f. 90v
Drury, Elizabeth	1475	R2/2/219	ff. 219r-222r
Drury, Margaret	1495	R2/4/36	ff. 3r6-36v
Feltewell, Alice	1492	R2/4/16	ff. 16r-16v
Forster, Margaret	1499	R2/4/60	f. 60v
Fraunces, Agnes	1494	R2/4/37	ff. 37v-38v
Furseney, Margaret	1481	R2/2/323	ff. 323v-324r
Galion, Elizabeth	1497	R2/4/61	ff. 61r-61v
Gowty, Alice	1493	R2/4/23	ff. 23v-24r
Grower, Katherine	1492	R2/4/12	ff. 12v-13r
Heryng, Joan	1421	R2/1/155	f. 155r
Hoo, Katherine of	1493	R2/4/24	f. 24v
Hoo, Katherine of	1494	R2/4/31	ff. 31v-32r
Huddemyn, Margaret	1499	R2/4/82	ff. 82v-83r
Maltywade, Rose	1496	R2/4/44	ff. 44v-45v
Odeham, Margaret	1492	R2/4/8	ff. 8r-8v
Odeham, Margaret	1492	R2/4/9	ff. 9r-11r
Parmanter, Rose	1495	R2/4/37	ff. 3r7-37v
Pye, Margaret	1491	R2/4/1	ff. 1r-1v
Ratclife, Anne	1472	R2/2/167	ff. 167v-168v
Ridges, Agnes	1492	R2/4/39	ff. 39r-40r
Selers, Agnes	1498	R2/4/70	ff. 70r-70v
Senowe, Christiane	1497	R2/4/63	f. 63r
Tranyell, Agnes	1494	R2/4/32	ff. 32r-32v
Tyllott, Elizabeth	1493	R2/4/29	ff. 29v-30v
Vale, Alice	1494	R2/4/29	ff. 29r-29v
Wareyn, Agnes	1495	R2/4/63	f. 63v
Welham, Alice	1497	R2/4/46	ff. 56v-57r

TESTATOR	DATE OF PROBATE OF TESTAMENT	DOMICILE	REFERENCE	FOLIATION
Abel, Richard	1496	Thurston	R2/13/45	f. 45r-45v
Agas, Robert	1469	Thurston	R2/10/440	ff. 440r-440v
Ammeys, William	1497	Brockford	R2/13/66	f. 66r
Asty, William	1486	Market Weston	R2/11/391	f. 391r
Aubyr, John	1474	Bury	R2/10/580	ff. 58r-580v
Auncell, Thomas	1474	Stanstead	R2/10/508	f. 508v
Baker, John	1462	Cavendish	R2/10/376	f. 376r
Bakon, John	1489	Rattlesden	R2/11/422	f. 422v
Baldwyn, John	1486	Assington	R2/12/16	f. 16r
Baly, John	1480	Long Melford	R2/11/219	f. 219r
Banyard, John	1496	Drinkstone	R2/13/78	f. 78r
Banyard, Thomas	1485	Rattlesden	R2/11/406	f. 406v
Barewell, John	1487		R2/13/11	f. 11r
Barker, John	1493	Wetherden	R2/11/445	f. 445v
Barker, John	1493		R2/11/455	f. 455v
Baxster, John	1488	Little Livermere	R2/11/390	f. 390v
Baxter, John	1484		R2/11/360	f. 360r-360v
Baxter, John	1494	Lavenham	R2/13/24	f. 24r
Belamy, Thomas	1495	Tuddenham	R2/13/74	f. 74v
Bele, William	1480	Little Livermore	R2/11/215	f. 215r
Berd, John	1483	Pakenham	R2/11/298	f. 298r
Berde, John	1484	Wattisfield	R2/11/358	f. 358v
Berde, John	1487	Long Melford	R2/11/385 & 406	f. 385r-385v
Berner, Thomas	1476	Stoke by Nayland	R2/11/49	f. 49v
Beton, William	1466	Bardwell	R2/11/31	ff. 31v-32r
Blome, John	1482	Worlington	R2/11/287	f. 287r
Bodywall, Richard	1498	Sudbury	R2/13/94	f. 94r
Bokkyng, John	1498	Boxford	R2/13/97	f. 97v
Boks, John	1491		R2/11/432	ff. 432r-432v
Bole, John	1484	Thelnetham	R2/11/292	f. 292r
Bole, Robert	1488	Combs	R2/11/403	f. 403v
Bole, Roger	1488	Little Livermere	R2/11/429	f. 429v
Boole, William	1489	Timworth	R2/11/430	f. 430v
Bradbrook, John	1481		R2/11/223	ff. 213r-213v
Bradley, William	1498	Bradfield	R2/13/106	f. 106v
Brampton, John	1482		R2/11/248	ff. 248r-248v
Bramuthe, William	1488		R2/11/423	f. 423r
Bray, Richard	1485		R2/11/362	f. 362r
Breggham, Robert	1491	Market Weston	R2/12/25	f. 25v
Brond, Robert	1493	Gislingham	R2/11/442	ff. 442v-443r
Brown, John	1489	Hopton	R2/11/378	f. 378v
Brown, Robert	1498	Bildeston	R2/13/84	f. 84r
Brown, Robert	1498	Mellis	R2/13/89	f. 89r

Brown, Thomas	1481	Preston	R2/11/229	ff. 229v-230v
Brygge, John	1488		R2/11/392	ff. 392r-392v
Bryghteve, Richard	1482	Long Melford	R2/11/257	ff. 257r-25v
Brysett, John	1493	Great Horningsheath	R/13/100	ff. 100r-100v
Buge, John	1472	Soham	R2/10/527	ff. 527r-527v
Bulbrook, Robert	1475	Whepstead	R2/11/143	f. 143v
Bullok, James	1490	Kennett	R2/11/419	f. 419r-419v
Byrd, John	1483	Pakenham	R2/11/297	f. 297r
Byrd, Robert	1473/4	Stowmarket	R2/10/519	f. 519r
Cadwell, John	1485		R2/11/376	f. 376r
Cage, Thomas	1498	Bardwell	R2/13/89 & 92	f. 89v
Camplyon, Richard	1491	Stowmarket	R2/11/453	f. 453v
Capter, John	1487	Stowmarket	R2/11/431	f. 431v
Catton, Hugh	1497	Hinderclay	R2/13/67	f. 67r
Caywold, Thomas	1483		R2/11/283	ff. 283r-283v
Checheley, William	1496	Creeting St Peter	R2/13/43	ff. 46r-46v
Cherche, Edmund	1478	Preston	R2/11/171	f. 171r
Chylde, Peter	1490	Little Saxham	R2/11/459	f. 459r
Clerk, Richard	1482	Felsham	R2/11/315	f. 315r
Clerk, Thomas	1484	Cavendish	R2/11/370	f. 370r
Clerk, William	1496	Bradfield Combust	R2/13/94	f. 94v
Cockfield William	1485		R2/11/342	f. 342r
Coke, Laurence	1494	Whepstead	R2/13/28	f. 28v
Colyn, Walter	1495	Wood Ditton	R2/13/78	ff. 78v-79r
Cooke, Robert	1490	Kersey	R2/12/24	ff. 24r-24v
Cooke, Thomas	1496	Creeting	R2/13/33	f. 33r-33v
Cooke, William	1497	Sudbury	R2/13/109	f. 109v
Cooper, William	1476	Boxford	R2/11/133	f. 133v
Copps, Jeffrey	1498		R2/13/81	ff. 81v-82r
Coppyng, Richard	1494	Somerton	R2/13/106	f. 106r
Cosse, Robert	1484		R2/11/346	f. 346v
Cossett, Richard	1496	Thwaite	R2/13/41	f. 41v
Cosyn, William	1479	Cavenham	R2/11/168	f. 168r
Cottelyn, John	1488		R2/11/405	f. 405r
Cottingham, William	1493	Stowmarket	R2/11/446	f. 446v
Cowper, Benedict	1485	Bradfield St George	R2/11/341	f. 341r
Cowper, Bennet	1488		R2/11/402	f. 402r
Cowper, Nicholas	1496	Beyton	R2/13/48	ff. 48r-48v
Cowper, William	1496	Bradfield St George	R2/13/94	ff. 94r-94v
Cross, William	1498	Boxford	R2/13/90	ff. 90r-90v
Culling, John	1484	Eye	R2/11/376	f. 376r
Cullum, John	1482	Thorndon	R2/11/283	f. 283r
Davy, John	1487	Honington	R2/11/386	f. 386r
Deye, John	1452	Long Melford	R2/09/111	f. 111v
Deye, John	1481	Icklingham	R2/11/227	f. 227r
Deynys, John	1471	Woolpit	R2/10/497	ff. 497r-497v
Digo, Richard	1497		R2/13/80	f. 80r
Dolyngham, William	1497	Hawstead	R2/13/91	f. 91r
Doo, Richard	1493	Bardwell	R2/13/58	f. 58v

Dorsyter, John	1491	Monks Bradfiled	R2/13/116	f. 116v
Dow Nicholas	1477	Soham	R2/11/153	f. 153v
Dyx, Jeffrey	1496	Ampton	R2/13/77	f. 77v
Eagn, Thomas	1497		R2/13/81	ff. 81r-81v
Elkyn, Harry	1483	Snailwell	R2/11/318 & 363	ff. 319r & 363r
Elreed, Robert	1485	Knettishall	R2/11/320	f. 320r
Epulthweyts, John	1481	Sdbury	R2/11/253	ff. 253r-253v
Erdryche, Harry	1473	Finningham	R2/10/511	f. 511v
Erle, William	1497	Whepstead	R2/13/87	f. 87r
Faverell, Robert	1488	Soham	R2/11/397	ff. 398r-398v
Fenn, Richard	1476	Woolpit,	R2/11/125	f. 125r
Fenne, Thomas	1496	Boxford	R2/13/43	f. 43r
Folkys, Herry	1459	Kedington	R2/09/241	f. 241r
Franceys, John	1473	Walsham le Willows	R2/11/34	f. 34r
Frondant, John	1487	Long Melford	R2/11/421	f. 421r
Frost, William	1480	Sudbury	R2/12/2	ff. 251r-251v
Froste, William	1487	Boxted	R2/11/416	f. 416r
Fryot, Thomas	1472	Barrow	R2/10/503	f. 503v
Fuller, John	1464	Glemsford	R2/10/390	f. 390r
Fuller, John	1484	Gislingham	R2/11/340	f. 340v
Fuller, John the elder	1486	Lavenham	R2/11/328	f. 328r
Funston, Simon	1497	Newmarket	R2/13/92	f. 92v
Fyshe, Edward	1464	Westhorpe	R2/10/340	f. 340r
Gambon, Robert	1495	Pakenham	R2/13/79	f. 79v
Gardener, John	1491	Mildenhall	R2/12/26	f. 26r
Gardener, William	1493	Combs	R2/11/443	f. 443v
Gebon, John	1492	Tostock	R2/13/99	f. 99v
Gent, John	1477	Long Melford	R2/11/177	ff. 17r7-177v
Gente, Andrew	1496	Euston	R2/13/40	f. 40v
Gentilman, John	1496	Ixworth	R2/13/49	f. 49r
Germayne, Thomas	1472	Long Melford	R2/10/559	ff. 559r-559v
Glascok, John	1498	Boxford	R2/13/97	f. 97r
Godard, John	1496	Gislingham	R2/13/34	f. 34v
Godfrey, John	1499	Bardwell	R2/13/102	f. 102r
Good, Thomas	1489		R2/11/426	f. 426r
Goodwyn, John	1475	Long Melford	R2/11/74	f. 74r
Goodwyn, Robert	1490	Mendlesham	R2/11/458	f. 458v
Goore, Thomas	1473	Soham	R2/10/564	f. 564r
Gosselyn, Robert	1497	Little Cornard	R2/13/63	ff. 63r-63v
Grene, Roger	1497	Sudbury	R2/13/53	f. 53v
Grene, William	1484	Fordham	R2/11/346	f. 346r
Groome, Nicolas	1478	Long Melford	R2/11/182	f. 182r
Groome, Robert	1474	Levenham	R2/11/59	f. 59v
Gylle, William	1492	Pakenham	R2/13/1&12	f. 1v
Gynows, Thomas	1479	Mendlesham	R2/10/589	ff. 587r-588r
Hadnaham, John	1494	Mildenhall	R2/13/75	f. 75v
Hadynham, Henry	1488	Worlington	R2/13/12 & 17	f. 12r
Hall, John	1497		R2/13/56	f. 56r
Halsted, Robert	1488	Mildenhall	R2/11/394	f. 394r

Harple, Thomas	1488	Long Melford	R2/11/405	f. 405v
Harset, Robert	1484	Long Melford	R2/11/365	ff. 365r-366r
Havell, John	1493	Bildeston	R2/13/15	f. 15r
Heggeman, Thomas	1478	Glemsford	R2/11/156	f. 156r
Heggeman, Thomas	1494	Glemsford	R2/13/19	f. 19v
Heggman, Robert	1494	Glemsford	R2/13/29	f. 29v
Hevyll, John	1475		R2/11/132	rf. 132r-132v
Home, John	1484	Waldingfieldd	R2/11/375	f. 375r
Hoo, John at	1487	Long Melford	R2/11/416	ff. 416v-417r
Hoo, John of	1498	Hessett	R2/13/98	ff. 98r-98v
Howe, Roger	1482	Long Melford	R2/11/251	ff. 251r-251v
Howes, William	1481	Market Weston	R2/12/25	f. 25r
Hunt, Thomas	1485	Thorndon	R2/11/337	f. 337r
Hyll, James	1487	Ixworth	R2/11/406	f. 406r
Hynbest, Adam	1495	Drinkstone	R2/13/76	f. 76r
Hyngeston, Thomas	1490	Sudbury	R2/12/17	f. 17r
Inde, Thomas	1487		R2/11/387	f. 387r
Irland, John	1486	Redgrave	R2/11/367	f. 367v
Ive, John	1488	Honington	R2/11/400	f. 400v
Jerold, William	1494	Glemsford	R2/13/61	f. 61r
Joly, John	1496	Finningham	R2/13/41	f. 41r
Joly, Simon	1477	Lavenham	R2/11/88	ff. 88r-88v
Joly, Thomas	1490	Wyverstone	R2/11/458	f. 458v
Joly, William	1488	Lavenham	R2/11/399	f. 399r
Joly, William	1490		R2/11/461	f. 461v
Kendale, John	1487	Haverhill	R2/11/418	f. 418r
Kent, John	1482	Long Melford	R2/11/280	f. 280r
Ketylberewe, John	1483	Eye	R2/13/3	f. 3r
Ketyll, William	1457	Preston	R2/09/190	f. 190r
Ky, John	1491	Stowmarket	R2/13/99	ff. 99r-99v
Kyng, John	1498	Sudbury	R2/13/95	f. 95v
Lane, Simon	1495	Pakenham	R2/13/75	f. 75r
Laws, William	1475	Soham	R2/11/136	f. 136v
Lay, Richard	1480	Assington	R2/12/7	f. 7-7v
Lay, Robert	1496	Bures	R2/13/42	f. 42v
Lever, John	1491	Hitcham	R2/13/101	f. 101r
London, John	1471		R2/10/482	ff. 482r-482v
Lottkyns, John	1472	Reading	R2/11/439	f. 439v
Luke, John	1496	Naughton	R2/13/77	f. 77v
Makro, William	1472	Soham	R2/10/568	f. 568r
Man, John	1494		R2/13/77	f. 77r
Man, Thomas	1486	Sranton	R2/11/323	f. 323r
Manigere, Thomas	1483	Mendlesham	R2/11/407	f. 407v
Manwood, John	1495	Alpheton	R2/13/74	f. 74r
Martyn, Edmund	1479	Lavenham	R2/11/149	f. 149r
Martyn, William	1497	Sudbury	R2/13/61	f. 61v
Mastyr, Adam	1496	Stanton	R2/13/32	f. 32r
Mellon, Peter	1485	Stradishall	R2/11/338	f. 338v
More, John	1493	Gislingham	R2/11/442	f. 442

Moryell, Steven	1491	Market Weston	R2/11/409	f. 409-409v
Muskett, Thomas	1484	Drinkstone	R2/11/375	f. 375r
Neketon, Robert	1481	Stowmarket	R2/11/203	f. 203r
Newman, Roger	1494	Sudbury	R2/13/24	f. 24v
Noris, John			R2/12/27	f. 27v
Norman, Robert	1498	Gayley	R2/13/105	f. 105r
Note, Thomas	1489	Thurston	R2/11/417 & 424	f. 424r
Note, Thomas	1492	Thurston	R2/13/9	f. 9r
Nunn, Walter	1495	Hessett	R2/13/26	f. 26r
Olive, William	1499		R2/13/125	f. 125v
Padyll, William	1483		R2/11/267	f. 267r
Page, John	1462	Stanstead	R2/10/312	f. 312v
Pakenham, William	1496		R2/13/36	f. 36v
Parker, Robert	1492	Hawstead	R2/13/72	f. 72v
Parkyn, William	1484		R2/11/343	f. 343r
Parle, Robert	1493	Lavenham	R2/11/444	f. 444v
Parson, Robert	1477		R2/11/178	f. 178r
Penwall, John	1496		R2/13/77	ff. 77v-78r
Person, Richard	1471	Ampton	R2/10/484	f. 484v
Peyton, William	1486	Little Saxham	R2/11/367	f. 367r
Phelipe, John	1473	Long Melford	R2/10/567	f. 567v
Plampeyn, Thomas	1496	Nayland	R2/13/35	f. 35v
Pollard, John	1480	Preston	R2/12/3	ff. 3v-4r
Poole, John	1486	Fordham	R2/11/355	ff. 355r-355v
Porte, John	1492	Weston	R2/13/8	f. 8r-8v
Prentys, George	1484	Sudbury	R2/11/350	f. 350r
Prentys, Nicholas	1480	Stoke by Clare	R2/11/208	f. 208r
Preston, Thomas	1484	Stradishall	R2/11/347	f. 347r
Pulcoo, Harry	1477	Lavenham	R2/11/102	ff. 102r-102v
Puske, Roger	1480	Bacton	R2/11/206	f. 206r
Pytman, Richard	1496	Mendlesham	R2/13/47	f. 47r
Quarry, Jeffery	1492	Drenkeston	R2/13/117	f. 117v
Qwhygth, John	1481		R2/11/276	f. 276r
Rashbrook, John	1496		R2/13/38	f. 38v
Ray, John	1481	Wood Ditton	R2/11/209	ff. 209r-209v
Rebyll, John	1494		R2/11/449	ff. 449v-450r
Rede, Thomas	1480	Hawstead	R2/11/197	ff. 197r-197v
Reve, William	1497	Great Livermere	R2/13/85	ff. 85r-85v
Reynold, Richard	1498	Woolpit	R2/13/82	ff. 82r-82v
Roberd, John	1498	Sudbury	R2/11/447	f. 447v
Roberts, John	1491	Hunden	R2/13/104	ff. 104r-104v
Rodyng, Adam	1474	Horringer	R2/10/525	ff. 525r-525v
Rogeron, Thomas	1482		R2/11/232	ff. 232v-234r
Rogers, John	1452	Soham	R2/09/109	f. 109r
Rokewood, Roger	1482	Euston	R2/11/263	ff. 263r-264v
Rolf, Robert	1483	Stowmarket	R2/11/315	f. 315v
Rolf, Robert	1486	Thorndon	R2/11/332	f. 332r
Rose, John	1490	Thurston	R2/13/3	ff. 3r-3v
Rose, Richard	1483	Wangford	R2/11/247	f. 247r

Roseward, William	1498		R2/13/86	ff. 86r–86v
Ross, John	1489		R2/11/434	ff. 434r–434v
Rougham, William	1486		R2/12/17	f. 17v
Rowe, John	1497		R2/13/70	f. 70v
Rowyng, William	1496		R2/13/43	ff. 43r–43v
Rysewold, Richard	1472	Mellis	R2/11/443	f. 443r
Salter, John	1487	Buxhall	R2/11/427	f. 427r
Salysbery, Thomas	1474	Soham	R2/10/565	f. 565r
Saunsham, William	1487		R2/11/420	f. 420r
Savery, Robert	1497	Stansfield	R2/13/67	f. 67v
Sawter, John	1491		R2/11/459	f. 459v
Say, Nicholas	1496		R2/13/39	f. 39v
Scarpe, William	1470	Felsham	R2/10/482	ff. 482v–483r
Sergaunte, Nicholas	1490	Thurston	R2/11/454	ff. 454r–454v
Seton, John	1493		R2/11/444	f. 444r
Shaldrake, Simon	1478	Clare	R2/11/411	ff. 411r–411v
Shepperd, George	1484		R2/11/350	f. 350v
Shimpling, Adam	1481		R2/11/218	f. 218r
Shokeforth, William	1488	Weston	R2/11/401	f. 401v
Skayle, Alexander	1475		R2/11/64	f. 64r
Skelton, John	1473	Hengrave	R2/11/27	f. 27v
Skolepe, Robert	1494		R2/11/448	ff. 448v–449r
Skreveyner, Thomas	1493	Stradishall	R2/13/6	ff. 6r–7r
Skylborn, John	1485		R2/11/363	f. 363r
Skynner, Harry	1480	Layham	R2/11/272	f. 272r
Smalwood, Bennet	1484	Bradfield St George	R2/11/346	f. 346v
Smyth, Harry	1497	Gedding	R2/13/69	f. 69v
Smyth, Henry	1453	Rattlesden	R2/09/268	f. 268r
Smyth, John	1482	Exning	R2/11/261	f. 261r
Smyth, Ralf	1472	Bildeston	R2/10/533	ff. 553r–553v
Smyth, Stephen	1486	Stradishall	R2/11/321	f. 321r
Smyth, Thomas	1482	Long Melford	R2/11/259	f. 259r
Smyth, Thomas	1496	Gislingham	R2/13/34	f. 34r
Sokeman, Robert	1497		R2/13/58	f. 58r
Spark, John	1488	Combs	R2/11/397	f. 397r
Sponer, John	1495	Honington	R2/13/75	f. 75r
Sprotte, John	1494	Sudbury	R2/13/19	f. 19r
Steff, William	1483	Icklingham	R2/11/309	f. 309r
Sterling, Simon	1484	Stoke by Nayland	R2/11/354	f. 354r
Stern, Thomas	1482	Great Barton	R2/11/252	f. 252r
Stoppyngton, Richard	1487		R2/11/421	f. 421v
Stopyngton, Richard	1487		R2/11/418	f. 418v
Stralle, John	1488	Bury	R2/11/434	f. 434v
Sturmyn, Robert	1484	Lavenham	R2/11/335	f. 335v
Sybely, William	1495	Cheveley	R2/13/54	ff. 54r–54v
Syday, John	1487	Great Waldingfield	R2/11/417	f. 417v
Symond, John	1493	Great Barton	R2/11/461	f. 461r
Symonds, John	1482	Gazely	R2/11/309	f. 309r
Taylor, Symond	1491	Hunden	R2/13/104	f. 104r

Thurston, Robert	1494	Little Waldingfield	R2/13/23	f. 23r
Toppesfyld, William	1480	Gislingham	R2/11/216	ff. 216r-216v
Trycott, Roger	1474		R2/11/52	ff. 52r-52v
Turner, John	1496	Depden	R2/13/37	ff. 37r-37v
Turnour, William	1499	Depden	R2/13/113	f. 113r
Undyrwood, Edmund	1482	Assington	R2/11/265	ff. 265r-265v
Varney, John	1490	Wood Ditton	R2/11/377	f. 377r
Vyell, Thomas	1472	Ixworth	R2/10/555	f. 555r
Vyncent, John	1497	Walsham le Willows	R2/13/69	f. 69r
Wakeryng, Thomas	1490	Hundon	R2/11/408	f. 408r
Walsom, John	1444	Woolpit	R2/09/54	f. 54r
Ward, Walter	1484	Elmset	R2/11/343	f. 343v
Warde, Edmund	1496	Hitcham	R2/13/40	f. 40r
Warde, John	1484	Hartest	R2/11/452	f. 452r
Warde, John	1496	Stansfield	R2/13/44	ff. 44r-44v
Wareyn, John	1497	Burgate	R2/13/96	f. 96v
Wareyn, Robert	1460	Kirtling	R2/09/299	ff. 299r-199v
Wareyn, William	1497	Sudbury	R2/13/55	ff. 55r-55v
Waspe, Richard	1496	Great Cornard	R2/13/38	f. 38r
Webbe, John	1495	Mildenhall	R2/13/76	f. 76r
Wells, Robert	1464	Woolpit	R2/10/512	f. 512v
Wethyr, John	1497	Honington	R2/13/67	f. 67r
Wiseman, Simon	1494	Rickinghall Superior	R2/13/30	f. 30r
Wright, Robert	1474	Soham	R2/11/91	f. 91v
Wright, Thomas	1498	Great Ashfield	R2/13/110	f. 110r
Wryght, John	1471	Soham	R2/10/481	f. 481r
Wryght, Roger	1488	Thrandeston	R2/11/404	f. 404v
Wryght, Thomas	1480	Groton	R2/12/28	f. 28v
Wryte, Robert	1484	Long Melford	R2/11/366	f. 366r
Wulward, Thomas	1497	Bildeston	R2/13/65	f. 65v
Wylkyn, John	1480	Berwell	R2/11/221	f. 221r
Wyllmotte, John	1476	Lavenham	R2/11/86	f. 86r
Wylnoth, Ralph	1477	Sapiston	R2/11/100	f. 100r
Wylshaw, John	1494		R2/13/29	ff. 29r-29v
Wymble, Bartholomew	1494		R2/13/72	f. 72v
Wynnyff, Thomas	1479	Brettenham	R2/11/163	f. 163r
Wyntyr, Nicholas	1494	Chedburgh	R2/13/17	f. 17v
[Damaged]	1462		R2/10/312	f. 312r
[Damaged]	[Damaged]		R2/13/12	ff. 12v-13r
[Damaged]	[Damaged]		R2/12/20	f. 20r
[Damaged]	[Damaged]		R2/12/26	f. 26v
[Damaged]	1483		R2/11/294	f. 294r
[Damaged]	1464		R2/10/371	f. 371v
[Damaged]	1482		R2/11/356	f. 356v
[Damaged]	1483		R2/11/313	f. 313r
[Damaged]	1487		R2/11/390	ff. 390r-390v
[Damaged]	1495		R2/13/18	f. 18v
[Damaged]	1484		R2/11/354	f. 354v
[Damaged]	1485		R2/11/319	ff. 319r-319v

[Damaged]	[Damaged]		R2/12/23	ff. 23r–23v
[Damaged]	1486		R2/11/332	ff. 332r–333v
[Damaged]	1469		R2/10/441	ff. 441r–442v
[Damaged]	1490	Ixworth	R2/13/116	f. 116r
[Damaged]	1477		R2/11/86	f. 86v
[Damaged]	1482		R2/11/356	f. 356r
[Damaged]	1497		R2/13/50	ff. 50r–50v
[Damaged]	1445	Old Newton	R2/09/70	f. 70r

TESTATOR	DATE OF PROBATE	DOMICILE	REFERENCE	FOLIATION
Bak, Joan	1496	Combe	R2/13/84	f. 84r
Barbour, Lucy	1495	Fornham St Genevieve	R2/13/61&62	f. 61r
Blower, Maud	1481	Lavenham	R2/11/278	f. 278r
Browne, Anne (also Worlyche)	1494	Denston	R2/13/21	f. 21v
Bulloke, Joan	1495	Kennet	R2/13/51	ff. 51r-52v
Cage, Agnes	1482	Pakenham	W1/24/147	*
Campe, Joan	1484	Rattlesden	R2/11/373	f. 373r
Catelyn, Alice	1495	Ixworth	R2/13/21	ff. 21v-22r
Chapman, Amy	1486	Rickinghall Inferior	R2/11/382	f. 384r
Chase, Cecily	1477	Redgrave	R2/11/85	f. 85v
Cobbe, Margaret	1494	Gislingham	R2/13/73	ff. 73v-74r
Cokkow, Marion (also Thebolde)	1498	Barnardiston	R2/13/121	f. 121r
Cokshale, Alice	1499	Hundon	W1/24/70	*
Crakyll, Joan	1496	Rattlesden	R2/13/32	f. 32v
Drury, Margaret	1491	Honington	R2/11/433	f. 433v
Dullingham, Maud	1495	Sudbury	R2/13/53	f. 53r
Fenn, Amy	1478	Woolpit	R2/11/158	f. 158v
Fryth, Agnes	1484	Stoke by Nayland	R2/11/353	ff. 353r-353v
Fuller, Joan	1479	Sudbury	R2/12/1	f. 1r
Fuller, Margaret	1484	Gislingham	R2/11/342	f. 342v
Fyssher, Alice	1496	Bures	R2/13/36	f. 36r
Goslyn, Alice	1498	Cornard	R2/13/87	f. 87v
Grome, Rose	1498	Lavenham	R2/13/91	f. 91v
Grygg, Phyllis	1497	Newmarket	R2/13/49	f. 49v
Gylis, Katherine	1495	Great Fakenham	R2/13/75	f. 73r
Gylly, Isabel	1482	Bradfield	W1/24/171	*
Hege, Margery	1489	Icklingham	R2/11/382	f. 382v
Hert, Alice	1478	Bardwell	R2/11/237	f. 237r-237v
Hunt, Katherine	1472	Rushbrook	R2/10/461	f. 461r
Ilger, Margery	1483	Little Saxham	R2/11/304	f. 304r
Kyng, Maude	1498	Great Cornard	R2/13/88	f. 88r
Man, Joan	1496	Troston	R2/13/77	f. 77r
Muryell, Isabel	1497	Walsham le Willows	R2/13/60	f. 60v
Onge, Marian	1497	Norton	R2/13/67	ff. 68r-68v
Page, Katherine	1483	Stowmarket	R2/11/290	f. 290r
Parker, Joan	1488	Shimpling	R2/11/228	ff. 228v-229r
Pellycan, Rose	1489	Sudbury	R2/11/379	ff. 379r-379v
Peyntor, Margaret	1493	Burwell	W1/24/8	*
Phelypp, Rose	1498	Long Melford	R2/13/86	f. 86r
Prentys, Cecily	1495	Sudbury	R2/13/24	f. 25v
Rogeron, Emma	1482	Tuddenham	R2/11/281	f. 281v
Scharpe, Alice	1483	Felsham	R2/11/317	ff. 317r-317v
Selott, Isabel	1486	Bardwell	R2/11/320	f. 320v
Smyth, Joan	1480	Nayland	R2/11/209	ff. 213r-213v

Smyth, Joan	1485	Stowmarket	R2/11/339	f. 339r
Smyth, Joan	1491	Eye	R2/13/75	f. 75v
Spaldyng, Annice	1482	Fornham All Saints	R2/11/199	f. 199v
Sparow, Sara	1485	Sudbury	R2/11/334	ff. 334r-334v
Stoke, Joan	1478	Lavenham	R2/11/161	ff. 161r-161v
Stowre, Christian	1482	Sudbury	R2/11/268	f. 268f
Trappett, Lettice	1495	Hepworth	R2/13/7	f. 7v
Tynton, Agnes	1486	Rougham	R2/11/444	ff. 444v-445r
Worlyche, Annice	1492	Stanstead	R2/13/15	f. 15v
Wyttelok, Cecily	1477	Norton	R2/11/123	f. 123r

Testator	Date of Composition of Testament	Reference	Foliation
Bodywall, Richard	1498	R2/13/93	93r
Cooke, William	1497	R2/13/109	109v
Dullingham, Maud	1494	R2/13/53	53r
Epulthweyts, John	1481	R2/11/253	253r-253v
Frost, William	1480	R2/11/2	2r
Fuller, Joan	1479	R2/12/1	1r
Grene, Roger	1497	R2/13/53	53v
Hyngeston, Thomas	1490	R2/13/17	17r
Kyng, John	1498	R2/13/95	95v
Martyn, William	1497	R2/13/61	61v-62r
Newman, Roger	1494	R2/13/24	24v
Pellycan, Rose	1489	R2/11/379	379r-379v
Prentys, Cecily	1495	R2/13/24	24v
Prentys, George	1484	R2/11/356	356r
Roberd, John	1488	R2/11/447	447v
Sparow, Sara	1485	R2/11/334	334r-334v
Sprotte, John	1494	R2/13/19	19r
Stowre, Christian	1482	R2/11/268	268r
Wareyn, William	1497	R2/13/55	55r

Testator	Date of Composition of Testament	Domicile (Parish Number Indicates Riding: 41=E; 42=N; 43=W)	Language	Prob. Reg. Vol.	Folio
Adamson, Robert	1484	Doncaster 43/938	E	5	223
Akers, Sir William	1489	York 43/1-40	E	5	371
Akers, William	1493	York St. Mart. Conyng St	E	5	438
Aldburgh, William de	1390	Harewood 43/402	Fr	1	32
Aldwyk, John	1444	Kingston upon Hull 41/324-33	E	2	96
Ardern, Thomas	1453	Sewerby cum Marton 41/253	E	2	326
Assper, Thomas, the elder	1465	Skirpenbeck 41/116	E	3	304
Aukeland, William	1489	York 43/1-40	E	5	365
Banes, John	1494	York Monkgate	E	5	451
Baron, William	1484	Kingston upon Hull 41/324-33	E	5	250
Barton, Richard	1455	Kirkby Fleetham 42/215	E	2	373
Bartrame, Edward	1458	York 43/1-40	E	2	427
Beseby, John, the elder	1493	York All Sts Pvmnt 43/31	E	5	434
Beverley, Thomas, junior	1471	York 43/1-40	E	4	176
Blakburn, Nicholas, senior	1431	York 43/1-40	L+E cd	2	605
Blanat, George	1497	York St Den Walmgate 43/17	E	5	510
Bolling, Robert	1487	Bowling 43/533	E+L tst	5	335
Bowmer, John	1492	Acaster Malbis 43/57	E	5	428
Bradford, John, the elder	1495	Warmfield 43/677	E	5	474
Broune, John	1492	York St Helen Stonegate 43/36	E	5	425
Burton, William	1498	Wighill 43/71	E	5	519
Calverley, Robert, the elder	1498	Calverley 43/512	E	5	518
Came, William	1496	Newark-on-Trent 28/151	E	5	505
Carre, John	1487	York 43/1-40	E	5	327
Clyderhowe, William	1454	Kingston upon Hull 41/324-33	E	2	295
Colynson, Robert	1436	York 43/1-40	L+E	2	378
Constable, Ralph	1497	Halsham 41/417	L+E cd	5	512
Constable, Robert	1454	Barnby 42/662	E	2	303
Constable, Sir John	1472	Halsham 41/417	L+E w	4	185.2
Constable, Sir John	1482	Halsham 41/417	E	5	368
Conyers, Nicholas	1497	Stokesley 42/300-2	E	5	509
Copyndale, Edmund	1490	Kingston upon Hull 41/324-33	E	5	383
Croklyn, Richard	1437	York 43/1-40	L+E cd	3	496
Dalton, John	1487	Kingston upon Hull 41/324-33	E	5	483
Dalton, Thomas	1497	Kingston upon Hull 41/324-33	E	6	51
Danby, James	1496	Thorp Perrow 42/179	E	5	499
Dynley, John	1499	Swillington 43/475	E	6	32
Elston, John	1483	Shelton 28/207	E	5	204
Eure, Henry	1476	Malton, Old 42/644	E	5	115
Everyngham, John	1499	Birkin 43/460	L+E	6	47
Federston, Henry	1466	Stamford Bridge 41/85	E	4	36
Feryby, John of	1470	Beverley 41/291-301	E	4	166
Flemmyng, William	1459	Wath upon Dearne 43/852	E	2	445

Garton, John	1455	Kingston upon Hull 41/324-33	E cd	2	341
Gascoigne, Ralph	1486	Burnby 41/104	E	5	340
Gascoigne, William	1475	Barnbow 43/418 (Lazencroft)	E	5	1
Goodrich, Hugh	1473	Escrick 41/73-4	E	4	211
Gower, Walter	1443	Sheriff Hutton 42/599	E	2	71
Greneley, Edmunde	1497	Kingston upon Hull 41/324-33	E	5	501
Halyfax, William	1454	Nottingham 28/233-5	L+E	2	299
Hapsam, John	1481	Kingston upon Hull 41/324-33	E	5	59
Hastynges, Hugh	1487	Norton 43/646	E	5	337
Hedlam, John	1461	Nunthorpe 42/331	E	2	451
Hirste, Robert	1498	Leeds 43/485-92	E	3	336
Holme, Henry	1471	Beverley 41/291-301	L+E tst	4	81
Holme, John	1490	Huntington 42/682	E	5	389
Hopton, Thomas	1483	Swillington 43/475	E	5	288
Horbury, Christopher	1480	Wakefield 43/606-8	E	5	103
Johnson, Robert	1496	York St Michaell	E	5	510
Johnson, William	1487	Lockington 41/289-90	E	5	318
Kirke, Robert	1497	York 43/1-40	E	5	509
Kirton, Robert	1483	Crathorne 42/288	E	5	226
Lacy, John	1493	Wakefield 43/606-8	E	5	447
Langton, John	1466	Leeds 43/485-92	E	4	244
Leeston, John	1491	Tickhill 43/923	L+E	5	462
Lepton, John	1497	Terrington 42/650	E	5	512
Londisdale, John	1493	York 43/1-40	E	5	440
Makeblith, John	1483	Healaugh 43/81	E	5	205
Malyerd, Guy	1486	Beverley 41/291-301	E	5	308
Manchestre, Richard	1490	York St Edw	E	5	381
Markyngfeld, Thomas	1497	Ripon 43/178	E	5	498
Marler, Robert	1482	York 43/1-40	E	5	47
Marshall, Thomas	1486	Felixkirk 42/536-9	E	5	295
Merkyngfeld, John	1431	Markenfield Hall 43/168	E	2	190
Metkalf, Miles	1486	York (‡ Minster)	E	5	365
Milner, Richard	1487	Topcliffe 42/243	E	5	455
Milnerson, Richard	1488	Egborough 43/642	E	5	347
Mirfeld, Oliver	1462	Morley 43/587 (Howley)	E	2	468
Molde, Nicholas	1474	Kingston upon Hull 41/324-33	E	4	126
Monk, John	1473	Frampton 22/764	L+E	4	1
Moubray, William de	1391	York 43/1-40	Fr	1	29
Moubray, William, junior	1390	York 43/1-40	Fr	1	27
Mounteney, Thomas	1466	Kingston upon Hull 41/324-33	E	4	232
Musterdmakar, John	1473	Skipton 43/325	E	4	197
Nevile, Alexander	1453	Thornton Bridge 42/570	E	2	351
Niksone, Thomas	1461	Wilberfoss 41/88	L+E	2	472
Peke, Richard	1481	Kingston upon Hull 41/324-33	E	5	59
Peton, Robert	1473	Kingston upon Hull 41/324-33	E	4	209
Pigot, John	1428	Ripon 43/178	L+Fr	2	544
Pott, Robert	1489	Ripon 43/178	E	5	376
Pygot, Richard	1483	London (Clerkenwell 24/47)	E	5	231
Pygott, Ranulf	1466	Clotherholme 43/182	L+E	4	23

Pylkyngton, John	1478	Wakefield 43/606-8	E	5	144
Rawson, James	1498	Ferry Fryston 43/619	E	3	340
Rayner, Robert	1499	Ripon 43/178	E	3	312
Roose, Nicholas	1461	Coulton 42/627	E	2	467
Rothelay, John	1488	Markington 43/167	E	5	393
Saltmerssh, Robert	1487	Cottingwith, East 41/38	E	5	427
Sandford, John	1429	Tickhill 43/923	E	2	563
Sayvell, Harry	1483	London	E	5	214
Scargill, William	1481	Leeds 43/485-92	E	5	233
Scott, John	1429	York 43/1-40	L+E cd	2	554
Scrop, John, Lord le	1441	York 43/1-40	L+E cd	2	321
See, Sir Martyn of the	1494	Barmston 41/352-3	E	5	453.1
Shirburn, Richard	1436	Mitton, Great 43/290	E	2	20
Snaithe, Ralf	1472	Pontefract 43/624-7	E	4	185.2
Spicer, John	1493	Kingston upon Hull 41/324-33	E	5	450
Stapilton, Brian de	1394	Wighill 43/71	Fr	1	69
Swattok, Lauraunce	1492	Kingston upon Hull 41/324-33	E	5	410
Talbott, Sir Edward	1461	*	E	2	454
Thorland, Thomas	1499	York 43/1-40	E	6	6
Thorn, John	1453	Kingston upon Hull 41/324-33	E	2	292
Thorneton, William of	1488	York 43/1-40	E	5	353
Thurland, Thomas	1470	Nottingham 28/233-5	E	4	6
Vavasour, Henry	1499	Hazelwood 43/87	E	3	316
Warthell als. Ratclyff, John	1488	York (‡ St Edw Walmegate)	E	5	347
Wartre, Henry	1432	Scarborough 42/402-3	E	2	616
Wencelagh, William	1482	Brandesburton 41/346-7	E	5	200
Willughby, Robert de	1433	Ousefleet 43/956	E	3	394
Willughby, Sir Hugh	1443	Wollaton 28/247	E	2	186
Wilughby, Sir Hugh	1443	Wollaton 28/247	E	2	180
Witcombe, Robert	1448	Newark-on-Trent 28/151	E	2	180
Wod, Thomas	1490	Kingston upon Hull 41/324-33	E	5	402
Woderove, John	1397	Newland 43/609	Fr	2	5
Wynter, William	1493	York St Helen Stonegate 43/36	E	5	443
Yarwith, Robert	1460	Seamer 42/409	E	2	449
Yonge, Baldwynn	1484	Saxton 43/435	L+E w	5	225
Yongsmyth, Sir Thomas	1499	Dewsbury 43/581	E	3	309

Testator	Date of Composition of Testament	Domicile (Parish Number Indicates Riding: 41=E; 42=N; 43=W)	Language (cd = Codicil)	Prob. Reg. Vol.	Folio
Agland, Eleanor	1489	Wakefield 43/606-8	E	5	379
Berwyk, Margaret	1497	Bulcote 28/226	L+E cd	5	513
Boynton, Dame Jane	1486	Yarm 42/275	E	5	351
Candell, Janet	1479	York 43/1-40	E	5	154
Clerkson, Juliana	1491	York St Crux 43/14	E	5	406
Coke, Margaret	1443	York St Crux 43/14	E	2	58
Delaryver, Elizabeth	1454	York St Clement	E	2	301
Euer, Maud	1466	Malton, Old 42/644	E	4	48
Gascoigne, Dame Joan	1426	Holme on Spaldingmore 41/25	E	2	492
Gilliott, Elyn	1459	Kingston upon Hull 41/324-33	E	2	421
Gilson, Helen	1451	Guisborough 42/359	E	2	227
Grymston, Isabell	1479	Flinton 41/406	E	5	165
Holme, Janet	1488	York 43/1-40	E	5	335
Johnson, Ellen	1489	Beverley 41/291-301	L+E cd	5	361
Makeblith, Isabell	1483	Healaugh 43/81	E	5	205
Mallom, Matilda	1499	Skipton 43/325	E	6	56
Maners, Agnes	1494	York 43/1-40	E	3	312
Mownford, Katherine	1498	Doncaster 43/938	E	3	334
Nevile, Dame Alice	1478	Leeds 43/485-92	E	5	106
Pygot, Dame Margaret	1485	Clotherholme 43/182	E	5	267
Sage, Katherine	1498	Scarborough 42/402-3	L+E cd	5	516
Salvayn, Marjory	1496	York Gray Friars	E	5	480
Shirburn, Agnes	1444	Mitton, Great 43/290	E	2	96
Stokdale, Margaret	1488	Scarborough 42/402-3	E	5	373
Thwates, Alice	1485	Selby 43/449	E	5	276
Wilton, Isabell	1486	Kingston upon Hull 41/324-33	E	5	297
Witham, Agnes	1490	Sheriff Hutton 42/599	E	5	468

... in the name of god the laste day ... of ... god in ...
... testament ... so ffyrst I be queth my saule ...
... and my body to be bered in the ceme[n]tery of gestyngly[...]
... chauncell of saint John the Baptiste ... god y wyll and be ...
and withoute ... Langtonam in gestyngham thorntyn ... rabby terme of hys wyffe and aff my wyffe dorotha pur
my londe manez of stquartsand And wodhows be And go to my dort Elizabeth And to hey heyrs of hey body lawfully be gotyn
And yf seid Elizabeth dye as god forbede w owte heyr of hey body lawfully begotyn y yt I wyll yt hyt go to my dort
mary And to ye heyrs of hey body comyng And yf hyt fortune ye Lady mary my dort to dye w owte heyr of hey body
begotyn as god for bede yt y yt woll hytt go to my dort Jane And to ye heyrs of hey body be got... And yf hytt fortune ye
Lady Jane my dort to dye w owte heyr of hey body begotyn yt god for bede that than I woll ye seid manez of
stquartsand And wodhows be sold And disposed for my saule by ye discrecion of myn executorz And I woll my dort
mary have my man cild ayleby And ye heyrs of hey body begotyn And yf she dye w owte heyr of hey body be gotyn yt I woll
yt my seid man cild ayleby go to my dort Elizabeth And yf hyt fortune ye seid Elizabeth to dye w owte heyr of hey
body be gotyn yt y... I woll yt go to my dort Jane And to ye heyrs of hey body ... or y... I woll my dort ... no hand
my man of topofeld w my tenement of nukton And my tenement of colchaw And hyngm... by ... the seid
... ye heyrs of hey body be gotyn And yf ye seid Jane dye w owte heyr of hey body be gotyn
yt y... I woll yt hytt go to my dort mary And to ye heyrs of hey body be gotyn And yf ye seid mary dye w owte heyr
of hey body be gotyn yt y... I woll yt hytt go to my dort Elizabeth for all ... Norton standyng yt my wyll I woll yt
my executorz have my man of ayleby And kepe... tyll my dort be paid And my wyll be p[er]formed And yt
I wolhop my wyffe nor non of my children take none avawntage by thys my woll I bene w... my seid
dortz to ward And charge borne And my wyll be p[er]formed p[er]formyng And charge my ffoffard yt y... md to...
to such p[er]son as my brod James Ormond wysman wyll And schall agreyd yt to ye us And wele of my wyf... And
my children aff I woll yt... And Assigne ye rowle kepyng And... of my dortez And children to my
bro Ormond wysman And yt y charge my seid dortez yt y... to welle And honestly rowled by ... only as well
as my y... md by... as ye wyse ... yeve my blessyng y... I make myne executorz my wyffe Ormond wysman Robard brond
In witnesse hey of p... of gestynglyn p... of thorntyn... md... p... of lytyll thorntyn Robard md...
John fuller for baldry John crosby... Alexander ... Edmond wyllyn John bolle wylyn... p... Edmond
... y... ... mes 2

BIBLIOGRAPHY

BIBLIOGRAPHY

MANUSCRIPT SOURCES

Bury St Edmunds, Suffolk Record Office
Probate registers of the sacrist's court of the abbey of Bury St Edmunds
      Osbern
      Hawlee
      Pye

Probate registers of the archdeaconry of Sudbury
      Baldwyn
      Hervye
      Fuller
      Boner

Original will texts: boxes 9, 10, 24, 36 & 51

Cambridge, Cambridge University Library
Cambridge University Library MS. Add. 7318

Carlisle, Cumbria County Record Office
DRC 1 (Register of Bishop Thomas Appleby)

Durham, Durham Chapter Muniments
DCM, Reg. Lang. (Register of Bishop Thomas Langley)

Exeter, Devon Record Office
Exeter City Archive: Mayor's Court Roll

London, British Library
Stowe Charter 37

London, Lambeth Palace Library
The episcopal registers of the archbishops of Canterbury

London, Metropolitan Archive
CLA/023 (Husting Court Rolls of Deeds and Wills)
9171/1-8 (Registers of wills proved in the Commissary Court of London)
        [Formerly held at the Guildhall]

London, The National Archive
PRO PROB 11 (Registers of wills proved in the Prerogative Court of Canterbury)

York, Borthwick Institute of Historical Research
BI, Prob. Reg. 1-9 (Registers of wills proved in the Prerogative and Exchequer courts
        of the archbishop of York)
BI, Reg. 10-23 (The episcopal registers of the archbishops of York)

Worcester, Worcestershire Record Office
WRO, b 716.0093-BA.2648/1(i) (Register of Bishop Godfrey Giffard)

PUBLISHED PRIMARY SOURCES

Attenborough, F. L. (ed. and trans.), *The Laws of the Earliest English Kings* (Cambridge: Cambridge University Press, 1922; facs. edn, Felinfach: Llanerch Publishers, 2000).

A. W., 'Roll of the Thirteenth Century Containing Various Legal Forms', *Archaeological Journal*, vol. 22 (1865) pp. 58-62.

Birch, Walter de Gray (ed.), *A Hand-book of the Land-Charters and Other Saxonic Documents* (Oxford, 1988).

Blake, E. O. (ed.), *Liber Eliensis*, Camden Third Series, vol. 92 (London: Royal Historical Society, 1962).

Burtt, Joseph (ed.), 'Will of Richard de Elmham, Canon of the Church of St Martin Le Grand, London. Dated June 28, 1228', *Archaeological Journal*, vol. 24 (1867) pp. 343-4.

Butler, H. E. (ed. and trans.), *The Chronicle of Jocelin of Brakelond* (Edinburgh, Thomas Nelson, 1949).

Bund, J. W. Willis (ed. and trans), *Episcopal Registers, Diocese of Worcester: Register of Bishop Godfrey Giffard, September 23rd 1268 to August 15th 1301*, Worcestershire Historical Society 15, 1898-1902, 2 vols (Oxford: for the Worcester Historical Society, 1902).

Calendar of Plea and Memoranda Rolls Preserved Among the Archives of the Corporation of the City of London at the Guildhall, 6 vols (Cambridge: Cambridge University Press, 1926-1961).

Camp, Anthony J., *Wills and Their Whereabouts* (Canterbury: Philimore, 1953).

Colgrave, Bertram, and R. A. B. Mynors (ed. and trans.), *Bede's Ecclesiastical History of the English People* (Oxford: Clarendon, 1969).

Craster, H. H. E., 'Some Anglo-Saxon Records of the See of Durham', *Archaeologia Æliana*, 4th ser., vol. 1 (1925).

Crick, Julia (ed. and trans.), *Anglo-Saxon Charters*, XII: *Charters of St. Albans*, The British Academy (Oxford: Oxford University Press, 2007).

Davidson, J. B., 'Some Anglo-Saxon Boundaries, Now Deposited at the Albert Museum, Exeter', *Report and Transactions of the Devonshire Association* 8 (1876) 396-419.

Davis, Norman (ed.), *Paston Letters and Papers of the Fifteenth Century*, 2 vols., Early English Text Society SS 20 and SS 21 (Oxford: Oxford University Press, 2004).

Dillon, Viscount, 'Inventory of the Goods and Chattels Belonging to Thomas, Duke of Gloucester, and Seized in his Castle at Pleshy, Co. Essex, 21 Richard II. (1397); With Their Values, as Shown in the Escheator's Accounts', *Archaeological Journal,* 54 (1897) 275-308.

Emerton, Ephraim (ed. and trans.), *The Letters of Saint Boniface,* Records of Civilization Sources and Studies, 31 (New York: Columbia University Press, 1940).

Fairweather, Janet (ed. and trans.), *Liber Eliensis: A History of the Isle of Ely from the Seventh Century to the Twelfth* (Woodbridge: Boydell and Brewer, 2005).

Farrer, William (ed.), *Early Yorkshire Charters*, Yorkshire Archaeological Society Extra Series, 1914, vol. 1.

Farrer, William (ed.), *Early Yorkshire Charters*, 6 vols (Edinburgh: printed for the author by Ballantyne, Hanson & Co., 1916).

Forster, C. W. (ed.), *Registrum Antiquissimum of the Cathedral Church of Lincoln*, vol. 1, Lincoln Record Society 27, 1931.

Furnivall, Frederick J. (ed.), *The Fifty Earliest English Wills in the Court of Probate, London, A.D. 1387-1439; with a Priest's of 1454*, Early English Text Society, Original Series 78 (London: Trübner, 1882; facs, edn, Boston: Elibron Classics, 2005).

Greenaway, George W. (ed.), *English Historical Documents*, vol. 2, 1042-1189 (London: Eyre and Spottiswoode, 1953).

Hall, G. D. G. (ed. and trans.), *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanville* (London: Nelson, 1965).

Harmer, F. E. (ed. and trans.), *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge: Cambridge University Press, 1914; facs. edn, Stamford: Paul Watkins, 1989).

------ (ed. and trans.) *Anglo-Saxon Writs* (Manchester: Manchester University Press, 1952).

Hart, William Henry (ed.), *Historia et cartularium monasterii Sancti Petri Gloucestriæ* vol. 1, Rolls Series 33 (London: Longman, Green, Longman, Roberts and Green, 1863).

Hingeston-Randolph, F. C. (ed.), *The Registers of Walter Bronescombe and Peter Quivil, Bishops of Exeter, With Some Records of the Episcopate of Bishop Thomas de Bytton* (London: Bell, 1889).

Jacob, E. F. (ed.), *The Register of Henry Chichele Archbishop of Canterbury 1414-1443,* 4 vols, Canterbury and York Society, 46, 42, 45, 47, 1937-47, vol. 2, *Wills Proved Before the Archbishop or his Commissaries,* Canterbury and York Series, Vol. 42 (Oxford: Oxford University Press, 1937).

Jenkinson, Hilary and G. Herbert Fowler (ed.), 'Some Bedfordshire Wills at Lambeth and Lincoln', *Publications of the Bedfordshire Record Society* 14 (1931-1934) 79-131.

Keats-Rohan, K. S. B. (ed.), *The Cartulary of the Abbey of Mont-Saint-Michel* (Donington: Shaun Tyas, 2006).

Kemble, John M. (ed.), *Codex Diplomaticus Aevi Saxonici*, 6 vols (London 1839-48).

Kemp, B. R. (ed.), *Twelfth-Century English Archidiaconal and Vice-Archidiaconal Acta*, The Canterbury and York Society (Woodbridge: Boydell, 2001).

Nichols, John (ed.), *A Collection of all the Wills Known to be Extant, of the Kings and Queens of England, Princes and Princesses and Every Branch of the Blood Royal, From the Reign of William the Conqueror to That of Henry the Seventh Exclusive* (1780; New York: Kraus, 1969).

Nichols, John Gough and John Bruce (ed.), *Wills from Doctors Commons: A Selection from the Wills of Eminent Persons in the Prerogative Court of Canterbury, 1495-1695,* Camden Society vol. 83 (London: Camden Society, 1827).

Nicolas, Sir Nicholas Harris (ed.), *Testamenta Vetusta* (London: Nichols and Sons, 1826).

Northeast, Peter (ed.), *Wills of the Archdeaconry of Sudbury, 1439-1474: I*, Suffolk Records Society, vol. 44 (Woodbridge: Boydell, 2001).

Orme, Nicholas (ed.), *Cornish Wills 1342-1540* (Exeter: Devon and Cornwall Record Society, 2007).

Raine, James (ed.), *Testamenta Eboracensia or Wills Registered at York Illustrative of the History, Manners, Language Statistics, &c., of the Province of York from the year MCCC. Downwards.* Parts 1-5, Surtees Society, vols 4, 30, 35, 53, 79 (London: J. B. Nichols, 1836-1884).

------ (ed.), *Wills and Inventories Illustrative of the History, Manners, Language, Statistics, &c. of the Northern Counties of England from the Eleventh Century Downwards.* Parts 1 & 2, Surtees Society, vols 2 and 30 (London: J. Nichols, 1835 and 1855).

Robertson, A. J. (ed. and trans.), *Anglo-Saxon Charters*, Cambridge Studies in Legal History (Cambridge: Cambridge University Press, 1939).

------ (ed. and trans.), *The Laws of the Kings of England from Edmund to Henry I* (Cambridge: Cambridge University Press, 1925).

Robinson, O. F. (ed.), *The Register of Walter Bronescombe Bishop of Exeter 1258-1280*, 3 vols, Cambridge and York Society 82, 87, & 94 (Woodbridge: Boydell, 1995-2003).

Rotuli litterarum clausarum, vol. 2, 1224-1227 (London: Record Commission, 1844).

Sharpe, Reginald R. (ed. and trans.), *Calendar of Wills Proved and Enrolled in the Court of Husting, London, A.D. 1258-A.D. 1688*, 2 vols (London: John C. Francis, 1889-1890).

Storey, R. L. (ed.), *The Register of Thomas Langley, Bishop of Durham, 1406-1437*, Surtees Society 182 (London: Surtees Society, 1967).

----- (ed.), *The Register of Thomas Appleby, Bishop of Carlisle, 1363-1395*, Canterbury and York Society, 96 (Woodbridge: Boydell, 2006).

Tangl, Michael (ed.), *Die Briefe des Heiligen Bonifatius und Lullus,* Monumenta Germaniae Historica: Epistolae Selectae I, 2nd ed. (Berlin: Weidmann, 1955).

Testamenta Karleolensia: The Series of Wills from the Præ-Reformation Registers of the Bishops of Carlisle, 1353-1486, Transactions of the Cumberland and Westmorland Antiquarian and Achaeological Society, extra series 9 (Cambridge: Cambridge University Press, 1893).

Thorpe, Benjamin (ed.), *Diplomatarium Anglicum Ævi Saxonici. A Collection of English Charters from the Reign of King Æthelberht of Kent, A.D. DC. V to That of William the Conqueror* (London: 1865).

Twiss, Sir Travers (ed. and trans.), *Henrici de Bracton de legibus et consuetudinibus Angliae*, 6 vols (London: Longman, 1878).

Tymms, Samuel (ed.), *Wills and Inventories from the Register of the Commissary of Bury St Edmunds and the Archdeacon of Sudbury*, Camden Society vol. 49 (London: Camden Society, 1850).

West, William, *First Booke of Simbolæography* (1590).

Whitelock, Dorothy (ed. and trans.), *Anglo-Saxon Wills* (Cambridge: Cambridge University Press, 1930).

SECONDARY SOURCES

Archer, Rowena, and B. E. Ferme, 'Testamentary Procedure with Special Reference to the Executrix', *Reading Medieval Studies*, 15 (1989) 3-34.

Arkell, Tom, Nesta Evans, and Nigel Goose (ed.), *When Death So Us Part: Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head, 2000).

Barron, Caroline M. and Anne F. Sutton (ed.), *Medieval London Widows 1300-1500* (London: Hambledon, 1994).

Bassett, Steven (ed.), *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (London: Leicester University Press, 1992).

Beattie, Cordelia, *Medieval Single Women: The Politics of Social Classification in Late Medieval England* (Oxford: Oxford University Press, 2007).

Blair, John, *The Church in Anglo-Saxon Society* (Oxford: Oxford University Press, 2005).

Britnell, Richard, 'French Language in Medieval English Towns', in Jocelyn Wogan-Browne (ed.), *Language and Culture in Medieval Britain: The French of England c.1100-c.1500* (York: York Medieval Press, 2009) 81-89.

Burgess, Clive, 'Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered', in Michael Hicks (ed.), *Profit, Piety and the Professions in Later-Medieval England* (Gloucester: Sutton, 1990) 14-33.

Burkholder, Kristen M., 'Threads Bared: Dress and Textiles in Late Medieval English Wills', in Robin Netherton and Gale R. Owen-Crocker (ed.), *Medieval Clothing and Textiles,* vol. I (Woodbridge: Boydell, 2003) 133-152.

Camp, Anthony J., *Wills and Their Whereabouts* (Canterbury: Phillimore, 1963).

Capp, Bernard, 'Will Formularies', *Local Population Studies* vol. 14 (1975) 49-50.

Chaplais, Pierre, *English Diplomatic Practice in the Middle Ages* (London: Hambledon, 2003).

Clanchy, M. T., *From Memory to Written Record: England 1066-1307*, 2nd ed. (Oxford: Blackwell, 1993).

Craik, Elizabeth M. (ed.), *Marriage and Property* (Aberdeen: Aberdeen University Press, 1984).

Cullum, P. H., '"And Hir Name was Charite": Charitable Giving By and For Women in Late Medieval Yorkshire', in P. J. P. Goldberg (ed.), *Woman is a Worthy Wight: Women in English Society c. 1200-1500* (Stroud: Sutton, 1992) 182-211.

Darlington, Ida (ed.), *London Consistory Court Wills 1492-1547* (London: London Record Society, 1967).

Deansley, Margaret, 'Vernacular Books in England in the Fourteenth and Fifteenth Centuries', *Modern Language Review*, 15 Number 4 (1920) 349-358.

Dickens, A. G., *Lollards and Protestants in the Diocese of York* 1509-1558 (Oxford: Oxford University Press, 1959).

Dinn, Robert, 'Death and Rebirth in Late Medieval Bury St Edmunds', in Steven Bassett (ed.), *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (London: Leicester University Press, 1992) 151-169.

----- 'Baptism, Spiritual Kinship and Popular Religion in Late-Medieval Bury St Edmunds', *Bulletin of the John Rylands University Library of Manchester* 72 (1990) 93-106.

Dutton, Anne M., 'Passing the Book: Testamentary Transmission of Religious Literature to and by Women in England', in Lesley Smith and Jane H. M. Taylor (ed.), *Women the Book and the Godly* (Cambridge: Brewer, 1995) 41-54.

Dyer, Christopher, *Making a Living in the Middle Ages: The People of Britain 850-1520* (New Haven & London: Yale University Press, 2009).

Erler, Mary C., *Women, Reading, and Piety in Late Medieval England* (Cambridge: Cambridge University Press, 2002).

Farge, James K. (ed.), *Marriage, Family and Law in Medieval Europe: Michael M. Sheehan, CSB Collected Studies* (Toronto: University of Toronto Press, 1996).

Fell, Christine, *Women in Anglo-Saxon England* (London: Colonnade, 1984).

----- 'Words and Women in Anglo-Saxon England', in Carole Hough and Kathryn A. Lowe (ed.), *'Lastworda Betst': Essays in Memory of Christine E. Fell with her Unpublished Writings* (Donington: Shaun Tyas, 2002) 198-215.

----- 'Wax Tablets of Stone', in Carole Hough and Kathryn A. Lowe (ed.), *'Lastworda Betst': Essays in Memory of Christine E. Fell with her Unpublished Writings* (Donington: Shaun Tyas, 2002) 249-263.

Fitch, Marc (ed.), *Index to Testamentary Records in the Commissary Court of London,* vol. 1 (1374-1488) (London: Her Majesty's Stationery Offices, 1969).

----- (ed.), *Index to Testamentary Records in the Commissary Court of London,* vol. 2 (1489-1570) (London: Her Majesty's Stationery Office, 1974).

----- (ed.), *Index to Testamentary Records in the Archdeaconry Court of London,* vol. 1 (1363-1649) (London: The British Record Society, 1979).

Gibson, J. S. W., *Wills and Where to Find Them* (Chichester: Phillimore, 1974).

Goldberg, P. J. P., *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford: Clarendon, 1992).

----- *Woman is a Worthy Wight: Women in English Society c. 1200-1500* (Stroud: Sutton, 1992).

Gottfried, Robert S. Gottfried, *Epidemic Disease in Fifteenth Century England: The Medical Response and the Demographic Consequences* (Leicester: Leicester University Press, 1978).

----- *Bury St. Edmunds and the Urban Crisis: 1290-1539* (Princeton: Princeton University Press, 1982).

Grimwade, M. E. (compiler) and W. R. and R. K. Serjeant (ed.), *Index of the Probate Records of the Court of the Archdeacon of Sudbury 1354-1700*, 2 vols (Keele: The British Record Society, 1984).

Hanawalt, Barbara, 'The Widow's Mite: Provisions for Medieval London Widows', in Louise Mirrer (ed.), *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe* (Ann Arbor: University of Michigan Press, 1992) 21-46.

----- *The Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007).

Hatcher, John, *Plague, Population and the English Economy 1348-1530* (Basingstoke, Macmillan, 1977).

Hazeltine, H. D., General Preface in Dorothy Whitelock (ed. and trans.), *Anglo-Saxon Wills* (Cambridge: Cambridge University Press, 1939) vii-xl.

Heath, Peter, 'Urban Piety in the Later Middle Ages: The Evidence of the Hull Wills', in R. B. Dobson (ed.), *the Church, Politics and Patronage in the Fifteenth Century* (Gloucester: Sutton, 1984) 209-234.

Hicks, Michael (ed.), *Profit, Piety and the Professions in Later-Medieval England* (Gloucester: Sutton, 1990).

Holdsworth, W. S., *A History of English Law*, 12 vols (London: Methuen, 1903-1938).

Holt, J. C., 'Feudal Society and the Family in Early Medieval England: I. The Revolution of 1066', *Transactions of the Royal Historical Society,* fifth series, vol. 32 (1982) 193-212.

Hough, Carole A., 'The Early Kentish 'Divorce Laws': A Reconsideration of Æthelberht, chs. 79 and 80', *Anglo-Saxon England* 1994, vol. 23, 19-34.

----- and Katheryn A. Lowe (ed.), *'Lastworda Betst': Essays in Memory of Christine E. Fell With Her Unpublished Writings* (Donington: Shaun Tyas, 2002).

Hudson, John, *Land, Law, and Lordship in Anglo-Norman England* (Oxford: Clarendon, 1994).

---- *The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta* (London: Longman, 1996).

Jordan, W. K., *Philanthropy in England, 1480-1660: A Study of the Changing Pattern of English Social Aspirations* (London: Allen and Unwin, 1959).

----- 'Social Institutions in Kent, 1480 to 1660: A Study of the Changing Pattern of Social Aspirations'*, Archaeologia Cantiana,* vol. 75*,* Kent Archaeological Society, 1961.

Kain, Roger J. P. and Richard R. Oliver, *The Historic Parishes of England and Wales: En Electronic Map of Boundaries Before 1850 with a Gazetteer and Metadata* (Colchester: Historic Data Service UK Data Archive, 2001).

Kanner, Barbara (ed.), *The Women of England from Anglo-Saxon Times to the Present* (Hamden, Conn.: Archon, 1979).

Kelly, Fergus, *A Guide to Early Irish Law*, Early Irish Law Series (Dundalk: Dundalgan Press, 2005).

Kemble, John Mitchell, *The Saxons in England: A History of the English Commonwealth till the Period of the Norman Conquest*, new edn, revised by Walter de Gray Birch, 2 vols (London: Bernard Quaritch, 1876).

Ker, N. R., *Catalogue of Manuscripts Containing Anglo-Saxon* (Oxford: Clarendon Press, 1957).

Kermode, Jenny, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (Cambridge: Cambridge University Press, 2002).

Kettle, Anne J., '"My Wife Shall Have It": Marriage and Property in the Wills and Testaments of Later Mediaeval England', in Elizabeth M. Craik (ed.), *Marriage and Property* (Aberdeen: Aberdeen University Press, 1984) 89-103.

Kingsford, C. L., *Prejudice and Promise in XVth Century England* (Oxford: Clarendon, 1925; facs. edn, London: Cass, 1962).

Krochalis, Jeanne E., 'The Books and Reading of Henry V and His Circle', *Chaucer Review*, 23, Number 1 (1988) 50-77.

Lacey, Kay, 'Margaret Croke (d. 1491)', in Caroline M. Barron and Anne F. Sutton (ed.), *Medieval London Widows 1300-1500* (London: Hambledon, 1994) 143-164.

Lepine, David and Nicholas Orme (ed.), *Death and Memory in Medieval Exeter*, Devon and Cornwall Record Society N. S., vol. 47 (Exeter: Devon and Cornwall Record Society, 2003).

Lewis, Katherine J., 'Women, Testamentary Discourse and Life-Writing in Later Medieval England', in Noël James Menuge (ed.), *Medieval Women and the Law* (Woodbridge: Boydell, 2003) 57-75.

Lobel, M. D., *The Borough of Bury St Edmund's: A Study in the Government and Development of a Monastic Town* (Oxford: Clarendon, 1935).

Lyndwood, W., *Provinciale (seu Constitutiones Angliæ)* continens *constitutiones provinciales ... cum annotationibus, auctore Gul. Lyndwood* (Oxford, 1679).

Macfarlane, Alan, *Reconstructing Historical Communities* (Cambridge: Cambridge University Press, 1977).

Marchant, Ronald. A., *The Puritans and the Church Courts in the Diocese of York 1560-1642* (London: Longmans, 1960).

McFarlane, K. B., *Lancastrian Kings and Lollard Knights* (Oxford: Clarendon, 1972).

McIntosh, Angus, M. L. Samuels, Michael Benskin (ed.), *A Lingsuitic Atlas of Late Mediaeval English*, vol. I: *General Introduction, Index of Sources, Dot Maps* (Aberdeen: Aberdeen University Press, 1987).

Meale, Carol M., '... "all the bokes that I haue of latyn, englisch, and frensch": Laywomen and Their Books in Late Medieval England', in Carol M. Meale (ed.), *Women and Literature in Britain 1150-1500* (Cambridge: Cambridge University Press, 1993) 128-158

Meyer, Marc, 'Land Charters and the Legal Position of Anglo-Saxon Women', in Barbara Kanner (ed.), *The Women of England from Anglo-Saxon Times to the Present* (Hamden, Conn.: Archon, 1979) 57-82.

Moore, John S., 'Probate Inventories – Problems and Prospects', in Philip Riden (ed.), *Probate Records and the Local Community* (Gloucester: Sutton, 1985) 11-28.

Netherton, Robin, and Gale R. Owen-Crocker (ed.), *Medieval Clothing and Textiles,* vol. I (Woodbridge: Boydell, 2003).

Owen, A. E. B., 'A Scrivener's Notebook from Bury St Edmunds', *Archives*, vol. 14, no. 61(1979: Spring) 16-22.

Partridge, Charles, 'Tabular Lists from Mr. Redstone's Calendar of Bury Wills', *Proceedings of the Suffolk Institute of Archaeology and Natural History*, vol. 13 (1909).

Pelteret, David A. E., *Catalogue of English Post-Conquest Vernacular Documents* (Woodbridge: Boydell, 1990).

----- *Slavery In Early Mediaeval England* (Woodbridge: Boydell, 1995).

Plomer, H. R., 'Books Mentioned in Wills', *Transactions of the Bibliographical Society*, vol. 7 (Oct. 1902 - March 1904) 99-113.

Poole, Eric, 'Will Formularies', *Local Population Studies*, vol. 17 (1976) 42-43.

Pollock, F. and F. W. Maitland, *The History of English Law Before the Time of Edward I,* 2nd ed., 2 vols (Cambridge: Cambridge University Press, 1898).

Richmond, Colin, *John Hopton: A Fifteenth-Century Suffolk Gentleman* (Cambridge: Cambridge University Press, 1981).

Riden, Philip (ed.), *Probate Records and the Local Community* (Gloucester: Sutton, 1985).

Rosenthal, Joel T., *The Purchase of Paradise: Gift Giving and the Aristocracy, 1307-1485* (London: Routledge & Kegan Paul, 1972).

----- 'Aristocratic Cultural Patronage and Book Bequests, 1350-1500', *Bulletin of the John Rylands University Library of Manchester*, 64 (1982) 522-548.

----- *Patriarchy and Families of Privilege in Fifteenth-Century England* (Philadelphia: University of Pennsylvania Press, 1991).

Sanders, I. J., *English Baronies: A Study of Their Origin and Descent 1086-1327* (Oxford: Clarendon, 1960).

Sheehan, Michael M., *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto: Pontifical Institute of Medieval Studies, 1963).

----- 'A List of Thirteenth-Century English Wills', *Genealogists' Magazine* 13 (1961) 269-165.

----- 'English Wills and the Records of the Ecclesiastical and Civil Jurisdictions', *Journal of Medieval History* 14 (1988) 2-12.

----- 'The Bequest of Land in England in the High Middle Ages: Testaments and the Law', in Lloyd Bonfield (ed.), *Marriage, Property, and Succession*, Comparative Studies in Continental and Anglo-American Legal History 10 (Berlin: Duncker und Humblot, 1992) 326-338.

Smith, David M., *Guide to Bishops' Registers of England and Wales: A Survey from the Middle Ages to the Abolition of Episcopacy in 1636* (London: The Royal Historical Society, 1981).

----- *Supplement to the Guide to Bishops' Registers of England and Wales* (York: The Canterbury and York Society, 2004).

Smith, J. Challenor C. (ed.), *Index of Wills Proved in the Prerogative Court of Canterbury 1383-1558 and now Preserved in the Principal Probate Registry, Somerset House, London*, 2 vols (London: The British Record Society, 1895).

Smith, Lesley, and Jane H. M. Taylor (ed.), *Women the Book and the Godly* (Cambridge: Brewer, 1995).

Spedding, Alison J. '"I Shalle Send Word in Writing": Lexical Choices and Legal Acumen in the Letters of Margaret Paston', *Medium Ævum*, vol. 77, no. 2 (2008) 241-259.

----- 'At the King's Pleasure: The Testament of Cecily Neville', *Midland History*, September 2010 [forthcoming].

Spelman, H, 'Of the Original of Testaments and Wills and of their Probate', in *The English Works of Sir Henry Spelman*, 2nd ed. (London, 1727) 127-132.

Spufford, Margaret, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (Cambridge: Cambridge University Press, 1974).

----- 'Will Formularies', *Local Population Studies,* vol. 19 (1977) 35-36.

----- 'Religious Preambles and the Scribes of Villagers' Wills in Cambridgeshire, 1570-1700', in Tom Arkell, Nesta Evans, and Nigel Goose (ed.), *When Death Do Us Part: Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head, 2000) 144-157.

Stow, John, *The Survey of London* (1598; London: Everyman, 1956).

Stratford, Jenny, 'Joan Buckland (d. 1462)', in Caroline M. Barron and Anne F. Sutton (ed.), *Medieval London Widows 1300-1500* (London: Hambledon, 1994) 113-128.

Sutton, Anne F., 'Alice Claver, Silkwoman (d. 1489)', in Caroline M. Barron and Anne F. Sutton (ed.), *Medieval London Widows 1300-1500* (London: Hambledon, 1994) 129-142.

----- *The Mercery of London* (Aldershot: Ashgate, 2005).

Swinburne, Henry, *Treatise of the Testaments and Last Wills,* Seventh Edition (1590; Dublin: Lynch, 1793; facs. edn, Whitefish MT: Kessinger).

Tanner, Norman P., *The Church in Late Medieval Norwich 1370-1532* (Toronto: Pontifical Institute of Mediaeval Studies, 1984).

Thompson, Victoria, 'Women, Power and Protection in Tenth- and Eleventh-Century England', in Noël James Menuge (ed.), *Medieval Women and the Law* (Woodbridge: Boydell, 2003) 1-17.

Thomson, J. A. F., 'Piety and Charity in Late Medieval London', *The Journal of Ecclesiastical History*, vol. 15 (1964) 180-195.

Tillott, P. M. (ed.), 'The Parish Churches', in *A History of the County of York: The City of York*, Victoria History of the Counties of England (London: Oxford University Press, 1961) 365-404.

Vale, M. G. A., *Piety, Charity and Literacy Among the Yorkshire Gentry, 1370-1480*, Borthwick Papers No. 50 (1976).

Wogan-Brown, Jocelyn (ed.), *Language and Culture in Medieval Britain: The French of England c.1100-c.1500* (York: York Medieval Press, 2009).

Wood, Robert A., 'Poor Widows, c. 1393-1415', in Caroline M. Barron and Anne F. Sutton (ed.), *Medieval London Widows 1300-1500* (London: Hambledon, 1994) 55-70.

Wormald, Patrick, *The Making of English Law: King Alfred to the Twelfth Century*, vol. I: *Legislation and its Limits* (Oxford: Blackwell, 2001).

Youngs, Frederic A. Jr, *Guide to the Local Administrative Units of England* (London: Royal Historical Society, 1979).

Zell, Michael L., 'Fifteenth- and Sixteenth-Century Wills as Historical Sources', *Archives* vol. 13, No. 62, Autumn 1979, 67-74.

ONLINE SOURCES

Bosworth, Joseph, and T. Northcote Toller, *Anglo-Saxon Dictionary*, The German Lexicon Project http://lexicon.ff.cuni.cz/ (accessed January 2008 – April 2010).

Oxford English Dictionary www.dictionary.oed.com (accessed November 2008-June 2010).

The Electronic Sawyer, being an online version of the revised edition of Sawyer's *Anglo-Saxon Charters* Section One (S 1-1602) prepared under the auspices of the British Academy / Royal Historical Society Joint Committee on Anglo-Saxon Charters by S. E. Kelly and adapted for the WWW by S. M. Miller, http://www.trin.cam.ac.uk/chartwww/ (accessed January 2008- April 2010).

SECONDARY SOURCES (UNPUBLISHED)

Dinçer, Aysu, 'Social and Economic Change in Medieval England: Revolution of the Year 1000?', unpublished PhD thesis (University of Birmingham, 2003).

Probert, D. W., 'Manumission Formulae in Post-Conquest Exeter', in preparation.