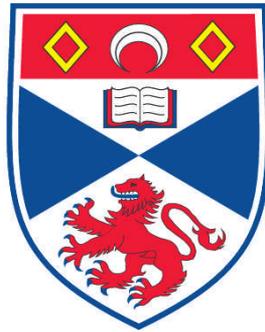


**OBLIGATION AND CHOICE : ASPECTS OF FAMILY AND
KINSHIP IN SEVENTEENTH CENTURY COUNTY DURHAM**

Christine Issa

**A Thesis Submitted for the Degree of PhD
at the
University of St. Andrews**



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OBLIGATION AND CHOICE: ASPECTS OF FAMILY AND KINSHIP IN
SEVENTEENTH CENTURY COUNTY DURHAM

A thesis submitted for the degree of Ph.D. by
Christine Issa

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December 1986



DECLARATIONS

I, Christine Issa, hereby certify that this thesis which is approximately 95,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

date 15.12.86

I was admitted as a research student under Ordinance No. 12 in October 1979 and as a candidate for the degree of Ph.D. in April 1980; the higher study for which this is a record was carried out in the University of St. Andrews between 1979 and 1986.

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ABSTRACT

The thesis seeks to explore alleged differences in kinship and family relations within County Durham, an area of wide geographical, social and economic diversity. A study of recognition that reveals that kinship ties were narrow and fell into a distinctly English pattern, a pattern which appears independent of considerations of wealth. Only the life cycle appears to have influenced patterns of recognition. Wider kin also appear to have been of limited importance as a source of support, with individuals preferring to rely upon the aid of *neighbours and members of the nuclear family*. This relatively narrow pattern of recognition and support stands in sharp contrast to the strong ties formed within and through the nuclear family. The detailed study of inheritance, marriage and conflict not only reinforces the earlier findings concerning the limited importance of wider kin but also suggests that strong and specific ties of obligation and expectation governed relationships formed within the nuclear family. Such findings suggest the need to revise the assumption which regard English society as being highly 'individualistic'.

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ABBREVIATIONS

Brit. Mus.	British Museum
N.C.L.	Newcastle upon Tyne Central Library
Pal. and Dip.	Department of Palaeography and Diplomatic, University of Durham
P.R.O.	Public Record Office
Jl. Fam. Hist.	Journal of Family History
Gen. Mag.	Genealogical Magazine

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MAPS

Durham:	Parish and Chapelry Boundaries, circa 1800. (Durham County Record Office).
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PREFACE

This thesis attempts to explore kinship and family relationships within seventeenth century County Durham, a County which has only recently attracted the social historian; and this in spite of the fact that the County was characterised by geographical and economic diversity, and was one of the oldest industrial societies in Europe.

In writing the thesis I have incurred many debts, both academic and personal. With regard to the former, I owe a special and long-standing debt to my supervisors, Dr. Keith Wrightson and Dr. Rab Houston, who offered not only valuable criticism but also words of encouragement. In addition I would like to thank the staff of the several record offices I have visited during the course of my research. In particular I would like to thank the archivists of the Department of Palaeography and Diplomatic at Durham University, who guided me to the records and provided invaluable help. I am in their debt.

At a more personal level, I owe a special debt of gratitude to my parents, who have been a constant source of practical support and encouragement. My husband knows what he has contributed. But for his patience and sacrifice the thesis would never have been completed. Finally, I would like to thank my typist, Shona Morrison, for coping so cheerfully with the numerous tables and successive drafts.

The study makes use of widely available documents, documents which permitted systematic analysis and provided descriptive evidence of a more subjective cast. Every attempt has been made to avoid stretching the evidence too far: the documents have been allowed to speak for themselves. In keeping with this aim I have retained the old style of dating and the original spelling when quoting documents.

INTRODUCTION

The Theoretical Perspective

The last twenty years have witnessed the emergence of a new social history, a social history which has dramatically expanded our knowledge of the English people during the sixteenth and seventeenth centuries. One of the major achievements of this research has been the charting of long term shifts in social organisation and relations during a period of economic and demographic growth. Two inter-related developments have been identified as being of central importance. Firstly, local communities were penetrated more deeply than had previously been the case by forces of economic, administrative and cultural integration, which bound them together into a national economy. Secondly, the demographic expansion and the parallel development of a national economy heralded a period of prosperity for the upper and middle ranks of society, which exploited the increased economic opportunities. For the less fortunate the period was one of hardship and deprivation as real wages during the period 1560-1640 were eroded by inflation. The contrast between prosperity and poverty was clear. The economic and social polarisation was increasingly marked.[1]

This broad canvas of slow cumulative change has in turn coloured and determined assumptions about relationships within the family and with wider kin. Despite the greater insight into the complex relationship between economic, demographic and social change, the place of the individual and family in this process is

still only poorly understood. Often examined within the context of restrictive theoretical frameworks, conclusions about relationships within the nuclear family and with wider kin are frequently implicit and covert. Change has often been accepted as a given fact. Thus it has been assumed that social and economic change led to the transfer of loyalties to the nuclear family, loyalties which had previously been concentrated upon the extended kinship group and the community. The alleged breakdown of wider kinship ties have been regarded as a simple reflex response to the dislocation caused by the growth of 'capitalism' and the sometimes painful process of 'modernisation', as England emerged from her medieval past.[2]

Relationships within the family, it is argued, were not immune to the forces of change. As the strength of wider kinship ties were progressively weakened so arranged loveless marriages were replaced by unions based upon individual choice and affection rather than material interest.[3] Evidence for such changes are, it is contended, visible in the contrast between the more advanced southern counties and the remote under-developed North. In so far as the process of 'modernisation' was not uniform, vestiges of an older social order persisted in the more remote areas of the country, a social order characterised by low geographical mobility and wide kinship ties. Thus Joan Thirsk remarked that while the 'clan' was strong only in Northumbria, in many upland areas 'the family often exerted a stronger authority than the manorial lord.'[4] With regard to the northern fells, and in particular areas of partible inheritance, she writes, 'the

family was and is the working unit, all joining in the running of the farm, all accepting without question the fact that the family holding would provide for them all ...'.[5] While this short summary of some of the prevailing assumptions about relations within the family and with wider kin is undoubtedly crude, it provides a certain degree of insight into the importance of evolutionary models in the interpretation of social history.

While the examination of census-type listings, which have revealed the widespread existence of the nuclear household has done much to dispel the older myth of the extended household and wide affective kinship ties, the evolutionary model remains influential as an interpretative tool. Consider, for example, the Marxian interpretation of the falling age at marriage, which has been viewed as the result of the penetration of a national economy and the changing nature of relations within the family. Thus David Levine ascribes the postponement of marriage in pre-industrial England to the solidarity of the peasant community, wherein the group 'moral economy' asserted itself over the actions of the individual. In contrast with the advent of capitalist relations of production, the moral economy and the modes of behaviour associated with it were transformed, bringing about a more individualistic determination of the age of marriage.[6] Theories of change, then, remain pervasive.

The validity of such evolutionary theories and the chronology of change has recently been challenged by Alan Macfarlane.[7] In his search for a revised framework which would explain whether and when England became different from her

European neighbours and the nature of our inherited social structure has advocated an alternative framework of 'individualism' a theory which if proven correct would require a radical revision of earlier theories of industrialisation. The concept of 'individualism' in this context has a dual meaning. Firstly, it is employed to stress the unique nature of English society vis a vis contemporary European countries and modern East European peasantries, so vividly described by Chayanov and Theodor Shanin.[8] On the other hand it is used to emphasise the importance of the individual within society, an importance which is reflected 'in the concept of individual property, in the political and legal liberty of the individual, in the idea of the individual's direct communication with God'.[9] It is with aspects of this latter definition and in particular the place of the individual within the family that this thesis will be primarily concerned.

While this alternative theoretical framework is to be welcomed, it is not without problems of interpretation.[10] At the level of social structure the comparison of English society with the most extreme features of traditional peasantries may serve to exaggerate the limited importance of ties with kin beyond the nuclear family. Although there is a clear contrast between the nuclear households of English society and the large multi-generational households of traditional peasantries, it should not be automatically assumed that wider kin were of no importance. Indeed ^{while} the diary of the seventeenth century clergyman, Ralph Josselin, was primarily concerned with his

nuclear family, the effective circle of kin was sometimes, perhaps usually, larger than the nuclear family and that kinfolk often felt a sense of responsibility for one another even when they did not participate in the family economy.[11] Indeed although there is no evidence to suggest that family and kinship bonds were of central importance in the family economy, these bonds may nevertheless have been of great significance to the way of life. Kinship relations have been too often examined in terms of simple material interest. Thus David Sabean goes so far as to suggest that

'just as there is no such thing as pure unmediated *emotional attachment between individuals*, so there is no system of obligations and duties which is not mediated through a structured set of things - namely property'.[12]

While cautioning against adopting the rather crude approach of 'social accountancy' involving cold calculations of the benefits of kinship ties, Keith Wrightson concludes

'all in all the crucial factor must have been the relative balance of advantage and disadvantage which would be derived from maintaining a particular pattern of social relationships.'[13]

Such a perspective carries the danger of elevating the importance of material interests at the risk of underestimating the significance of the 'moral economy' and obligation. It, therefore, becomes necessary not only to examine the availability of kin and the specific contexts in which wider kin were important, but to understand the duties and obligations that governed such relationships. Only if the social historian can understand the strength of such obligations can any assessment be made of the degree to which individuals exercised, or felt free,

to exercise choice. The history of the family and kinship cannot be understood through an examination of structure alone to the exclusion of sentiment.

The difficulty of handling the relationship between material interest and emotion is also evident in the attempts of social historians and anthropologists to analyse relationships within the nuclear family. The direct comparison of English society with classical peasantries leads to the conclusion that within the nuclear family, which lacks the cohesiveness of its peasant counterpart, kinship ties appear relatively weak. In support of this view Alan Macfarlane stresses the legal freedom of a household head to disinherit his children, while children were free to marry without parental consent.[14] The key issue within the theoretical framework of 'individualism' is who owned the land.

'To show that when the father dies the land does, in fact, usually go to the sons, or that when there is no will the family have first claim is irrelevant... we are not talking about statistical tendencies, but of the 'de jure' system of private ownership, where the devices of gift, sale and last testament were all expressions of the fact that society and the law recognised that, ultimately, ownership was in the individual and in no larger grouping.'[15]

Be this as it may, if we are to understand relationships within the nuclear family and, in particular, inheritance strategies, it is necessary to look beyond the property rights of the individual as enshrined in the law and to examine inheritance practice not only in relation to the law but in terms of attitudes and sentiment. Land after all cannot be regarded merely as a material object:

'when we describe rights of ownership, or of use, ... we are talking about relationships between people. Rights imply duties and liabilities, and these must attach to people.'[16]

The interpretative dangers of a theoretical framework which excludes the important element of sentiment and obligation are illustrated in, for example, explanations of the relatively active land-market within early modern England.[17] While the existence of a well-developed land-market may be indicative of the importance of individual ownership and the freedom to alienate land at will, it may, paradoxically, reflect a desire to maintain close relations within the family of origin. In the absence of further research into the nature of obligation and expectation within the nuclear family neither interpretation can be discounted. In so far as the theoretical framework of 'individualism' with its emphasis upon material interest, precludes any detailed discussion of sentiment and the 'moral economy', the picture presented tends to be harsh and exaggerated.[18] In reality, as Hans Medick and David Sabean have stressed

'the practical experience of family life does not segregate the emotional and the material into separate spheres but is shaped by both at once, and they have to be grasped in their systematic interconnection.'[19]

If this objective is to be achieved it is necessary to examine the relationships within the nuclear family in terms of obligation based upon ties of affection rather than the cold logic of materialism. Only then can any assessment be made of the extent to which the individual member of the family exercised, or felt free to exercise, choice.

Despite these reservations the alternative theory of 'individualism' provides an exciting and stimulating framework in which to examine kinship ties. The aim of this study is not to challenge the central tenet of 'individualism', which stresses the apparently unique nature of English society. There is ample evidence to suggest that the kinship system of early modern England was closer to that of modern England than to traditional peasant societies with which England has been too readily assumed to have shared features of its social structure. The pioneering research of Peter Laslett, which revealed the predominance of the nuclear household in rural England as early as the sixteenth century has forced us to abandon older myths.[20]

The study of structure in isolation, however, reveals nothing of the kinship links between households or the nature and quality of relations within the nuclear family or with wider kin, though, as Keith Wrightson has suggested, 'ultimately these issues may prove of more significance in the process of social change than the preliminary problem of household structure.'{21} In seeking to answer these questions it is hoped to refine and qualify the theoretical framework of 'individualism' by examining the extent to which the individual exercised choice or was bound by obligation and social convention in the recognition of kin, marriage and inheritance. By adopting this alternative perspective of obligation and choice it is hoped to assess the strength of cultural imperatives in governing the relationships with wider kin and within the nuclear family.

Area of Study: County Durham

Although great strides have been made in our understanding of English society during the sixteenth and seventeenth centuries, much remains obscure. This obscurity is particularly evident with regard to the social history of the North of England. The history of England has tended to concentrate upon the precocious southern and eastern counties, satellites of the ever expanding political and economic power of London. While Macauley's vivid picture of the isolated and savage wilderness of the north of Trent has been discredited as a product of the confident nineteenth century theories of progress, the legacy of Macaulay remains pervasive.[22] Thus the north has frequently been portrayed as a culturally distinct and remote region, a region in which few changes of any significance took place before the eighteenth century. Subject to powerful assumptions rather than detailed research the history of the common people of the North remains fertile territory for the social historian.[23]

While the limited existence of detailed research is in itself attractive, theoretical and practical considerations were also influential in determining the choice of County Durham as a suitable area for research. With regard to the former, the region provides an ideal setting in which to explore possible geographical and social diversity in family and kinship relations and in particular the extent to which kinship was a dependent variable in social organisation. ^{County Durham is} characterised by wide variations in topography, agriculture, settlement patterns and history, variations which, it has been assumed determined social

diversity within the county. The most marked contrast, it is argued, was between the vast upland wastes of Weardale and Teesdale to the west of the county and the lowland arable lands of the East Durham Plateau where nucleated villages rather than isolated hamlets and farmsteads were the rule. The relatively strong kinship ties within the uplands have been viewed as a product of the 'turbulent' history of the badly policed border area, a defence mechanism against external foes. An area of border tenure, the uplands were characterised by weak manorial control, control which was always subordinate to family interests. While the union of the Crowns of England and Scotland in 1603 did much to alleviate the security problem and the privileges of border tenure were themselves challenged, the unity and strength of the upland communities endured. The tenacity of the social structure of the uplands with its *emphasis upon close kinship ties* owed much, it is argued, to the landscape. For the contrasting topography of the region *not only determined the diversity in settlement patterns and agriculture, but also variations in social structure and attitudes towards kin.*

Writing of the uplands Mervyn James states,

'Here scattered farmsteads and the isolated homesteads gave a different style to society from that of the lowland, with the kinship group centred on the farmstead hearth provided the strongest social tie These strong family ties in the upland, and the persisting cohesiveness of the extended kinship group owed something to the extensive wastes and moors of Teesdale and Weardale. There younger sons could depasture their cattle and sheep, and also supplement their income from mining, so they did not need to emigrate. It was a frugal and precarious existence but may have provided the compensation of a life spent in a community bound together by ties of familiarity, trust and affection. As a result the kinship groups were not broken up by the mobility of their members, for

although the able and ambitious might (and did) go away in search of advancement, the majority were content to stay where they were. In other parts of the north upland communities of this kind, wealthy in wastes and commons which could sustain a large smallholder class were characterised by partible forms of inheritance, under which the family land, as well as its goods, was divided amongst all sons, instead of going to the eldest. Partible inheritance was not the rule, during the sixteenth century or later in Teesdale or Weardale, as it was further south in Swaledale, Garsdale and Dentdale, or on the Border in Redesdale. But the custom of the Forest of Weardale made provision for an alternative to primogeniture, for under this custom a younger son might succeed to the family holding or part of it, and the family farm could also be let to 'under-settlers' or subtenants. The way was open therefore for the land to be divided amongst sons if there were enough of it, and also for the association of members of the family with the farm as under-settlers.'[24]

This extract has been quoted in full not only because it illustrates the prevailing assumptions about the social character of the upland communities, but also because it provides a detailed outline of the points of social contrast with the lowland pattern. Within the nucleated villages of the lowlands the family appears 'remarkably modern', there was 'no awareness of the extended family of uncles, aunts, and cousins, both of fathers and mothers kin'. Emotional security lay within the inward looking nuclear family, not beyond. Favouring a system of strict primogeniture the future of younger sons was not secured within the family economy, mobility was therefore inevitable.[25] The clear contrast, then, between the upland and lowland communities leads to the inference that the character of kinship relations was determined by the inter-related factors of topography, settlement patterns and history.

It must be emphasised, however, that the idea of kinship as a dependent variable remains a hypothesis. The case has not been proven. Recent studies which have stressed the widespread importance of the isolated nuclear family and the importance of geographical mobility, albeit short distance, have called into question the extent to which kinship relations within the nuclear family and beyond were diverse, shaped by social organisation.[26] While in the absence of detailed reconstitution studies it is impossible to comment with any confidence upon possible difference in social structure and kinship networks between uplands and lowland, it is hoped to shed some light on the issue by undertaking a detailed examination of the extent and nature of kinship ties within the two areas. If a clear contrast emerges in the recognition of wider kin and the roles they performed, and in relations within the elementary family, as reflected in inheritance and marriage practices, then, it is possible that we are dealing with radically differing social structures. If not, then, it may be necessary not only to revise the picture of contrast between upland and lowland, but also the portrait of the North as a culturally distinct and isolated region.

There is already evidence to suggest that County Durham was not so isolated from the mainstream of national economic and social change. The work of both economic historians and demographers has revealed that the late sixteenth and early seventeenth centuries marked a period of dramatic change in the economic and social history of the County, a period which

witnessed the birth of one of the oldest industrial societies in Europe.[27] The changes wrought by the development of the coal mining industry in terms of unparalleled demographic expansion, especially in the north of the County, and the rationalisation of agricultural production provide an ideal backcloth against which to examine possible variations in kinship ties within the elementary family and wider kin. In the wake of such developments there is evidence to suggest that communities in Durham experienced social and economic polarisation, a process which has been observed within the Midlands and southern counties of England.[28] Questions remain, however, as to the effect that such a change has on relationships within the nuclear family and beyond. Did the growth of poverty as a consequence of either rapid demographic expansion or the *development of capitalism* result in the weakening of ties not only with wider kin but within the elementary family itself? With fewer resources to invest in kinship relations or acts of reciprocity did kinship ties become increasingly relaxed as we descend the social scale or were kinship ties largely independent of economic considerations? In so far, then, as the experience of County Durham appears to have mirrored in several respects trends within the national economy and society, it is hoped that the examination of kinship will be of wider interest than as a 'local' study, and that the aspects discussed will be relevant to wider patterns within English society.

Sources and Approach

While current theoretical debates were important in the selection of the geographical area of study, practical considerations concerning the survival and quality of source material were also influential, determining not only the choice of topics and the limitations of the study but also the approach adopted. No attempt has been made to discuss every aspect of family and kinship relations. The task is impossible. The records simply do not exist. Rather an attempt has been made to examine specific questions arising out of the theoretical debates through the exploitation of basic source material. In particular attention has been focussed upon marriage and the central topic of inheritance. As Jack Goody has stressed, while

'the idea of examining inheritance will smack of dull legal records, of outdated practices such as gavelkind and taniistry, of customals and codes formalised by hair splitting lawyers. Such a picture is not altogether incorrect. Yet transmission mortis causa is *not only* the means by which the reproduction of a social system is carried out ..., it is also the way in which interpersonal relationships are structured.' [29]

In that inheritance normally takes place between close kin and affines, the close examination of inheritance patterns provides an invaluable insight into the matrix of social and cultural obligations, sometimes contradictory, which bound and occasionally divided families. The importance of inheritance as a topic for study is reflected in the breadth and volume of the research it has generated, research which provides the basis for comparisons with European as well as English communities, both historical and contemporary.

Three principal sources have provided the basis of the study. These are: wills and inventories of parishioners; manorial court rolls and surveys; consistory court deposition books.[30] In addition material has been drawn from contemporary printed books and legal texts.[31] While parish registers, hearth tax returns and ecclesiastical census have been employed to examine the background topics of demographic growth and social structure, no attempt has been made to estimate the availability of kin within particular localities or to reconstruct kinship networks.[32] The decision to proceed at the level of the parish and the county was determined primarily by the desire to explore regional diversity and possible variations in attitude towards family and kinship relations and the problem of finding a community blessed with detailed records and small enough to be handled by the individual researcher. While this decision precludes the use of the rigorous and potentially enlightening technique of family reconstitution, the use of widely available records and the adoption of the traditional historical method of example and counter-example reinforced by simple statistics has the advantage of providing the basis for future comparison.

In seeking to understand the nature of kinship ties and the extent to which relations governed by obligation and choice the historian is faced with the problem of the reticence of the past. Notions of obligation and choice are rarely articulated. Diaries, such as that of Ralph Josselin, are rare exceptions.[33] While providing an invaluable insight into relationship with wider kin, as well as members of the nuclear family, they raise

problems of typicality. Thus Keith Wrightson has questioned the extent to which the experience of Ralph Josselin can be regarded as usual in view of the fact that 'Josselin was a clergyman, an immigrant to his parish, geographically isolated from kinsmen.' [34] In the absence of such detailed evidence it is necessary to approach the problem circumspectly and to search for patterns in relationships. It is true that obligation and choice cannot be regarded as mutually exclusive motivations, as in reality there is a considerable overlap, especially in cases where relationships were founded upon ties of affection. Nevertheless one would expect that ties based upon choice alone would reveal a more scattered pattern than those based upon obligation or social convention.

In the search for patterns attention has been focussed upon three contrasting parishes, parishes which not only reflect the geographical diversity of the county but also demographic, economic and social change: the upland parish of Stanhope-in-Weardale where the extensive waste and moor supported a pastoral economy and in which incomes were supplemented by lead mining; the lowland parish of Sedgfield with its emphasis upon both pastoral farming and grain production and the parish of Chester-le-Street, an area of mixed agriculture, which witnessed drastic demographic growth in the wake of the development of coal mining (see parish map). The study of wills within the context of the three contrasting parishes permits an examination of the extent to which individuals recognised kin and drew upon their services as executors, tutors and guardians for their children

DURHAM

PARISH AND CHAPELRY BOUNDARIES, circa 1800

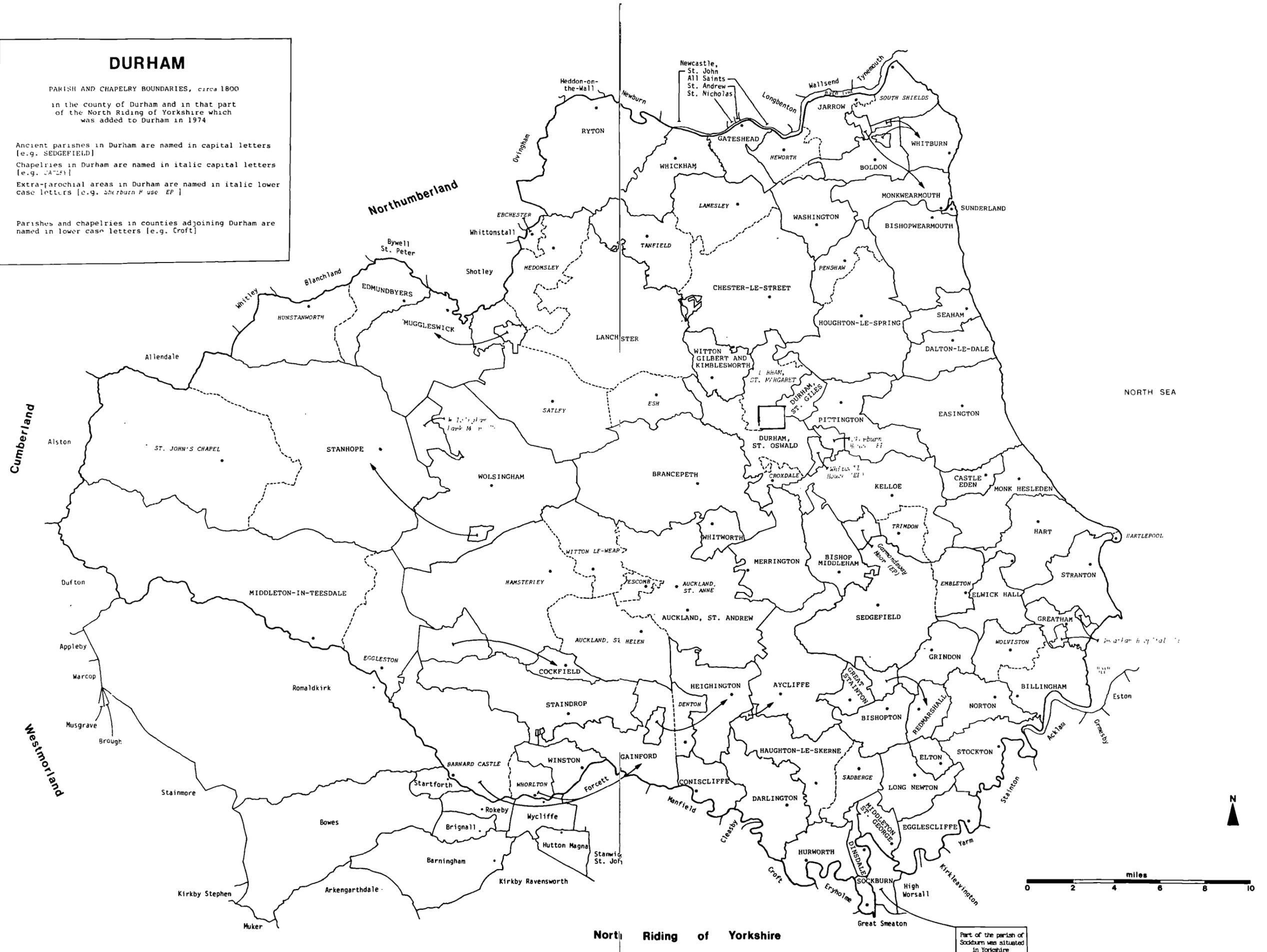
in the county of Durham and in that part of the North Riding of Yorkshire which was added to Durham in 1974

Ancient parishes in Durham are named in capital letters [e.g. SEDGEFIELD]

Chapelries in Durham are named in italic capital letters [e.g. *JARROW*]

Extra-parochial areas in Durham are named in italic lower case letters [e.g. *Sherburn House EP*]

Parishes and chapelries in counties adjoining Durham are named in lower case letters [e.g. Croft]



Part of the parish of Sockburn was situated in Yorkshire

and as witnesses. With regard to the former it must be acknowledged that such references do not provide an accurate indication of the full range of kin of whom testators were aware. Nevertheless it seems likely that those mentioned in wills were those to whom the testator felt strong ties of affection or obligation. While the evidence of wills cannot be compared with the dynamic entries of Ralph Josselin's diary, which permits the study of relationships over time, 'wills alone can provide evidence of the kin held closest at a critical point in the lives of individual testators.[35] In addition the internal evidence of wills permits the analysis of the extent to which the range of kin varied with social position, sex and life-cycle stage. Furthermore if wills are paired with their corresponding inventory it is possible to assess the influence of wealth in the recognition of kin and the choice of individuals to fulfil specific roles.

A circumspect approach is also necessary in the study of relationships within the nuclear family, as the historian is once again faced with the problem of the reticence of the past.

'The most intimate of human relationships leave a few records to the historian of the common people of England. While we may know in some detail the crops that a man grew or the contents of his wife's kitchen and wardrobe, the quality of their relationships with one another or with their children is almost invariably beyond us... we have few sources that allow us to step beyond the cottage door other than to take an inventory of goods'.[36]

Occasional references to parental aspirations for children and the possibility of familial conflict, while of intrinsic interest are difficult to interpret in isolation. Only if such references

are placed in the broader context of inheritance patterns, as revealed in wills and manorial court records, is it possible to examine the range of options available to individual testators and gauge the extent to which they were governed by obligation and choice. Again by employing information gleaned from wills and inventories an assessment can be made of the influence of life-cycle, the demographic fortunes of the nuclear family and wealth in determining inheritance strategies within the three contrasting parishes.

While the survival of a considerable volume of wills, inventories and manorial records permits an examination of kinship and family ties within the context of the parish and manor, for the study of conflict and expectation in inheritance and the influence of obligation and choice in the selection of marriage partners it is necessary to move to the broader canvas of the county, which fell under the consistory court. While it is acknowledged that both matrimonial and testamentary causes were not primarily concerned with relationships between people but with specific legal points, for example whether a testator had left a legally valid will, the cases provide often detailed descriptive evidence, which gives an invaluable insight into attitudes and the limits of obligation and choice. In so far as this evidence is of a subject^{ive} cast it presents interpretative problems. Aware of the possibility of distortion every effort has been taken not to strain the evidence. Conclusions are, as a result, often cautious rather than dogmatic.

Caution is also necessary before drawing general conclusions from the work, which is subject to a certain degree of bias. It will be apparent that I have almost exclusively concentrated upon the rural, non-gentry inhabitants of County Durham. Although in keeping with national estimates this group may have constituted over ninety percent of the population of the County, it must be stressed that the experience of the artisans of Durham City or the upper ranks of society may have been very different from that described.[37] Furthermore, despite the predominance of the rural population, the experience of only a fraction of this group can be recovered in the records. As Ralph Houlbrooke has stressed,

'individual visibility in historical records of this period depends to a great extent upon wealth, social status and the literacy which was connected with them.'[38]

For many the only records surviving were impersonal entries in parish registers. The really poor, for example, did not leave wills. For this important group in the countryside 'had little to pass on but their need to work for others.'[39] As for their relationships with members of their family or with wider kin the records are sadly silent.

Despite the limitations of the study, both at the level of methodology and documentation, it is hoped to broaden the understanding of ties within the nuclear family and with wider kin by examining these relations not within the narrow traditional framework of materialism but within the broader and less harsh perspective of obligation and choice. Thus by studying the options available to individuals and the range of decisions made in terms of obligation and the pressures of

expectation, it is hoped to make a preliminary assessment of the strength of specific cultural imperatives within differing social contexts.

References

Introduction

1. K. Wrightson, English Society, 1580-1680 (London, 1982), 13.
2. D.C. Coleman, The Economy of England, 1450-1750 (Oxford, 1977), 8-16; E. Shorter, The Making of the Modern Family (London, 1976); L. Stone, The Family, Sex and Marriage in England 1500-1800 (London, 1977).
3. C.L. Powell, English Domestic Relations 1487-1653; A Study of Matrimony and Family Life in Theory and Practice as Revealed by the Literature, Law and History of the Period (New York, 1917 and 1972), 128-29; Stone, Family, Sex and Marriage, 4, 7-10, 117, 178-9, 187, 271-2.
4. J. Thirsk (ed.), The Agrarian History of England and Wales, 1500-1640, iv (Cambridge, 1967), 9,23.
5. J. Thirsk, 'Industries in the Countryside', in F.J. Fisher (ed), Essays in the Economic and Social History of Tudor and Stuart England (Cambridge, 1961), 83.
6. David Levine, Family Formation in an Age of Nascent Capitalism (New York and London, 1977), 148.
7. A. Macfarlane, The Origins of English Individualism.
8. A.V. Chayanov, The Theory of Peasant Economy, edited and translated by D. Thorner, B Kerblay and R.E.F. Smith (Illinois, 1966).
9. Macfarlane, Origins, 5.
10. For criticism of Macfarlane see S.D. White and R.T. Vann, 'The Invention of English Individualism: Alan Macfarlane and the Modernization of Pre-Modern England', Social History, 8 (1983), 345-363.
11. A. Macfarlane, The Family Life of Ralph Josselin, a Seventeenth Century Clergyman; An Essay in Historical Anthropology (Cambridge, 1970), 126-143.
12. D.W. Sabeau, 'Young Bees in an Empty Hive: Relations Between Brothers-in-law in a Swabian Village', in H Medick and D.W. Sabeau (eds.), Interest and Emotion: Essays in the Study of Family and Kinship (Cambridge, 1984), 171.
13. Wrightson, English Society, 51.
14. Macfarlane, Origins, 82-3, 64.
15. ibid, 85-6.

16. J. Davis, Land and Family in Pisticci (New York, 1973), 73.
17. Macfarlane, Origins, 80, 84-7.
18. It is a criticism of which Alan Macfarlane was well aware - cf Origins, 205.
19. H. Medick and D.W. Sabeau, 'Interest and emotion in family and kinship studies: a critique of social history and anthropology'. In Interest and Emotion: Essays in the Study of Family and Kinship, edited by H. Medick and D.W.Sabeau (Cambridge, 1984), 11.
20. P. Laslett and R. Wall (eds.), Household and Family in Past Time (Cambridge, 1972), Chapter 4.
21. K. Wrightson and David Levine, Poverty and Piety in An English Village: Terling, 1525-1700 (New York, San Francisco and London, 1979), 83-4.
22. T.B. Macauley, History of England (Everyman edn. London, 1906), 1, 209-11; H. Butterfield, The Whig Interpretation of History (London, 1931).
23. A great amount of detailed and useful information concerning this period can be found in the standard multi-volumed histories of County Durham. But in layout and general presentation, these volumes tend to reflect rather narrow genealogical, antiquarian and archaeological interests. See, for example, W. Page (ed.), The Victoria History of the Counties of England: A History of Durham 3 volumes (London, 1905-1928); J. Raine, The History and Antiquities of North Durham (London, 1852); W. Hutchinaon, The History and Antiquities of the County Palatine of Durham 3 volumes (Newcastle, 1785-1794). There are, of course, rare exceptions to this rule, namely M. James, Family, Lineage and Civil Society: A Study of Society, Politics, and Mentality in the Durham Region, 1500-1640 (Oxford, 1974) and R. Houston, Scottish Literacy and the Scottish Identity: Illiteracy and Society in Scotland and Northern England, 1600-1800 (Cambridge, 1985).
24. James, Civil Society, 24-5.
25. ibid, 21.
26. For the importance of the isolated nuclear family in English society see Laslett and Wall (eds.), Household and Family, Chapter 4. The high frequency of geographical mobility is discussed by P. Spufford, 'Population Mobility in Pre-Industrial England', Genealogical Magazine, XVII (1972-74), 420-29, 475-80, 537-42.
27. For the evidence of industrial growth see J.U. Nef, The Rise of the British Coal Industry, 2 volumes (London, 1932), 24-42 which charts the progress of coal mining within the region. Agricultural change is discussed by Paul Brassley, The

Agricultural Economy of Northumberland and Durham, 1640-1750 (New York and London, 1985). Population change is the subject of R.I.Hodgson's article 'Demographic Trends in County Durham, 1560-1801. Data, Sources and Preliminary Findings with Particular Reference to North Durham', University of Manchester School of Geography Research Papers, Research Papers 5 (May, 1978).

28. For evidence of the economic polarisation of society see the study of the parish of Chester-le-Street, Chapter 1 - cf also Wrightson and Levine, Terling, 19-42; M. Spufford, Contrasting Communities. English Villagers in the Sixteenth and Seventeenth Centuries (Cambridge, 1974), 70, 72; V. Skipp, Crisis and Development. An Ecological Case Study of the Forest of Arden, 1570-1674 (Cambridge, 1978), 78-89.

29. J. Goody, 'Introduction' to J.Goody, J. Thirsk and E.P. Thompson (eds.), Family and Inheritance. Rural Society in Western Europe, 1200-1800 (Cambridge, 1978), 1.

30. Department of Palaography and Diplomic, University of Durham, Probate MSS. Wills and Inventories for the parishes of Chester-le-Street, Sedgfield and Stanhope-in-Weardale, 1580-1699. Halmote Court Books, Series I, Book Nos. 35-91, 1580-1699, Chester Deanery Books, Box 1: A(1560-1674) and B(1674-1721). Durham Halmote Court Records, M64, ff46-51, ff73-76. For Commonwealth Survey of 1647 see D.A. Kirby (ed.), Parliamentary Surveys of the Bishopric of Durham, 2 volumes, Surtees Society, 183 (1968), 146-52, 160-68 and 185 (1972), 1-41, 189-93. Consistory Court Deposition Books. DR V Book No: 5-12 (1589-1631) and boxes marked depositions 1633-34, 1636-37, 1662-63 and 1664-65.

31. Henry Swinburne, 'A Brief Treatise of Testaments and Last Wills' Series, Classics of English Legal History in the modern Era, 51 (London, 1978; Richard Burn, Ecclesiastical Law, 2 volumes (London, 1763) (Dean and Chapter Library GIV 4-5).

32. British Museum, 'The Certificate or Aunswere of James Pylkyngtone Bishop of Duresme, to a Letre and certeyn Articles sent to hym by the Lordes of the Queones Majesties most honorable Privye Consell dat. 10 August 1563', Harley MSS 594, ff 188-9. Public Record Office. Hearth Tax Returns E179 106/28 Lady Day Assessment of 1666 and E179 106/25 Lady Day Assessment of 1674. Newcastle upon Tyne Central Library 'Bishop Chandler's Visitation of 1736. L253 No. 21245. Newcastle upon Tyne Central Library. Transcripts of the parish registers of Chester-le-Street (1583-1678), Sedgfield (1580-1699) and Stanhope-in-Weardale (1615-1699).

33. Macfarlane, Family Life of Ralph Josselin.

34. Wrightson and Levine, Terling, 84

35. ibid, 92.

36. ibid, 94.

37. For the importance of kinship ties, for example, in the gentry, clerical and commercial communities see A. Fletcher, A Country Community in Peace and War: Sussex 1600-1660 (London, 1975) 44-48, 52; A Everitt, 'Change in the Provinces: The Seventeenth Century', Occasional Papers of the Department of Local History, 2nd series No.1 (Leicester, 1970), 26-7; James, Civil Society, 25-7; R. O'Day, The English Clergy, The Emergence and Consolidation of a Profession, 1558-1642 (Leicester, 1979), 161; R. Grassby, 'Social mobility and business enterprise in seventeenth century England', in D. Pennington and K. Thomas (eds.), Puritans and Revolutionaries: Essay in Seventeenth Century History Presented to Christopher Hill (Oxford, '1978), 367.

38. R. Houlbrooke, The English Family, 1450-1700 (London, 1984), 2.

39. J Goody, 'Introduction' to Goody, Thirsk and Thompson (eds.), Family and Inheritance, 7.

Chapter 1Obligation and Choice: The Social and Economic ContextThe Availability of Kin: Geographical and Social Distance

Writing of kinship within modern England, Professor William concluded that kin sentiments were rarely sufficiently strong to overcome geographical and social distance.[1] In short people make little effort to maintain kinship links. Even when kin are available, kinship is merely one of a number of social ties from which individuals might choose for various purposes. Kinship, then, appears to be of limited structural and social significance. Recent historical studies suggest that this pattern was not merely a modern development, a response to the pressures of industrial society.[2] Loose kinship ties, it is argued, were a feature of early modern society. Thus Peter Laslett's pioneering work on listings reveal the importance of the isolated nuclear family as early as the sixteenth century, while Alan MacFarlane's painstaking analysis of the diary of the Essex clergyman, Ralph Josselin, highlights the limited significance of wider kin: 'apart from the nuclear family there was no effective kin group in Josselin's world'.[3]

While such findings strongly suggest that beyond the confines of the nuclear family were of little structural and social significance, they should not be regarded as conclusive evidence. For while the predominance of nuclear households points to the negligible importance of kin in the family economy, kinship bonds may nevertheless have been important to the way of

life. For much familial behaviour in most societies takes place with non-co-resident kin, while other behaviour involves only some members of a co-resident unit rather than members of the unit as a whole. Therefore for many family activities the precise composition of the domestic group will be irrelevant. Demographically orientated work, which treats family behaviour in isolation from its social and economic context, is as a result in danger of producing an oversimplified picture of kin relationships.[4] On the other hand, while MacFarlane's analysis addresses itself to the social significance of kin it faces the problem of typicality. The fact that Josselin was a clergyman from a relatively privileged background, an immigrant to his parish and geographically isolated from his kin suggests that caution is necessary before drawing conclusions from the experience of a single individual. It must be asked whether or not Ralph Josselin's attitude towards kinship relations would have been significantly different if he had been from a different social background or if kin had been available locally.

While the question may be purely hypothetical in the case of Ralph Josselin, it is more than merely academic. For although studies of mobility have stressed that migration was largely neo-local, given the practical difficulties of transport in early modern England, migration over, by modern standards, comparatively short distances could seriously weaken kinship ties.[5] Indeed it is revealing that Keith Wrightson and David Levine should find that the 'social area of Terling villagers was largely confined within a distance of ten miles'.[6] The

decision, then, whether or not to maintain ties with wider kin may have been the result of circumstance rather than choice. In short, the pressure to migrate may simply have meant that kin were unavailable locally. Even when kin were available, the barrier created by social and economic differences between kin may have been as significant in the weakening of kinship ties as the physical barrier of distance. For the relative balance of advantage and disadvantage has been viewed as being of central importance in the decision whether to maintain particular relationships.[7]

As a precursor to examining kinship recognition and the effective role of kin, then, it is necessary to examine the availability of kin and its implications for kinship ties within the framework of existing theories. Ideally one would wish to reconstruct and analyse kinship networks and the extent to which they varied with economic and social position. Such a study would involve the tracing of individual kinship universes.[8] While the use of such rigorous methodology is feasible for the detailed village study, it is beyond the scope of the present investigation, which does not descend below the level of the parish. It is therefore necessary to approach the problem circumspectly. In the absence of the detailed reconstitution of kinship networks, it is proposed to examine factors which influenced the availability of kin within the contrasting parishes of Stanhope-in-Weardale, Sedgefield and Chester-le-Street. In particular attention has been focused upon the pressure to migrate and thus reduce the availability of kin.

For settlement patterns, demographic pressure and economic opportunities could determine whether or not children would find land, work and marriage partners locally. In addition the degree of security enjoyed by tenants and the nature of inheritance customs might influence whether or not the heirs to property were dispersed. While the examination of these factors gives some indication of the pressures to migrate and its implications for the availability of kin, it is much more difficult to measure the social distance between kin. It is impossible within the context of the present study to assess the extent to which kinship ties were between individuals of different social and economic backgrounds. In the absence of reconstitution there is no simple solution to this problem. However it is possible to comment upon the related topic of the economic stratification within the parishes and its possible implications for kinship ties. For the availability of material resources has been viewed as being of central importance in the maintenance of links between kin. The poor, it is argued, had few resources to invest in the fostering of kinship ties.[9]

Such a circumspect approach to the examination of the geographical and social distance between kin lacks the precision of detailed reconstitution studies. Therefore, a degree of caution is necessary before drawing firm conclusions about the availability of kin. It is not the final word on the subject. For it is easier to observe links between population, economy and society than to understand the intricate relationship between them.[10] With this important caveat in mind let us turn

attention to the forces of change which shaped the social and economic history of the County and determined the choice of the contrasting parishes. For kinship ties have been viewed as a product of their environment and as such were subject to external forces of change.

County Durham: The Forces of Change.

County Durham in common with much of northern England has been portrayed as a remote and culturally distinct region, a region which witnessed few changes of any consequence. As Rab Houston has observed,

'the north is assumed to have had little relevance to English national development, except perhaps as a problem area, interesting only in so far as it shows the survival of economic, social and political forms which had disappeared much earlier from more developed parts of the country.[11]

In part this belief may have resulted from the emphasis on the border in the history of the region. This is perhaps explained by the fact that the records of central government were primarily concerned with the issue of border security. Even social changes were viewed in terms of their implications for national security. It is revealing, for example, that in 1594 the government should attribute the growing lawlessness of the border region to the decay of the military obligation of border service caused by the division of tenements by landlords, and 'by the tenants themselves making partition among their children'.[12] Despite the prominence of the border in the political history of the region, it is important to emphasise that the highland area formed only part of the County. The vision of the desolate

moorlands of the highlands, then, must not be allowed to dominate and distort our view of the North. To do so is to deny the importance of the geographical, economic and social diversity of the County.

Covering over 1,000 square miles County Durham is geographically diverse with a landscape which ranges from the wild open moorland of the Pennine uplands to rolling farmland and steep coastal valleys. At the simplest level, however, the County consisted of two principal areas of the sparsely populated upland area to the west and the lowlands to the east, areas, which it has been argued, possessed not only distinctive physical characteristics but also distinct settlement patterns and social structures. To Mervyn James the scattered farms and isolated homesteads characterised by strong kinship ties lay in sharp contrast to the nucleated villages of the Wear upland and the east Durham plateau in which nuclear families faced inwards and wider kinship ties were of limited importance.[13]

By the late sixteenth and seventeenth centuries this agrarian landscape was already changing under the force of economic expansion. In the uplands the forests were gradually being swept away under the demand for increasing pasture. Thus in Weardale by 1598 cattle were grazed on the firth at Burnhope, which had previously fed forty red deer, 'beside many other which haunted in the sundry hopes and pastures within the said Forest.' Likewise at Stanhope the number of deer in the park had fallen from 200 to 40, while grazing land was given over to horses. By the close of the seventeenth century pasture and moorland had

replaced the forest.[14]

It was the lowlands, however, which witnessed the most dramatic changes in the physical and social landscape, changes which not only witnessed the rise of a quasi-industrial landscape of mine shafts and waggonways, but also the emergence of new and unfamiliar mining communities. The process of change had begun over a century earlier. Coal mining was not a new development even in the sixteenth century but the transfer of pits to secular ownership following the *dissolution of the monasteries* and London's insatiable appetite for coal led to the rapid rise in production. Whereas annual exports from the Tyne had never exceeded 15,000 tons before 1500, they expanded to 35,000 tons in 1565 and by 1625 400,000 tons were being exported every year.[15] The industry during this period was primarily located in the lower Tyne valley at centres such as Whickham and Gateshead.

Expansion was rapid. Production doubled once every fifteen years in the years between 1565-1625, a rate of growth which was not to be equalled again until the late eighteenth century.[16] While the technical difficulties associated with the sinking of deeper shafts slowed the industry's rate of growth, the expansion continued as workings were extended inland and the lower Wear coalfield was developed. Already by 1635 collieries at Chopwell, Blackburn and Ravensworth were producing for the export trade rather than the local market. While in 1609 exports from the Wear were only a twentieth of those from the Tyne by 1680 the ratio had risen to one third. As the Wear export trade developed the colliery at Harraton rose to prominence, contributing between

6,000-8,000 tons by the 1630's to the exports from Sunderland. By this time there were also important collieries at Lambton and Lumley. Together with Harraton these collieries were to rival the earlier fame of the Tyne collieries of Whickham and Stella.[17]

Labour-intensive coalmining and transportation resulted in a dramatic growth of the industrial workforce. Estimates suggest that by the late 1630's there were 5,800 workers in coal and related industries in the Tyne Valley alone. It has been calculated that almost 3,000 of these were miners, the remainder being concerned with the transportation of coal. If the workforce expanded in line with production, then the number of miners may have risen to 4,000 by the close of the seventeenth century. In addition Nef believed that there were a further 1,500-2,000 in the pits of the Wear Valley and Northumberland.[18]

While estimates of the coalmining workforce are subject to a degree of conjecture, figures relating to general demographic growth are more reliable. R I Hodgson's comparison of the 1563 Ecclesiastical Census with the Hearth Tax Returns of Lady Day 1674 reveals the extent of population growth (cf table 1.1).[19] The comparison reveals that the number of households within the County rose from 8,495 in 1563 to 14,561 in 1674, an increase of over 70 percent, a figure which must be reduced slightly in the light of omissions in the earlier census return. The figure of 70 percent, however, obscures the distinct pattern of change, which emerges if the differential rates of growth of the more

Table 1.1

Population growth by households 1563-1674

	Household Totals 1563	Household Totals 1674	% Change
North County Durham	2,287	5,437	138%
The Rest	6,208	9,124	47%
Total	8,495	14,561	71%

industrial north of the County and the agricultural south are examined. For in the south of the County the population rise was modest (47 percent), with most parishes revealing either a slight increase or decrease in household totals. In contrast to the relative stable population of the South, the demographic growth of North County Durham was dramatic. Between 1563 and 1674 the number of households rose by over 137 percent. Whickham, the centre of intensive mining activity in the late sixteenth and early seventeenth centuries trebled its population.[20]

Further analysis of individual parish registers underlines the strong association between population growth and industrialisation. Between the end of the sixteenth century and the outbreak of the Civil War the registers of the parishes of Gateshead, Ryton and Chester-le-Street reveal a 'steady and persistent' rise in the number of marriages, while baptisms consistently exceeded burials.[21] It is perhaps of little surprise that these parishes all experienced a rapid expansion in coal mining during these years. Exports of coal from the Tyne increased from 112,000 tons in 1591/92 to over 450,000 by 1633/34 while those of the Wear rose from 12,000 tons to almost 70,000.[22] During the second half of the seventeenth century there was a considerable expansion in the populations of the parishes of Bishop Wearmouth and Houghton-le-Spring. It is more than a coincidence that the Londonderry Papers, the records of the Bishopric and those of the Dean and Chapter relating to these parishes reveal a period of mining colonisation in the neighbourhood of Rainton, Penshaw and Newbottle, and large scale

salt production at Bishop Wearmouth.[23] The link between the flourishing coal mining industry and allied trades and unprecedented demographic growth is clear.

In part this remarkable demographic growth appears to have been the result of migration. Seasonal at first, by the early decades of the seventeenth century for many, temporary migration led to permanent settlement on Tyneside and Wearside.[24] While the increasing incidence of Scottish surnames suggests that long distance migration was significant, there are signs that this is misleading. For as R I Hodgson has observed

'the overwhelming impression is of local or regional influx for while long distance migrations are recorded, often for their curiosity value, it can be shown that most movement occurred over short distances within parishes or neighbouring parishes.' [25]

Genealogical investigations, for example, have revealed a movement of people from Weardale to the coalfield and especially to Bishop Wearmouth.[26] More revealing, however, is the evidence of the changing distribution of population in the poorer agricultural parishes of the neighbouring county of Northumberland, which witnessed a decline in population during the years 1674 to 1736.[27] Although it is tempting to assume that the dramatic demographic growth can be accounted for simply in terms of migration into the county, the sustained nature of the growth suggests that the increase in population may have been due to greater fertility, as a result of the advantages of a wider choice of employment opportunities and a resultant lowering of the age of marriage.[28]

While the view of mineshafts and waggonways may have provided the most vivid expression of industrial growth, population growth may have been of even greater significance in shaping the physical and social landscape. For demographic pressure led not only to the expansion of existing settlements but to the establishment of new mining communities, communities which were dependent upon the coal industry. While in the early years of development it was possible for miners to be reabsorbed into the agricultural community during slack periods, as time passed this must have become increasingly difficult. For the miners with cottages on waste land, like those illegally built near Chester-le-Street towards the end of Elizabeth's reign, there was the possibility of reverting to the life of smallholders.[29] As the workforce increased so *this possibility* faded. As Marvyn James observed

'for the majority for whom no such alternative was available were accommodated in the new-style colliery communities which emerged, superimposed on villages whose traditional agrarian and manorial pattern they tended to disrupt'.[30]

The extent of the disruption of the old order is revealed in the 1647 Parliamentary survey of the manor of Whickham. There were still seven tenants with relatively large holdings of between forty to ninety acres; and eleven smallholders with twenty acres or less. The majority of holdings, however, had been subject to division and sub-division to provide building plots, under the increasing pressure for housing from the growing mining community.[31] By the mid-seventeenth century the traditional agrarian landscape co-existed with a new and unfamiliar industrial landscape.

The changing landscape, however, was not merely a feature of the north of the county. For demographic expansion and the emergence of an industrial workforce largely divorced from the land, created an increased demand for food and 'stimulated a move towards specialisation in the agricultural sector'.[32] This then was a period of estate rationalisation, characterised by the formation of larger and more profitable farms. Land was enclosed and viable farms were created, either by engrossing or by the addition of newly reclaimed waste land. Such developments led to greater efficiency in farming, permitting an increase in the number of livestock and increased yields of grain.

A measure of the economic success of agricultural change is to be found in the fact that a major part of the increased demand for food was met by the region itself, supplemented by imports from East Anglia. Only in years of scarcity was grain imported from the Baltic.[33] A further measure of economic success was the extent of enclosure, which has been viewed as 'the vital parameter of progress'.[34] With the objective of eliminating communal practices and creating landholdings where there had formerly been townfields divided into strips and traditionally in permanent cultivation, enclosure was a crucial prerequisite to the introduction of new farming methods. Under the management of single owners, a system of land rotation could be implemented. The advantages of enclosure were evident to contemporaries. Thus Haigh Wright of Windleston observed that enclosure led to increased production

'by reason that there are able lands did lie remote and dispersed from their dwelling houses where there

compost did ly insteade whereof they now plow up the most of there areable land neere to the said Towne and other fresh grounds one acre wherof is likely to yeald more proffitt than twoe acres antientlie plowed'.[35]

It is significant therefore that the period was one in which the best land in the County was enclosed. While land was enclosed within the coal mining parishes of the middle Tyne Valley and the lower Wear Valley, early enclosures tended to be concentrated in the Tees Basin, the fertile East Durham Plateau and the southern portion of the Wear Lowlands.[36]

While the enclosure of common land appears to have been carried out by consent rather than force, the process of agricultural change was not always painless. Casualties were inevitable. There is some evidence of depopulation as a result of the engrossment of holdings by landlords and the subsequent eviction of tenants. As Mervyn James observed 'the big graziers' and 'new gentry tended to be well represented amongst the engrossers and depopulators, sweeping their land free of tenancies to make way for their flocks and herds'.[37] Thus, for example, the returns of the commissioners for the decay of military service in the border counties made in 1584 revealed that within the parish of Stranton, Sir Thomas Gresham, the London financier and merchant, as having evicted thirteen of his fifteen tenants and three out of seven at Seaton Carew.[38] The economic opportunities of the expanding demand for meat may have encouraged this move to pastoral farming, even though it contravened the Tillage Acts (1607-1615). In some instances, as R I Hodgson has stated;

'we may suspect a total disregard for the statutes for

at least some of the 52 deserted village sites in lowland Durham can be associated with depopulating enclosures carried out by a gentry pre-occupied with the raising of cattle or sheep'.[39]

Complaints about clearances of this sort are voiced in an anonymous pamphlet of 1634;

'Depopulations of the Common-Wealth, by the hard unnatural, uncharitable an unchristian dealing of the landlords (an evill w(hi)ch may be deplored, but wilbe hardly amended) for now experience proveth, that the estate of an Englishman (if he be no freeholder or coppieholder) is no better in some respects than if he has been borne in India'.[40]

The case is no doubt overstated. There is no evidence of widespread depopulation. Forcible evictions appear to have been confined to small or medium sized estates. Landlords of large estates, particularly if they were churchmen, could not afford to adopt such harsh practices, practices which were subject to social and occasionally government disapproval. Nevertheless there are signs that the pressure upon smallholders, even within ecclesiastical estates, was great. For the process of enclosure tended to favour the wealthier and more powerful tenants. Abuses could arise. Consider, for example, the concession granted to Bishop Morton's steward, who by a warrant of 1634 was given permission to improve land from the commons of six episcopal manors, including the manor of Sedgefield, and to let the improvements be made. It seems likely that this provided an opportunity for the wealthier tenants to both consolidate and extend their holdings.[41]

The pressure upon smallholders and weaker tenants may have been further increased by the assault upon customary tenure, as landlords sought to realise the commercial value of their land, land which had often been improved by consolidation and enclosure. Within the ecclesiastical estates there had evolved the custom of tenant right, under which many tenants enjoyed copyholds of inheritance at low or even nominal rents. It was the policy of landlords to challenge such rights and replace them with leasehold tenancies, which could command more realistic entry fines. It was a policy in which the Dean and Chapter, despite opposition from tenants, achieved a considerable degree of success; within the Bishopric estates progress in this regard was less marked.[42] A measure of the extent of change can be found in John Laurence's claim of 1726 that in lowland Durham 'nine parts in ten are already enclosed, and consequently improved in value and rents to a degree almost incredible'.[43] While this is undoubtedly an overstatement as Paul Brassley has observed, 'his sin was one of exaggeration rather than complete distortion'.[44]

The inter-related economic and demographic development heralded a period of unprecedented prosperity, which saw the county integrated into the national economy. If the forces of change promoted greater unity, paradoxically they were also divisive. For the newfound prosperity did not descend much below the upper and middle ranks of society, which possessed the necessary resources to exploit new economic opportunities. Indeed it is revealing that despite the rapid development of coal

mining and the greater profits of agriculture, there is no evidence to suggest that there was a corresponding rise in the real wages of miners or day labourers.[45] Population growth and the inflation of the late sixteenth and early seventeenth centuries ensured that the poor remained poor and that the economic polarisation of society became increasingly marked.

Diversity, then, emerges as the central characteristic of the county, a diversity born not only of its varied physical geography but also of economic change in the wake of the development of coal mining. While this broad canvas is useful in identifying the forces of change, it can only be the starting point for an examination of kinship. For in reality the impact of economic development was uneven, the response to change as varied as the landscape itself. Thus in studying the implications of varying social and economic structures for the availability of kin, it is necessary to turn attention to the contrasting parishes of Chester-le-Street, Sedgfield and Stanhope-in-Weardale, parishes which reflect the geographical, social and economic diversity, but whose experience can only be understood individually.

Chester-le-Street: The Forces of Industrial Change

The forces of change have found their clearest expression within the extensive parish of Chester-le-Street, which stretched from the fells of Lamesley and Tanfield in the north to the fertile land of the Wear Valley to the south. Containing some of the most productive collieries in the county, the parish witnessed the transformation of the traditional agrarian landscape, as both arable and meadow land gave way to mine shafts, waste heaps and waggonways. Defoe writing in 1724-27 described the road which ran through the parish from Durham to Newcastle as giving 'a view of the inexhausted stores of coals and coal pits, from whence not London only, but all the South part of England is continually supplied'.[46]

By the time of Defoe's writing the mining in the lower Wear Valley was already well established. While it is scarcely possible to speak seriously of the export of Wear coal from Sunderland before 1600, the early decades of the seventeenth century saw the rapid development of the trade.[47] Indeed the spectacular rise of the port of Sunderland can in part be attributed to the expansion of coal production within the Hedworth's estate of Harraton, which by the 1630's was contributing between 1,000 and 8,000 tons a year to the export trade.[48] By this time there were also important collieries at Lambton, with an estimated output of 30,000 tons on the eve of the Civil War, and at Lumley Park, where the mines were to rise to predominance as 'the greatest in the North'.[49] In addition by the close of the century coal was being won from the 'Western

Collieries' within the Derwent Valley to the north of the parish, while further south important collieries were to be found at Fatfield, Allanflatts and Birtley, which lying a considerable distance from the Wear were linked to the river by a series of waggonways.[50] Within less than a century the physical landscape of the parish had been transformed. It was not only the physical landscape that was subject to change. For economic change of this magnitude inevitably resulted in dramatic changes to the demographic and social structure of the parish.

Labour intensive coal mining and transportation brought in its wake unprecedented demographic growth within the parish. Prior to the detailed census of 1801 estimates of population must be at best subject to a degree of error and at worst be purely conjectural. Precise figures of population are simply unavailable. Nevertheless it is possible to observe population trends between fixed points. Although during the period 1580-1700 only the Hearth Tax Returns of 1666 and 1674 provide reliable estimates of the number of households within the parish, it is possible to place the Returns in perspective by examining comparable sixteenth and seventeenth Century records. Thus the Hearth Tax Return of Lady Day 1674 has been compared with the 1563 Ecclesiastical Census and the number of households recorded by Bishop Chandler during his visitation of the Durham Diocese in 1736.[51] A striking picture of dramatic and sustained population growth emerges.(cf. Table 1.2)

Table 1.2

Population growth within the Parish of Chester-le-Street: 1563-1736

Chester-le-Street	Ecclesiastical Census 1563	Index	Hearth Tax Lady Day 1674	Index	Ecclesiastical Census 1736	Index
No. of Household	292 (324)	100	765	262 (236)	1875	642 (578)
Estimated Population Multiplier 4.75	1387 (1539)	100	3634	262 (236)	8906	642 (578)

By 1674 the number of households within the parish had risen from the 1563 figure of 292 to 765, an increase of over 260 percent. Although this figure must be reduced slightly owing to the failure of the 1563 Census to record the number of households within the Chapelry of Lamesly, the increase was still impressive. Moreover in the period following 1674, the population continued to rise. By 1736 the number of households had risen by a further 262 percent to 1,110, an overall increase during the period of over 600 percent.

The translation of these household totals into population figures is fraught with difficulty. The twin problems of underestimation of population and the determination of a multiplier are too great. With regard to the former, it is clear from the 1801 Census of Durham that there were more families than inhabited households. It is not possible to distinguish between the two in the earlier evidence. While there are signs that this was less of a problem in rural areas where families can usually be equated with households, within industrial areas the possibility of distortion increased.[52] A degree of understatement must therefore be accepted.

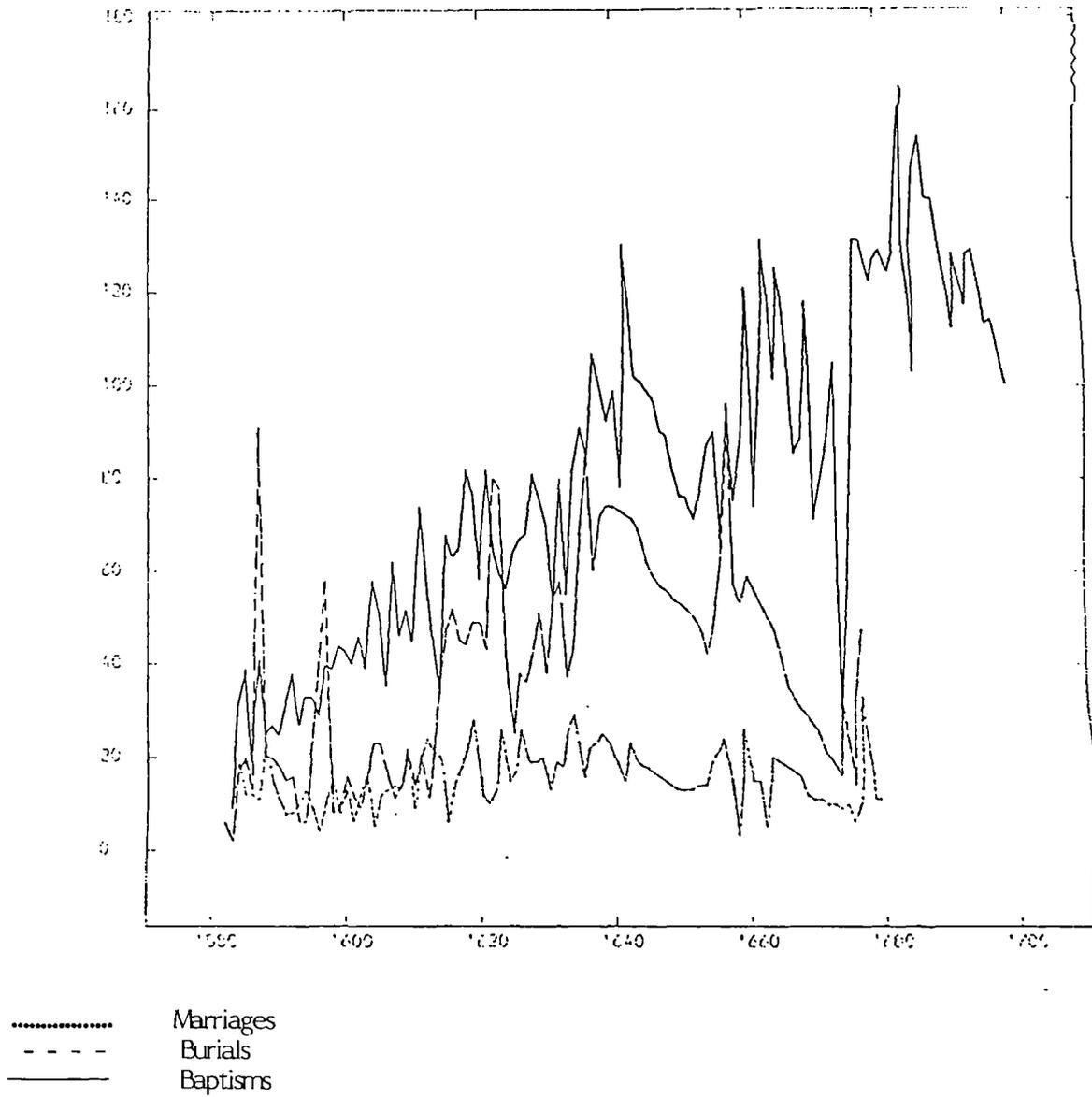
Even if the number of families can be equated with the number of households, the latter still needs to be converted into a population figure. This represents a much more difficult problem. There has been much debate as to the figure for the multiplier, with the consensus favouring figures of between 4 and 6.[53] Local evidence is unfortunately rare. The only indication of family size is to be found in a petition to the House of

Commons of 1620, on behalf of customary tenants in Weardale, who according to their own estimate 'fower score and eleaven Tennants or families in w(hi)ch is above 600 persons'. If both figures are accurate, then, the average family size would be 6.6. It seems likely that this figure may be exaggerated. Moreover even if correct it relates to a highland area and therefore raises the problem of typicality.[54] In the light of these difficulties and in the absence of any comparable evidence, it has been decided to use the multiplier of 4.75 suggested by the research of Peter Laslett, with the caveat that the figures presented possibly err on the low side.[55] From a population, then, of approximately 1,500 in 1563 the population of the parish approached 9,000 by 1736. By the early decades of the eighteenth century Chester-le-Street was one of the most densely populated parishes in the county.[56]

While static population counts give some indication of change over time, they reveal nothing of the course of population change. It is necessary then, to examine the complementary evidence of the annual totals of baptisms, burials and marriages provided by the parish registers.[57] Unfortunately the parish register of Chester-le-Steet is seriously flawed. Commencing in 1583, there is a break in registration between 1642 and 1652, while baptisms are not recorded for the years 1661-63, burials 1613-15 and 1660-72 and marriages from 1663-72. In addition the entries for burials and marriages cease in 1677 and 1678 respectively. In view of these serious omissions, an attempt has been made to fill in the gaps by a process of interpolation.[58]

Figure 1.1

Annual totals of baptisms, burials and marriages within the parish of Chester-le-Street, 1583-1678



It must be emphasised that interpolation was introduced in order to highlight prevailing trends, not as a solution to the serious deficiencies in the register. During periods subject to interpolation it would be clearly unwise to draw conclusions for individual years.

The initial impression gained from the examination of the annual totals of baptisms, burials and marriages is one of volatility from year to year (cf figure 1). This is especially true of the burial curve, where periodic peaks are interspersed with smaller peaks and troughs. Four years appear to have been notable for high mortality 1587, 1597, 1622/23 and 1636. While deaths were often attributed to plague, there are signs that the root cause was famine. For mortality soared in winter and early spring and it is significant that child mortality was relatively low, patterns which were not consistent with plague or typhus. In addition there was a tell-tale dip in conceptions and a fall in the number of marriages, a characteristic associated with famine. It is perhaps of little surprise, then, that high mortality within the parish coincided or followed years of dearth.[59]

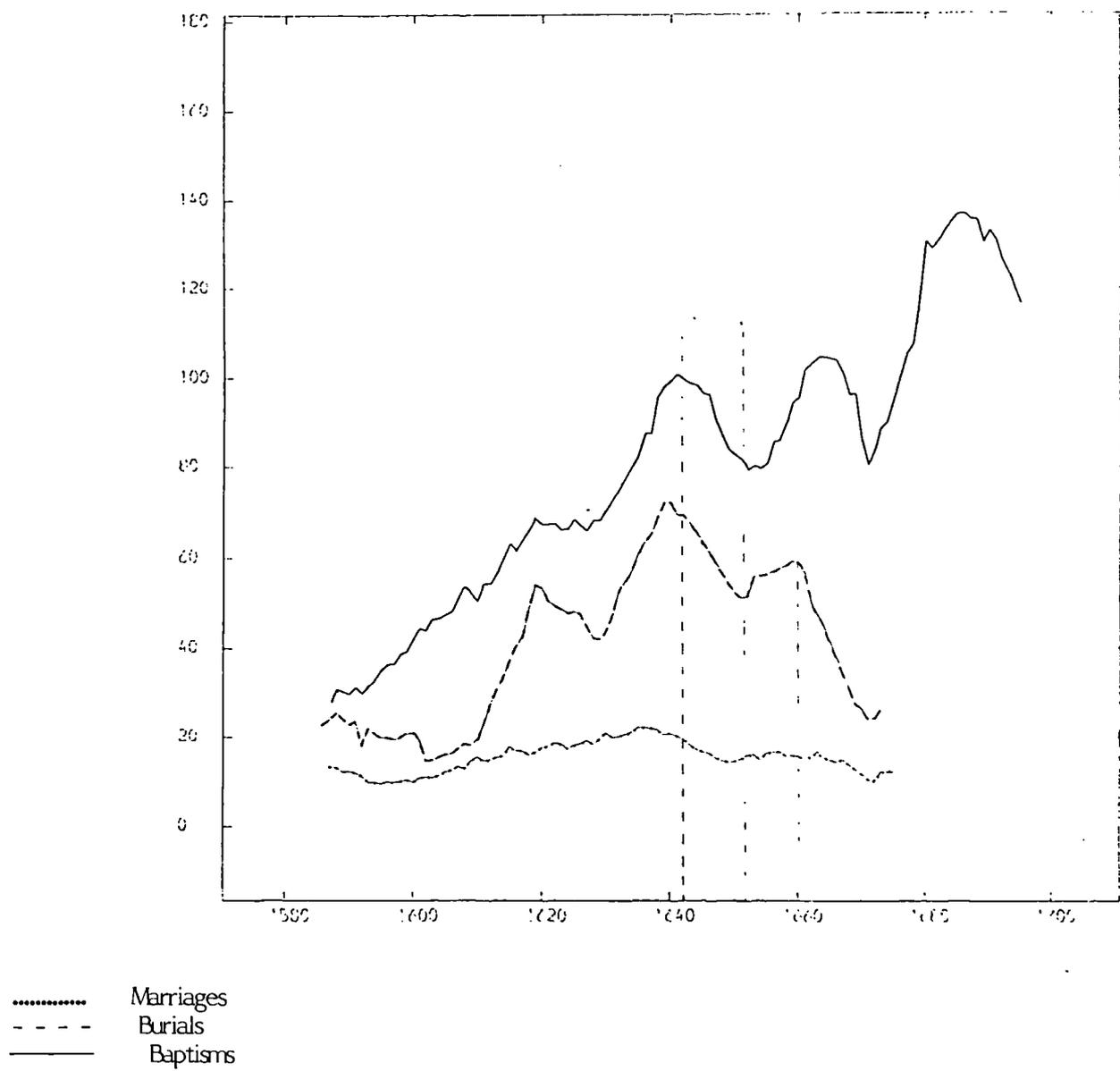
Despite the undoubted severity of these crisis years, it is significant that they did not halt population growth. Indeed it is revealing that apart from these years, baptisms consistently exceeded burials. This surplus over and above replacement levels appears to have been absorbed, for the population continued to swell. This long term trend is thrown into sharper relief if the annual variations are smoothed by producing a nine year moving

average of baptisms, burials and marriages (cf figure 1.2).[60] The strength of the trend is immediately apparent in the fact that even the crisis years of high mortality are submerged, revealing an increasing disparity between the dominant baptism curve over burials. By contrast the rise in the marriage curve appears to be relatively modest, rising to a peak in the late 1630's and thereafter falling slightly. The long term stability of the marriage curve is revealing in that it suggests that the dramatic population growth cannot be explained in terms of the expansion of the indigenous parish population, which appears relatively stable. In the light of this observation it seems likely that population expansion reflects the migration of new young families into the parish lured by the economic opportunities afforded by the ever expanding coal mining industry. While in the long term greater fertility may have contributed to population growth, in the absence of detailed family reconstitution it is impossible to verify this. Moreover there are signs that this was a highly *mobile section of society*, a transitory group which only stayed long enough in the parish to register the birth of their children.[61]

This belief that demographic expansion reflected the migration into the parish of an essentially transitory population is strengthened when attention is turned to the wealth structure of the parish, as revealed in inventories.[62] While it is true that inventories can only provide an incomplete guide to the real wealth of an individual, for the value recorded was influenced by diverse factors including age at death and the time of year when

Figure 1.2

Nine year moving average of baptisms, burials and marriages within the parish of Chester-le-Street, 1583-1678



the inventory was drawn up, when studied collectively they can give a general impression of the distribution of wealth within the parish (cf table 1.3).

The figures reveal a clear wealth pyramid with a majority of inventories (51 percent) being valued below £50, while approximately 75 percent recorded wealth below £100. By contrast only 14 percent recorded having wealth in excess of £150. While of interest in isolation, the figures obscure important changes in the wealth structure of the parish over time (cf table 1.4). The early decades of the seventeenth century witnessed a growth in the wealth of parishioners, with a fall in the percentage of inventories with wealth below £50 from 53 percent in the period 1580-1619 to just under 28 percent in the years between 1620-1659. There was a comparable increase in those with wealth over £150 from 10.8 percent to 27.7 percent. The extent of change, however, may be slightly exaggerated due to the inclusion of inventories from the disturbed period of the Civil War, inventories which tended to be of the more wealthy members of society.[63] Nevertheless the figures suggest that the development of coal mining and the economic opportunities it afforded brought tangible rewards to the inhabitants of the parish.

The words 'inhabitants of the parish' are used advisedly, for it seems likely that inventories during this period reflect the wealth patterns of the indigenous population of the parish rather than the total population. They do not reflect changes in the wealth structure as a result of the influx of a lowly paid

Table 1.3

Distribution of wealth: Chester-le-Street, 1580-1699

Over £200	24	9.6%
£150 - £200	12	4.8%
£100 - £150	28	11.1%
£50 - £100	58	23.1%
Under £50	129	51.4%
	251	100.0%

Table 1.4

Distribution of wealth over time: Chester-le-Street 1580-1699

	Over £200		£150-£200		£100-£150		£50-£100		Under £50	
	Nb	%	Nb	%	Nb	%	Nb	%	Nb	%
1580-1619	5	6%	4	5%	8	10%	22	27%	44	53%
1620-1659	12	22%	3	6%	7	13	17	32%	15	28%
1660-1699	7	6%	5	4%	13	11%	19	17%	70	62%

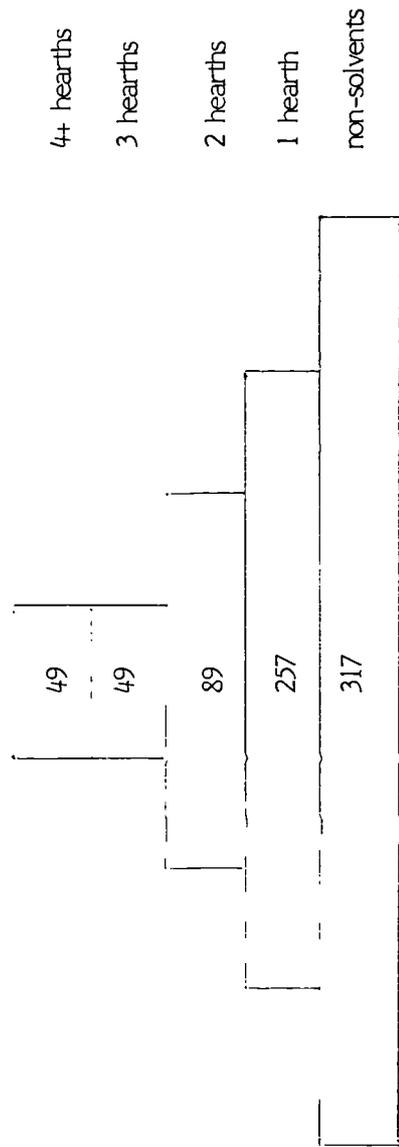
Source: Inventories

labouring workforce. This omission is probably due to the nature of the evidence of inventories themselves, which record the value of goods at death. While many migrants lived long enough in the parish to register the birth of their children, few appear to have died in the parish and therefore did not leave inventories. This pattern is consistent with the demographic evidence, which suggests that this population was transitory, passing through the parish rather than settling and leaving few records to the social historian. By the last two decades of the seventeenth century there is evidence, however, to suggest that migrants into the parish were settling with greater frequency as the century progressed. For there was an increase in the percentage of inventories recording wealth below £50. Compare, for example, the relatively low percentage of 28 percent in the period 1620-1659 with 61 percent for the period 1660-1699. Indeed by the last two decades of the seventeenth century the figure was to rise to over 71 percent.

A truer indication of the impact of migration into the parish is given by an examination of the Hearth Tax Return of Lady Day 1674.[64] (cf figure 1.3) It is revealing that over 40 percent of households were exempted from paying the levy on the grounds of poverty. Once again, however, there are signs that a distinction must be drawn between the experience of the indigenous population and migrants. For it is clear that the ranks of the poor were swollen by the ever increasing migrant population. While the development of mining brought wealth to the parish paradoxically it also brought poverty. Indeed

Figure 1.3

The 'Social Pyramid' of the Parish of Chester-le-Street as indicated by the Hearth Tax Return of Lady Day 1674.



throughout the period the problem of poverty remained a major concern of the parish officials, a concern which is voiced in an entry in the Parish Book of 3 April 1622:

'Whereas there is great complaint of the incoming poor to inhabit within this p(ar)ishe of Chester, which is a great charge and inconvenience to the inhabitants remaining within the p(ar)ishe. Therefore for the avoiding thereof it is sett downe ... that the constables of every constabularie within the said p(ar)ishe shall within 10 days next ensuing the date thereof make diligent enquirie and bring a note in writing of all the poore people who have come to inhabit within there severall constabularies within these three years last past ...'.[65]

The concern of the parish officials was not exaggerated. The Hearth Tax Returns give a depressing and dismal picture of poverty within the mining communities. The Return of Lady Day 1674 reveals that within the mining villages of Lambton and Lumley 179 households out of 229 were exempted from the levy, a figure which represents over 78 percent of the population in these areas.[66] To the long established inhabitants of the parish the alarming growth in the number of poor must have looked less like the polarisation of the old traditional society than the rising in their midst of a wholly new and mobile society.

While the segregation of these two sectors of parish society is undoubtedly exaggerated, nevertheless in assessing the availability of kin it is necessary to distinguish between the experience of the migrant population and the more stable indigenous population. With regard to the former it is clear that we are dealing with a group which was geographically distant from kin. While there is little evidence as to the origins of this migrant workforce, some at least may have migrated from the

poorer farming areas of the region. By the early decades of the seventeenth century step migration may have become increasingly important, as families migrated south in response to the exhaustion of the Tyneside mines and the development of the lower Wear collieries. Even if kin had been available it is doubtful whether resources would have been available to invest in kinship ties. The combination of the geographical distance of kin and poverty no doubt led many to look for support from the parish. Indeed it is of interest that while the Tudor Poor Laws laid down that close kin could be held responsible at law for the welfare of a relative, the parish officials of Chester-le-Street recognised the responsibility of both landlords and employers. Thus an entry in the Parish Book of 1622 records that

'all the inhabitants within this p(ar)ish who have cottages to lett and doe take in undertenants to dwell in the same, all those who have and doe readily receive them, they shall within one month next ensuing the date thereof enter bond to the churchwardens and overseers of the poore for the tyme being within the s(ai)d p(ar)ishe in the sume of tenn pounds.' [67]

A more direct contribution to poor relief was to be made by the colliery owners. Thus Sir William Lambton owner of Lambton Colliery agreed

'to pay yerelie unto the overseers of the s(ai)d poore from his coleway mines at Lambton the sume of twenty shillings ... to be paid ev(er)y yere quarterlie five shillings a quarter so long as the said cole mines shalbe wrought and continue and no longer'. [68]

Similar arrangements were made concerning the coal mines of Lumley Castle and Harraton. [69] The development of the social institution of poor relief within the parish may not only reflect the negative aspect of economic change but the existence of a migrant population distant from kin.

By contrast what might have been termed the traditional parish society appears to have enjoyed a period of prosperity and relative stability. While the upper ranks of society witnessed the rise of new gentry families such as the Jacksons of Harraton, older established families continued to figure prominently in the economic and political life of the area.[70] If we descend the social scale a similar picture of change and stability emerges. A comparison of the surveys of the manor of Chester-le-Street for 1588 and 1647 reveals a clear influx of people with quite foreign names, as the number of tenants swelled by approximately 40 percent from 86 to 120.[71] It is significant, however, that despite such change, 35 percent of the separate surnames appearing in the 1588 survey were recorded two generations later. A core of about twenty families remained. Such figures, however, may exaggerate the extent of change. For no account has been taken of the probability of families becoming extinct or the inheritance of daughters, who were married or subsequently married.

Figures of this kind whatever their intrinsic interest and value as an indication of stability are of little use unless placed in some sort of perspective. A similar comparison of the surveys of 1588 and 1647 for the township of Sedgefield within the manor of Bishop Middleham reveals that just over 20 percent of single surnames survived, a figure which suggests that the tenants of Chester-le-Street enjoyed a greater degree of stability.[72] Unfortunately comparable figures cannot be produced for the manorial holdings within the parish of Weardale,

which it is argued was characterised by low mobility. In the absence of such evidence it is necessary to look further afield. Margaret Spufford's analysis of surname survival within the parish of Willingham in Cambridgeshire over six generations from 1575 to the 1720's finds that approximately 38 percent of family names persisted, a figure which has been viewed as being indicative of a relatively stable community.[73] It is of course open to question whether the tenants of Chester-le-Street enjoyed such long term stability. It is possible, however, to speculate by examining factors which influenced stability and hence the availability of kin.

On the positive side the catalyst of coal mining brought new economic opportunities to this traditionally agrarian society. Not only did economic and demographic expansion encourage greater efficiency in agriculture, which found its clearest expression in the enclosure of over 600 acres of arable land within the manor of Chester-le-Street in 1637, but also greater economic diversification.[74]

Increasingly incomes^{came} from direct involvement in mining or the transportation of coal. Few of course could hope to emulate Robert Millot of Whitehall, whose inventory recorded 'coles wrought at Pitts and Staythe', the lease of engines, and a keel, which at £30 almost equalled the value of his agricultural stock and implements.[75] Investment for the majority, however, was usually limited to the acquisition of coal wains and horses, which became increasingly important in the inventories of the mid and late seventeenth century. For some, like Thomas Jobling of

Ouston, coal carrying must have been an important source of income. An inventory of 1691 recorded the value of 'six colewaine meares' and 'two colewaines and one cole cart with their furniture' at 20, a sum which constituted almost a third of the total value of his goods.[76] Moreover there is evidence to suggest that such economic opportunities were of particular importance to younger sons. Thus while Robert Robson in his will of 1644 bequeathed to his eldest son the residue of his lands and goods, his second son Robert received 'five oxen, a colewayne and furniture to the same' and his third son, Emanuel, inherited 'a colewayne and fower oxen and two of my best stotts and furniture to the said wayne'.[77] Coal carrying not only offered the opportunity of employment within the parish but also the possibility of maintaining kinship ties.

In addition the expansion of a workforce largely divorced from the land created a demand for housing, a demand which was often met by the division and sub-letting of property. An indication of the increasing importance of rented accommodation is given by an entry in the Parish Book for 1661, which recorded that 'divers Inhabitants of the s(ai)d p(ar)ish of Chester doe entertaine into their houses, tenants and undersettlers whereby there are many poore people brought and orphans left to the charge of the p(ar)ish.[78] A similar concern was voiced in the Halmote Court Book entry of 21 April 1652, which stated

'that noe ten(a)nt Copyholders or other Inh(abi)tants w(i)thin the Towne of Chester doe enterteine any fforrainer or Strainger to Inhabite there, or kepe any Inmate or under settler ... unlesse the p(ar)tie so ent(er)teininge the same doe lay in Sufficent that they shall not be predudiciall or chargeable to the

Towne or p(ar)ish'.[79]

It is significant, however, that despite the increasing problem of poverty, no restriction was placed upon the copyholders' ability to both divide and sublet property. Indeed numerous rent agreements were recorded in the Halmote Court Books of the period.[80] It is important, then, to view this process not only as a response to demographic expansion but also as a reflection of the strength of customary tenure and the absence of strict manorial control.

Although manorial custom dictated that on the death of a tenant copyhold property should, while protecting the rights of the widow, descend to the eldest son, or failing male heirs to daughters as coheireses, in practice a copyholder enjoyed great freedom. For a copyholder could mortgage, sublet or even alienate copyhold property during his life.[81] Moreover entry fines levied whenever a tenement changed hands appear to have remained stable during this period.[82] Despite the economic climate which encouraged attempts to replace such hereditary copyholds with shorter term leasehold tenancies which could command higher fines, there is no evidence of such a policy within the manor of Chester-le-Street (cf table 1.5).[83] While it is true that the number of leaseholders more than doubled, it is doubtful whether this should be seen as a consequence of a deliberate manorial policy to convert copyhold to leasehold. Although the percentage increase in the number of copyholders was a comparatively modest 30 percent, copyholders continued to be dominant within the manor. There is no evidence, then, of any

Table 15

The composition of the manor of Chester-le-Street 1588 - 1647

	Freeholders	Leaseholders	Copyholders	Tenants at will	Unspecified
1588 Survey	2	10	70	4	-
1647 Commonwealth Survey	-	21	91	-	8

attempt to reduce the security of tenants or the engrossment and selling which often accompanies such policies.[84] No one appears to have been displaced as a result of manorial policy.

Yet it is perhaps misleading to equate prosperity and security of tenure with any deep rooted stability. For while there is no evidence of displacement due to economic pressures or manorial policy, new economic opportunities and the absence of strict manorial control may paradoxically have led to greater mobility. There is abundant evidence of growing property speculation. Of the one hundred and sixty-eight transfers of copyhold referred to in the 1647 Commonwealth Survey, one hundred and two (over 60 percent) involved surrenders. Of these only five involved kin. In contrast only fifty-nine or just over 35 percent concerned widowright or the inheritance by a child following the death of a tenant.[85] Clearly the pressure to alienate land was strong. We can only speculate as to the possible implications of this buoyant land market for the price of land or upon the chances of younger sons to establish themselves on the land. No doubt economic expansion was a double edged sword.

Conclusion

In discussing the availability of kin within the parish of Chester-le-Street it is important to distinguish between the experience of two groups. The first represents the poor and highly mobile migrant population, attracted to the parish by the new economic opportunities of the expanding coal industry.

Within this group both poverty and mobility may have resulted in kin being both geographically and socially distant. By contrast the landed sector of parish society enjoyed a greater degree of stability. For greater economic diversity and the absence of aggressive manorial policies reduced the pressures upon younger sons to migrate. Yet the extent of stability must not be overstated. There is evidence to suggest that the fast pace of economic change created a flourishing property market. For younger sons trying to establish themselves the price of land may have been prohibitive. Many may have found it necessary to migrate in the search for land or employment. As a result kinship ties would inevitably have been weakened.

Sedgefield: The Forces of Agricultural Change

Lying in the Durham lowlands, the parish of Sedgefield contained some of the most fertile land in the county and was well endowed with both arable and pasture. In addition the small market town of Sedgefield not only provided a focal point for local villages, but also was linked by road to Bishop Auckland, Darlington and the City of Durham, none of which lay more than ten miles from the town. Sedgefield, then, was ideally situated to benefit from the increasing demand for agricultural produce from a growing population and in particular the expanding workforce of the Tyne and the Wear Valleys.

Given the opportunities for increased profits from agriculture, it is perhaps of little surprise that the township of Sedgefield, which lay within the extensive episcopal manor of

Bishop Middleham, was one of the earliest to enclose its townfields.[86] By 1636 the landscape had changed. A neat patchwork of fields emerges as common land, was divided and hedges erected. As Paul Brassley has observed, within a pastoral region like the North East, enclosure must have had an immediate effect on the profitability of farming, since 'the greater regularity of defoliation and dunging must have brought about a significant improvement in the quality of pastures, and where the farmer was aware of the benefits of manuring and alternate husbandry the improvement would have been considerable'.[87] In common with many early enclosures, that of Sedgefield appears to be associated with a greater emphasis upon pastoral farming, a change of emphasis which is reflected in the provision made for the expected loss of tithe. Thus it was decided to allocate land to the incumbent rather than preserve too much land in tillage.[88] In part this conviction of land to pasture can be seen as a response to the exhaustion of land which had been in permanent tillage. It is significant, however, that this process not only made ecological sense but also commercial sense. For there is evidence to suggest that 'the products of meadow and pasture might have been more commercially lucrative than those of ploughland during much of the seventeenth century'.[89] There was a growing awareness of market opportunities. As in Chester-le-Street the period held the prospect of prosperity, but in Sedgefield the demographic and social implications of economic expansion were to be totally different.

Changes in agriculture, while bringing wealth to the parish, were not labour intensive, a fact reflected in the relatively low level of population growth (cf table (b)). Again the Hearth Tax Return has been placed in perspective by examining the number of households recorded in the Ecclesiastical Census of 1563 and Bishop Chandler's Visitation of 1736. Although not strictly comparable with the figures for Chester-le-Street in that use has been made of the Hearth Tax Return of Lady Day 1666, rather than that of 1674, which in the case of Sedgefield fails to record the number of non-solvents, the contrast is immediately clear.[90]

Over the period the rise in population was a relatively modest 16 percent, modest indeed when compared with the rise of approximately 600 percent within the parish of Chester-le-Street. Moreover there was no persistent rise in population. While the number of households increased by just over 30 percent from 241 to 314 households during the period 1563 to 1666, between 1666 and 1736 the population appears to have fallen by about 10 percent to 280 households. The conversion of such figures into an absolute population figure must be a matter of conjecture. Nevertheless by once again using the multiplier of 4.75 it is possible to suggest that the population may have risen to a peak of approximately 1,500 by the second half of the seventeenth century, thereafter falling to around 1,330 by 1736. From being more densely populated than the parish of Chester-le-Street in 1666, in the early eighteenth century the positions were reversed.[91]

Table 16

Population growth within the Parish of Sedgelyield 1563 - 1736

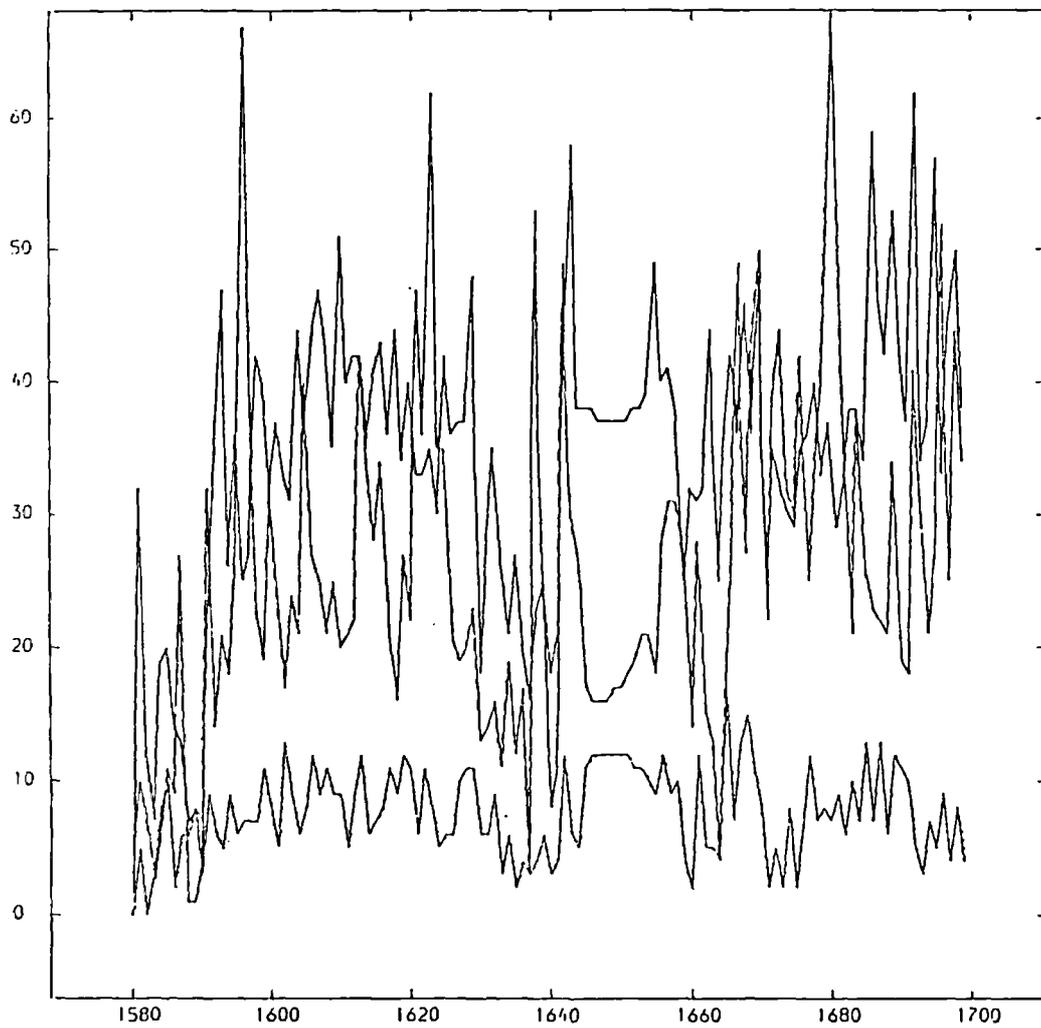
	Ecclesiastical Census 1563	Index	Hearth Tax Lady Day 1666	Index	Ecclesiastical Census 1736	Index
No. of Households	241	100	314	130	280	116
Estimated population with multiplier of 4.75	1145	100	1492	130	1330	116

While such static population counts give some indication of change over time, they give little idea of the pace of change. It is necessary, then, to turn attention to the complementary source of the parish register, which recording annual totals of baptisms, burials and marriages suggest the course of population change. Beginning in 1580, the parish register of Sedgefield provides a relatively complete record, registration being broken only for the period 1646 to 1653.[92] As in the previous study, the gap in registration has been filled by interpolation.[93] Once again it must be emphasised that no conclusions can be drawn for individual years during the period 1646 to 1653. To do so would merely add a further imponderable to the study. In figure 1.4, annual totals have been presented in the form of a simple annual series.

At first glance the impression gained from the graph is one of extreme volatility, with wide swings in both the baptism and burial curves. While the marriage curve appears to be slightly more stable, this may merely be due to the smaller numbers involved, the number of marriages rarely exceeding twelve. Upon closer inspection, it is clear that the burial curve frequently intersects that of baptisms. This is particularly true for the high mortality years of 1583, 1596/97 and 1623, which have already been identified as years which coincided or followed years of dearth. In addition the years of 1639, 1642 and 1680 appear to have been marked by high mortality. Local records are sadly silent as to the cause of such high mortality, while these years are described as having good or average harvests by

Figure 1.4

Annual totals of baptisms, burials and marriages within the parish of Sedgefield, 1580-1699



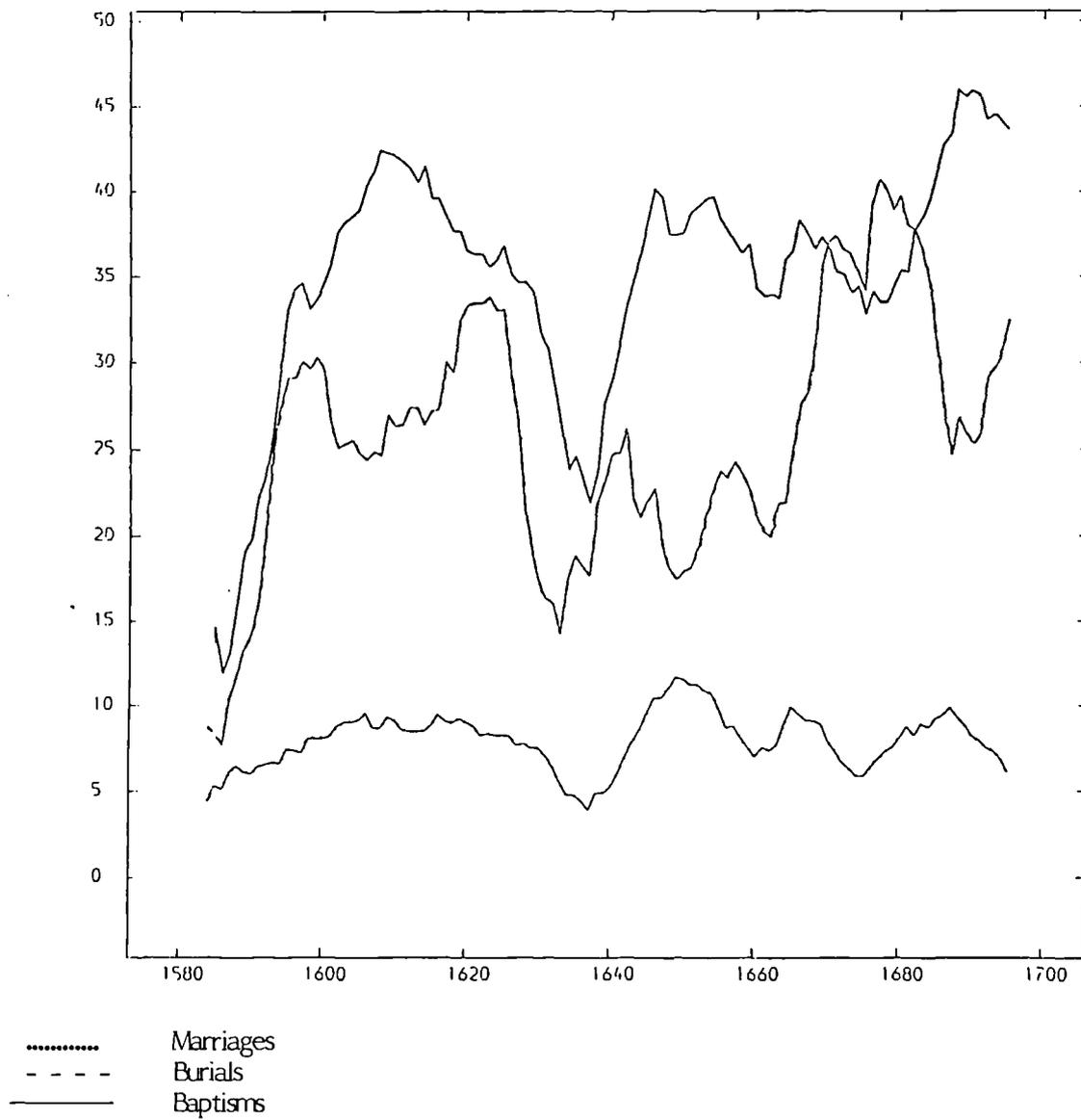
..... Marriages
- - - - Burials
———— Baptisms

Professor Hoskins.[94] In the absence of evidence to the contrary it is possible to suggest that the increase in the number of deaths reflects the presence of endemic disease, though the rise in mortality in the parishes of Chester-le-Street and Stanhope-in-Weardale in 1639 suggests the possibility of dearth as a cause cannot be ruled out.[95]

While the annual totals of burials, baptisms and marriages are useful in the identification of crisis years, it is more difficult to discern particular trends. The graph is simply too 'noisy'. Therefore annual variations have been submerged by producing a nine year moving average by which longer term trends are thrown into sharper relief. While figure 1.5 reveals a sharp rise in baptisms in the late sixteenth century, it would be misleading to imagine that this was a period of population growth. For the increase of baptisms was matched by a corresponding rise in burials, a rise accentuated by the high mortality of 1583 and 1596/97. By contrast the early seventeenth century was a period of population growth, as the baptism curve continued to rise, while that of burials fell. This increase, however, appears to have been relatively short-lived. Having reached a peak in 1610, baptisms fell sharply, a fall which appears to have been accelerated by the demographic crisis of 1623. It was not until the late 1630's that baptisms recovered and heralded a period of population growth, as a gap emerged between the dominant baptism curve and that of burials. Once again, however, population growth was checked by rising mortality during the years 1660 to 1680. Indeed the late 1670's appear to

Figure 1.5

Nine year moving average of baptisms, burials and marriages within the parish of Sedgefield, 1580-1699



have been a period of population decline, as the number of burials outstripped baptisms. In the post 1680 period the burial fell sharply, while that of baptisms rose. Once again the population began to rise. By the end of the century, however, there can be detected the now familiar narrowing of the gap between baptisms and burial.

In general the marriage curve echoed that of baptisms, though marriages appear to have reached a peak in the early 1650's rather than the early years of the century as in the case of baptisms. While it would be dangerous to draw firm conclusions from years subject to interpolation, it is possible to suggest that the increase may reflect the introduction in 1653 of the institution of civil marriage.[96] In contrast, then, with the persistent demographic increase witnessed in the parish of Chester-le-Street, that of Sedgefield appears to be cyclical, with periods of population growth interspersed with periods of stagnation and even decline. There is no evidence, then, of any dramatic expansion in the population as a result of migration into the parish as in the case of Chester-le-Street. Economic opportunities were present in Sedgefield but they were limited.

Something of the limited nature of economic opportunities can be gained from an examination of the contrasting social and economic structures of the parishes. For many within the parish of Sedgefield the period was one of prosperity, a prosperity which is reflected in the inventories of the period (cf table 1.7).[97]

Table 1.7

Distribution of wealth: Sedgefield, 1580-1699

Over £200	34	20.9%
£150 - £200	17	10.4%
£100 - £150	17	10.4%
£50 - £100	36	22.1%
Under £50	59	36.2%
	163	100.0%

As in the case of Chester-le-Street the figures reveal a clear wealth pyramid, though in detail it is substantially different. For within the parish of Sedgefield only 58 percent of inventories recorded wealth below £100, as compared with 75 percent within Chester-le-Street. Similarly, while within Chester-le-Street only 14 percent of inventories recorded wealth in excess of £150, within Sedgefield the figure was 31 percent. Comparatively speaking Sedgefield appears to have been a relatively wealthy society.

The above study, however, obscures important changes in the wealth structure of the parish, changes which reflect the differing ability of the various wealth groups to exploit the new economic opportunities (cf table 1.8). Thus the results reveal a fall in the percentage of inventories having wealth below £50 from nearly 42 percent in the period 1580-1619 to 27 percent during the years 1620-1659. Such a comparison, however, may exaggerate the extent of change. For there are signs that the figure for the period 1620-1659 is distorted by the inclusion of inventories of the disturbed period of the Interregnum, inventories which tended to be of the more wealthy members of society.[98] A more modest, and arguably more accurate, fall of approximately 5 percent is observed between the periods 1580-1619 and 1660-1699. A similar, though larger fall, of 10 percent, is evident in the percentage of inventories having wealth under £100. By contrast in all three wealth groups recording personal wealth in excess of £100 there was an increase in the percentage of inventories. This increase, however, was particularly marked

Table 1.8

Distribution of wealth over time: Sedgelyield Parish 1580-1699

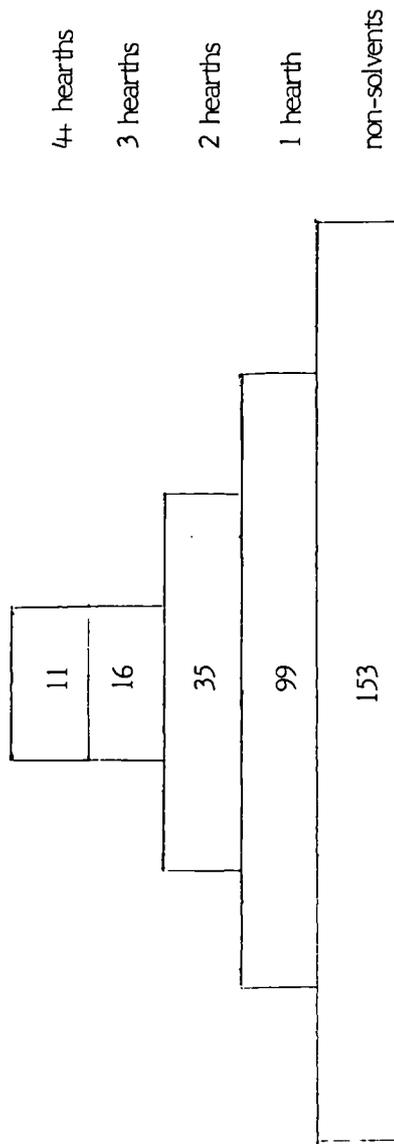
	Over £200		£150 - £200		£100 - £150		£50 - £100		Under £50	
	Nb	%	Nb	%	Nb	%	Nb	%	Nb	%
1580 - 1619	6	14%	4	9%	3	7%	12	28%	18	42%
1620 - 1659	9	27%	3	9%	4	12%	8	24%	9	27%
1660 - 1699	19	22%	10	12%	10	12%	16	18%	32	37%

in the case of inventories over £200 which rose to approximately 22 percent of all inventories for the years 1660-1699, as compared to the figure of almost 14 percent for the earliest period. Such figures suggest that for the wealthy, who could afford capital investment in agriculture, the rewards of the new economic opportunities could be great.

The general impression gained from the above analysis of inventories is of increasing wealth. While it is true that growth in the wealthy section of society was particularly marked, there was no equivalent expansion of the poorer ranks. There is no evidence of the classic polarisation of society observed by many social historians. Yet this initial impression of prosperity must be tempered in the light of the evidence of the Hearth Tax Return of Lady Day 1666, which reveals a relatively high proportion of non-solvents with over 48 percent of households being exempted on the grounds of poverty, as compared with 42 percent for the parish of Chester-le-Street (cf figure 1.6).[99] As in Chester-le-Street there appears to have been enclaves of poverty. Thus the proportion of non-solvents approached 75 percent in the villages of Fishburn and Morden. Unfortunately, it is not immediately clear why poverty in these villages should have been so high, though in the case of Morden the quality of the land was poor and waterlogged.[100] While these cases may be atypical, it is significant that in the majority of settlements over 40 percent of households were exempted. For the poor the benefits of the new economic opportunities must have been marginal. Once again, then, it is

Figure 1.6

The 'Social Pyramid' of the Parish of Sedgefield as indicated by the Hearth Tax Return of Lady Day 1666.



necessary when discussing the pressures to migrate and the availability of kin to distinguish between the experience of the poorer and wealthier sections of society.

For many within the poorer sections of society, the combined effects of poverty and migration must have seriously reduced the chances of maintaining kinship ties. Something of the pressures involved can be gleaned from the will of William Young of Sedgefield, who bequeathed to his son, Ralph, all his goods 'if he return to Sedgefield anytime within the space and term of seven years next'. His goods were valued at less than £6.[101] Unfortunately, William Young's will gives no indication of the reasons for his son's earlier migration, but for many the search for work must have been an important factor. For economic opportunities within the parish were limited; agricultural rationalisation and the increased emphasis on pastoral husbandry did not result in a parallel increase in the demand for labour. Even for smallholders, like William Young, economic pressure could be great, for there is no evidence to suggest that agricultural incomes were supplemented through by-employments. It is an observation supported by a report of 1605, which concluded that

'in the countyes of Durham and Northumberland there be no great trades as clothing and such like used, by which the poorer sort are sett on worke and relieved from begery ...'.

The only exceptions were 'the trades of collyery and salting', trades which in themselves encouraged migration.[102] For the new economic opportunities afforded by coal mining and its allied trades must have led many to leave the parish. The fall in

population in the post 1666 period suggests as much.

The absence of diversity within the economy of the parish may also have led in part to comparatively high mobility within the propertied section of society. While within the gentle ranks of society, families such as the Conyers of Layton and the Frevilles of Hardwick continued to be influential in the political and economic life of the area, further down the social scale a less stable picture emerges.[103] A comparison of the surnames of Bishopric tenants within the township of Sedgfield as recorded in the surveys of 1588 and 1647 reveals substantial changes.[104] Thus there was a clear influx of people with unfamiliar surnames as the number of tenants increased from 48 to 64. The emergence of new names, however, cannot be accounted for merely in terms of the expansion of the manor. For changes within the old tenantry were also important. Of the 37 separate surnames appearing in the survey of 1588 only 8 are recorded in the Commonwealth Survey of 1647, over two generations later. Such figures, of course, may give an exaggerated impression of mobility. No allowance has been made for the possibility of families leaving no heirs or the inheritance of married daughters. Nevertheless in comparison with a similar analysis of surname survival within the Bishopric manor of Chester-le-Street where 35 percent of names persisted, Sedgfield appears to have witnessed greater mobility.[105]

While it is tempting to assume that the rationalisation of agriculture and the process of enclosure resulted in the displacement of the weaker members of the agricultural community, there is no evidence of engrossment or of aggressive manorial policies. In spite of this, the economic climate encouraged the move towards larger farms and the pressure of engrossment may have been less than elsewhere. For as Paul Brassley has suggested within manors which encompassed whole townships it must have been 'comparatively simple to add former wasteland which was of reasonable quality to existing farms'.^[106] Moreover any moves to displace weaker tenants were faced by the strength of tenant right. For while manorial custom governed the descent of copyhold property following the death of a tenant, as in Chester-le-Street, copyholders enjoyed the freedom to mortgage, sub-let or alienate holdings during their lives. In addition fines payable on the death of or alienation by a copyholder were fixed.^[107] Moreover there is no evidence of a deliberate manorial policy to challenge the security or to replace copyholds with potentially more lucrative leaseholds (cf table 1.9). Indeed it is revealing that between 1588 and 1647 the number of leaseholds increased only by 1, while the number of copyholders rose from 21 to 36 and tenancies at will disappeared altogether.^[108] As in the manor of Chester-le-Street, tenants continued to enjoy great security. Why, then, should mobility within Sedgfield have been higher?

Table 1.9

The composition of manorial holdings within the township of Sedgfield 1588-1647

	Leaseholders	Copyholders	Tenants at will	Not specific
1588 Survey	13	21	5	9
Commonwealth Survey of 1647	14	36	-	14

A clue may be found in the structure of the manor itself, in which large holdings were important. The 1647 Commonwealth Survey reveals that of 36 copyhold tenants, 11 held land in excess of 60 acres, while the surveyors stated that 'we know of no cottagers within this manor'. [109] The lack of small holdings within the manor, combined with the practice of primogeniture and the absence of alternative economic opportunities must have made it difficult to establish younger sons on the land. Moreover it seems likely that the problem was made more difficult by the apparently buoyant land market. Alienations of copyhold were both common and frequent. Of the 53 transactions recorded in the 1647 Survey, 43 or over 80 percent involved surrenders. Of these only 5 appear to have involved kin. By comparison only 8 or 15 percent concerned inheritance. [110] Unfortunately there is no evidence of the implication of an active land market for the price of land, though it seems likely, as in the case of Chester-le-Street, that economic expansion did not guarantee stability. Indeed in the absence of economic diversity, it may have resulted in greater mobility among younger sons and therefore weakened kinship groups.

Conclusion

The parish of Sedgfield was not immune from the forces of change which shaped the history of the County during this period. The increasing demand for food encouraged a process of rationalisation in agriculture, a process which found its clearest expression in the enclosure of both meadow and arable land. Yet it is doubtful whether the new economic opportunities reduced the

pressure on younger sons to migrate or to reduce the social distance between kin. For those who could afford to invest in agricultural improvements, the period was one of prosperity. For others the period was less auspicious and for many a time of hardship. Increased economic stratification within the parish may have increased the possibility of kinship ties crossing social and economic boundaries and therefore widened the social distance between kin. More significant, however, was the pressure to migrate. In an area of large and medium farms, few but the very wealthy could aspire to establish their younger sons on the land. In the absence of diversity within the local economy, the pressure to leave the parish and so reduce the possibilities for maintaining kinship ties was great.

Stanhope-in-Weardale: The Forces of Stability.

Of the three parishes under examination, the extensive upland parish of Stanhope-in-Weardale possessed conditions most conducive to the maintenance of wide kinship ties. In part, this owed something to the historical position of the parish within the turbulent and badly policed border area, an area in which strong family groupings could provide security against external aggression. Yet by the early years of the seventeenth century with the Union of the Crowns of England and Scotland under James I, the importance of security became less pressing as the prospect of a border war receded. In the light of the increased political stability on the border, it is doubtful whether extensive kinship groups could have survived had the economy of the parish not provided opportunities for younger sons to earn a

living.

The harsh climate and topography of the uplands dictated that cattle breeding and to a lesser extent sheep rearing formed the mainstay of the local economy. For although, as John Leland observed, that there was fine grass 'in the dale where the ryver passeth', the vast majority of the area consisted of what Grainger later described as 'moorish wastes'.^[111] Yet the very extensive nature of these moors and wastes meant that younger sons could freely depasture their cattle and sheep. Speaking of the 'wast grounds commons heaths and moors', the surveyors of the large manor Wolsingham, which covered much of Weardale, observed that

'there is devision of bounders to our knowlidge amongst the freeholders, copyholders, and lessees but their cattle go horn by horn and eate by byte of mouth without stinting...'^[112]

For many the upland agricultural economy could only have provided a precarious living, for farming was generally on a small scale. While cattle usually accounted for approximately half of the value of inventories, few farmers had more than twenty cattle and many had fewer than ten.^[113] The marginal nature of farming in the highlands was eased slightly with the development of lead mining, which offered the opportunity to supplement incomes from agriculture.^[114]

The prospects for younger sons were further improved by the opportunities for inheriting land and for the division of land under partible inheritance. Thus the Custom of the Forest of Weardale, while dictating that upon the death of a tenant the

tenement should descend to the eldest son following the death or marriage of a widow, provision was also made for an alternative to primogeniture. For the Custom also acknowledged

'that yf the younger brother doe agree w(i)th the elder brother in the life time of the father for all or any p(a)rt of the tenemente that then the agreement shall stand in effect to exclude the elder brother who takes the Composition...'[115]

Furthermore the Custom permitted

'that any tenant may upon his death bed give his tenement to any of his younger sonnes w(i)th the consent of the eldest and not otherways'.[116]

The freedom of action enjoyed by tenants was further strengthened by the custom

'that every Customary tenant w(i)thin the fforeste and p(a)rke of Wardaile may at his pleasure let set grant or sell his tenem(en)t or any part thereof to any p(er)son or p(er)sons...'.[117]

In theory at least, as Mervyn James observed, 'the way was open therefore for the land to be divided amongst the sons, if there were enough of it, and also for the association of members of the family within the farm as undersettlers'.[118] While the possibility of partible inheritance in conjunction with the availability of common grazing land and the by-employment of lead mining created important economic opportunities, they did not totally eliminate the pressure to migrate. For by the late sixteenth and early seventeenth centuries an expanding population was already placing a strain upon limited resources.

Some indication of the pressures to migrate can be gleaned from a comparison of the Ecclesiastical Census of 1563 with the Hearth Tax Return of 1674, which reveal a fall of over 25 percent in the number of households from 458 to 340.[119] The pressure to

migrate, however, appears to have eased in the post 1674 period for by 1763 the number of households had risen by over 60 percent to 550 (cf. table 1.10).[120] The translation of these figures into an absolute total must be a matter of conjecture. If we use a multiplier of 4.75 the population appears to have fallen from 2,175 in 1563 to 1,615 in 1674, before rising to over 2,600 by 1736. If however, the 1620 petition of the Weardale tenants is to be believed, then these figures represent a serious under-estimation. If the Bishop succeeded in challenging their customary tenure, then, 'fowerscore and eleaven Tennants or families in w(h)ich is above 600 persons' would be 'famished and starved'.[121] if these figures are both accurate, then , on average there would have been 6.6 persons per family, a figure which suggests that the earlier population totals must be increased by approximately 39 percent. In all probability the claims made by the tenants are exaggerated. Nevertheless they do suggest that the earlier figures err on the side of conservatism. No doubt the truth lies somewhere between the two.

A more detailed representation of the course of population change over time can be achieved by examining the complementary source of the parish registers. Unfortunately the registers are not complete. While the registration of burials commences in 1595, baptisms and marriages are not recorded until 1609 and 1613 respectively. In addition there are serious deficiencies in registration. Reliable registration of burials, for example, does not commence until 1615, while there are further breaks in the register for the period September 1653 until September 1662

Table 1.10

Population growth within the parish of Stanhope-in-Wearside, 1563-1736

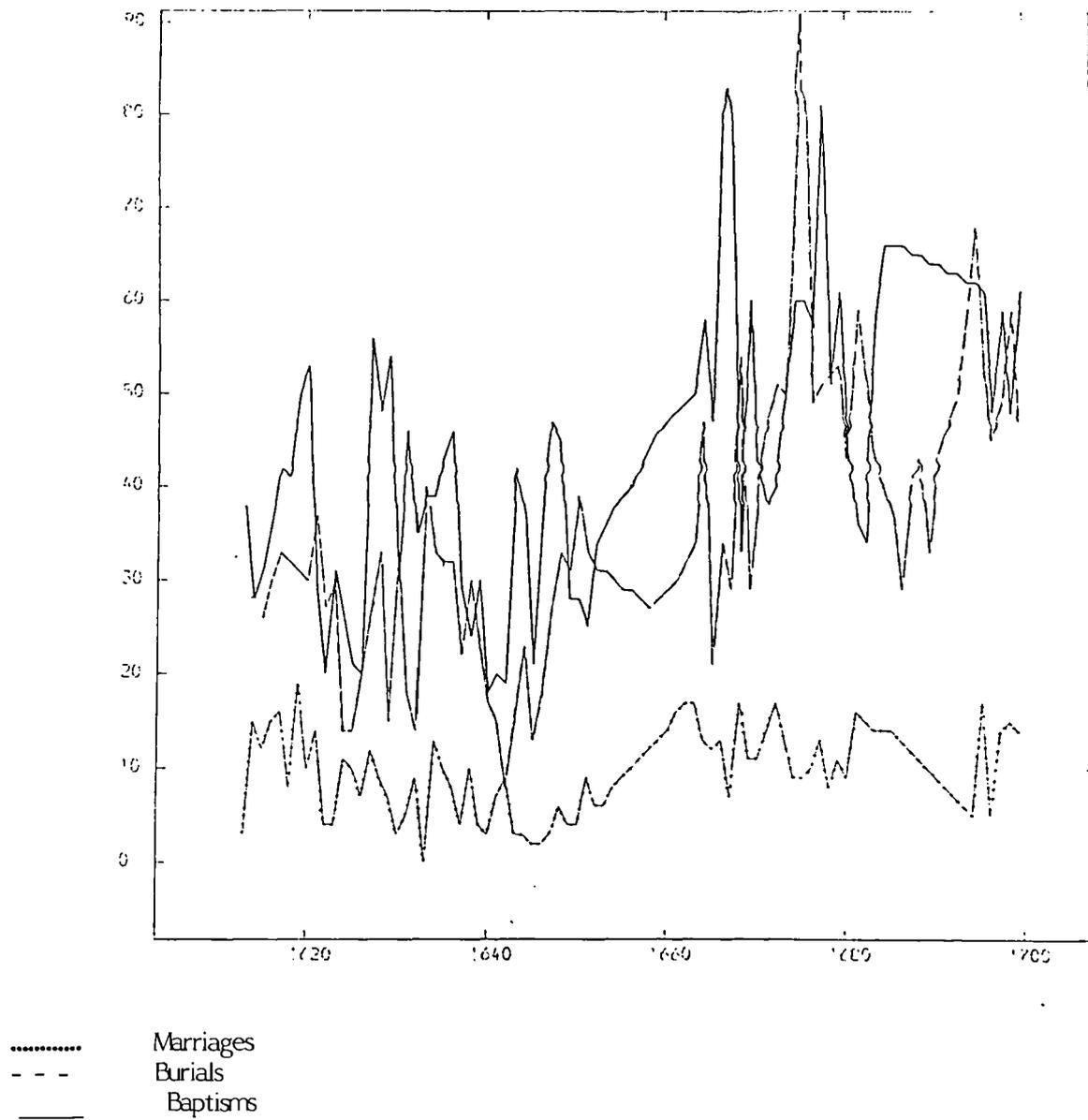
	Ecclesiastical Census 1563	Index	Hearth Tax Lady Day 1674	Index	Ecclesiastical Census 1736	Index
No. of Households	458	100	340	74	550	120
Estimated population with multiplier of 4.75	2175 [3023]	100	1615 [2244]	74	2612 [3630]	120

and for the years 1683, 1684 and 1692. Similarly, marriages are missing for the periods 1654 until September 1662, and June 1685 until September 1694, while baptisms are not recorded between August 1653 until July 1662 and for the years 1686 to 1690. Once again an attempt has been made to overcome the problems of defective registration by a process of interpolation, which permits an examination of population trends if not individual years.[122] With this important proviso in mind, let us turn to the evidence of the annual totals of baptisms, burials and marriages, which have been presented in the form of a graph (cf. figure 1.7).

The initial impression given by the graph is of volatility, with sharp peaks emerging in both the baptisms and burial curves, curves which frequently intersect each other. While the marriage curve appears slightly less volatile, this is probably due to the smaller numbers involved. In much of its detail the marriage curve mirrors that of baptisms. Unfortunately no evidence survives as to mortality during the crisis years of 1583 and 1596/97, though in 1623 the parish appears to have escaped the worst effects of famine. There is ^{no} evidence of soaring mortality. Of a more serious nature were the high levels of deaths recorded for the years 1674 and 1675, when deaths were over 50 percent above average. In the absence of contemporary descriptions, we can only speculate as to why mortality should have risen so sharply. The fact that the parishes of Chester-le-Street and Sedgefield did not experience above average mortality suggests that the presence of endemic disease may have been significant,

Figure 1.7

Annual totals of baptisms, burials and marriages within the parish of
Stanhope-in-Weardale, 1609-1699

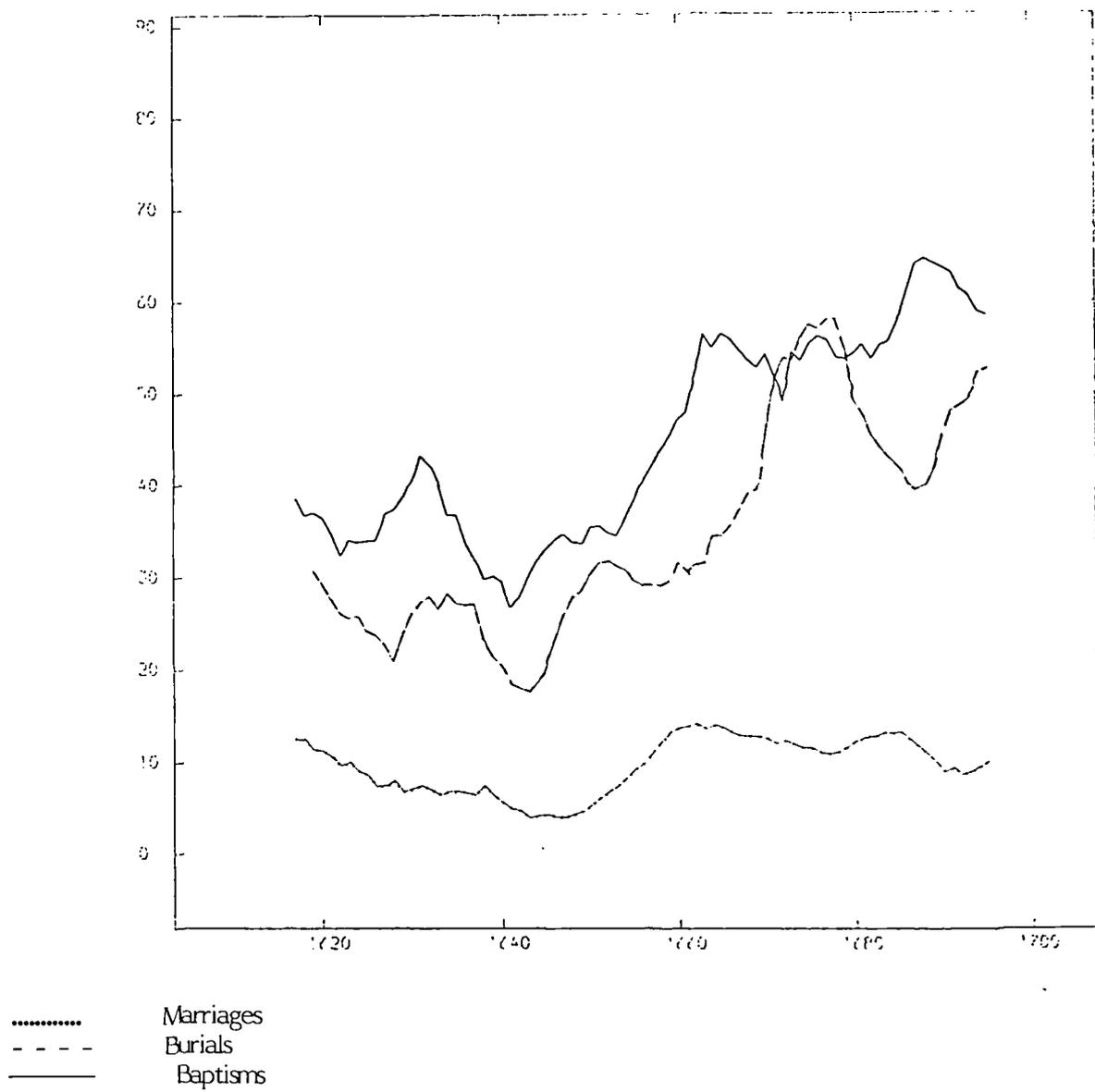


though, in view of Professor Hoskins' observation that the harvest of 1674 was 'bad' the possibility of dearth cannot be ruled out.[123]

While the annual totals of burials, baptisms and marriages are useful in identifying crisis years, it is less easy to discern population trends. Therefore annual variations have been submerged by producing a nine-year moving average so that long term trends can be thrown into bolder relief (cf. figure 1.8).[124] The most obvious feature of the graph is that for much of the period baptisms outstripped burials. Only in the 1670's a period which included the 'crisis' years of 1674 and 1675, did burials exceed baptisms. The gap between baptisms and burials was particularly wide during the 1620's and the early 1630's as baptisms rose. This period of population growth, however, was curtailed by a sharp fall in baptisms. The fact, however, that the decline in baptisms was accompanied by falls in marriages and burials suggests that migration from the parish may have been an important cause of the decline in population. It is perhaps more than a coincidence that this period coincided with the expansion of coal mining within the lower Wear Valley.[125] It is a belief supported by genealogical investigations, which have revealed a movement of Weardale folk to the coal field and especially to Bishop Wearmouth.[126] While baptisms continued to exceed burials they did not reach their earlier level until the 1650's when baptisms rose sharply. Reaching a peak in the 1660's baptisms fell slightly and leveled out, and were not to rise again until the 1680's when baptisms once again exceeded burials. This

Figure 1.8

Nine year moving average of baptisms, burials and marriages within the parish of Starhope-in-Weardale, 1609-1699



pattern of population change confirms the earlier impression of the Census and Hearth Tax Returns of population decline during the first half of the seventeenth century followed by a period of recovery and population expansion. It seems likely, however, that the decline in population owed more to demographic pressure and the emergence of new economic opportunities ~~outwith~~ the parish rather than to radical changes in economic and social conditions within the parish.

This is not, however, to argue that upper Weardale was immune from the economic pressures of the time. For the economic pressures of the sixteenth century inflation encouraged the challenging of customary tenures within the Forest and Park of Weardale, part of the vast episcopal manor of Wolsingham. Such customary tenants enjoyed the benefits of fixed fines and rents. In the case of the Forest and Park of Weardale the fine was limited to the payment of a 'take penney or Customary penney'.^[127] In respect of such customs the tenants were bound 'to doe their service unto her Ma(jes)tie upon the borders against Scotland at such time and times as they shalbe thereunto called for the defence of the said borders that is to say fowerteene dayes of their owne Costs and charges...'.^[128] With the Union of the Crowns in 1603 the basis of 'tenant right' was undermined and the position of customary tenants became increasingly vulnerable to challenge from determined Bishops.

The first challenge occurred in the 1580's under Bishop Barnes. Thus Bishop Barnes granted leases supposedly held by customary tenure to his servant Francis Conyers and others, who challenged the rights of tenants to hold their land by custom before the Council of the North.[129] In 1583 the Council of the North found in favour of the tenants. Under the fear of agrarian unrest and need to defend the Border, the Council of the North recognised the Weardale leases as being customary.[130] The attack upon customary tenures, however, was not over.

In 1620 Bishop Neile launched a much more blunt and forceful attack, the tenants being summoned to the Bishop's Forest Court as 'tenants at will', a title which if unchallenged would have undermined 'tenant right'. [131] The tenants, however, retaliated forming 'secrett combynations... to resist all Authoritye'. [132] In addition the tenants drew up a petition to the House of Commons against decrees made in the Durham Chancery Court which challenged 'their ancient estate' and threatened to turn ninety-one tenants and their families 'abroad as beggars'. Fearing the Bishop's power they demanded trial outside the County. [133] Unfortunately it is not known whether or not the petition was ever presented. But in the absence of royal support the Bishop's challenge appears to have been pursued no further. Weardale continued to be a stronghold of the customary tenure.

There is no evidence, then, to suggest that manorial policy succeeded in challenging the security of customary tenure or in displacing the weaker members of the agricultural community. Smallholders continued to be numerically dominant within the

economy. It was this pattern of landholding, which more than any other feature gave the parish its distinctive social and economic structure. It was a structure which not only reduced the pressure to migrate and therefore lessen the availability of kin, but also reduced social and economic barriers to the maintenance of kinship ties. For an analysis of the wealth structure of the parish as revealed by inventories suggests that economic stratification within the parish was of limited importance (cf. tables 1.11, 1.12). It is significant, therefore, that almost 72 percent of inventories recorded wealth below £100, a relatively high figure when compared to 58 percent of Sedgfield inventories. The contrast between the two parishes also extended to the upper ranks of society. While over 31 percent of Sedgfield inventories were valued in excess of £150, within the parish of Stanhope-in-Weardale the proportion was just under 17 percent. It was a wealth distribution that altered little over time. Although the proportion of inventories recording wealth under £50 fell from almost 60 percent for the period 1580-1619 to below 42 percent in the years 1660-1699, there was a corresponding rise in the number with wealth between £50 and £150 of over 15 percent. It seems likely that these changes reflect a generally higher standard of living rather than important changes in the distribution of wealth. No doubt the parishioners of Stanhope-in-Weardale shared in the general prosperity of the period.

Table 1.11

Distribution of wealth: Stanhope-in-Wearsdale, 1580-1699

Over £200	24	10.1%
£150 - £200	16	6.8%
£100 - £150	27	11.4%
£50 - £100	59	24.9%
Under £50	111	46.8%
	237	100.0%

Table 1.12

Distribution of wealth over time: Stanhope-in-Weardale, 1580-1699

	Over £200		£150 - £100		£100 - £150		£50 - £100		Under £50	
	No	%	No	%	No	%	No	%	No	%
1580 - 1619	7	12%	1	2%	4	7%	11	19%	34	60%
1620 - 1659	4	9%	5	12%	5	12%	9	21%	20	46%
1660 - 1699	13	9%	10	7%	18	13%	39	29%	57	42%

The belief that we are not dealing with a highly stratified society is further strengthened when attention is turned to an analysis of the Hearth Tax Return of Lady Day 1674 (cf figure 1.3.[134] Out of a total of 340 households only 18 or 5 percent were taxed as having 4 or more hearths, while a further 51 or 15 percent of households were charged on 2 or 3 hearths. The majority, however, consisted of those household who paid on the basis of a single hearth. They numbered 178 and represented 52 percent of households, a relatively high proportion when compared with the parishes of Sedgefield and Chester-le-Street where this group constituted 32 percent and 34 percent respectively of all households. The relatively egalitarian nature of society within this upland parish may have encouraged reciprocity and the maintainance of kinship ties by reducing the possibility of kinship links crossing social and economic boundaries. Of equal importance in creating conditions conducive to the maintainance of strong kinship ties was the relatively low level of poverty within the parish. Of the 340 households listed in the Hearth Tax return, 93 or 27 percent were exempted on the grounds of poverty, figures which compare favourably to those for Chester-le-Street and Sedgefield where 42 percent and 49 percent were exempt. It is possible to suggest, then, that while few families within the parish of Stanhope-in-Weardale could be described as being wealthy, few were excluded from maintaining kinship ties on the grounds of poverty.

Conclusion: Expected results

Kinship has often been viewed as a product of its environment. It is a belief which finds its clearest expression in the case of Stanhope-in-Weardale. For economic and social conditions within the parish were conducive to the maintenance of kinship ties. Economic opportunities created by the availability of land and the possibility of partible inheritance reduced the necessity to leave the parish. Kinship groups were not broken up by the forced migration of their members. If the barrier of geographical distance appears to be of limited importance, so too does the barrier of social distance. For within the relatively egalitarian economic structure of the parish the possibility of kinship ties between people of widely differing economic backgrounds was reduced, while the relatively low level of poverty meant that few were excluded from participating in reciprocal exchanges between kin.

This stands in sharp contrast with the conditions found within the parish of Sedgfield where the larger size of holdings and the practice of primogeniture may have encouraged many younger sons to leave the parish. Moreover higher levels of poverty within a more economically stratified society may have reduced the availability of kin both in geographical and social terms. While a similar picture emerges for the developing industrial parish of Chester-le-Street, it is important to distinguish between the relatively stable population of the parish and the migrant population, in which high mobility and limited resources may have proved insurmountable obstacles to the

maintainance of kinship ties.

Given, then, the likelihood of marked differences in the availability of kin, especially between the upland parish of Stanhope-in-Weardale and the lowland parishes of Sedgefield and Chester-le-Street, one would expect to find a corresponding contrast in the importance of kin. Within the parish of Stanhope-in-Weardale, where the geographical and social barriers to kin relationships were of limited significance, one would anticipate that the level of kinship recognition would be high and that kin would figure prominently as a source of practical and emotional support. If the theoretical framework which views kinship as a dependent variable in social structure is correct the contrast should be clearly visible.

References

Chapter 1 - Obligation and Choice: The Social and Economic Context

1. W.M. Williams, A West Country Village: Ashworthy. Family, Kinship and Land (London, 1963), Chapter 6.
2. Macfarlane, Origins, 94, 140-147, 163, 175; Wrightson and Levine, Terling, 82-103.
3. Laslett and Wall (eds.). Household and Family, chapter 4; Macfarlane, The Family Life of Ralph Josselin, 82, 149 and chapters 7 to 10.
4. M. Anderson, Approaches to the History of the Western Family (London and Basingstoke, 1980), 36.
5. For patterns of migration and the distances involved see Spufford, 'Population Mobility. Part 1: The Pattern of Migration', Gen. Mag., XVII (1972-74), 425-428.; A. Sturm Kussmaul, Servants in Husbandry in Early-Modern England (Cambridge, 1981), 56-59; J. Patte , 'Rural-Urban Migration in Pre-Industrial England', Oxford University School of Geography Research Papers, no. 6 (1973).
6. Wrightson and Levine, Terling, 76.
7. Wrightson, English Society, 50-51.
8. For a detailed description of the technique employed in the reconstitution of kinship networks see Wrightson and Levine, Terling, 84-85.
9. David Sabean, 'Aspects of Kinship Behaviour and Property in Rural Western Europe before 1800'. In Family and Inheritance, edited by Goody, Thirsk and Thompson, 98; James, Civil Society, 21.
10. For the difficulties of linking population change with social and economic change see R.A. Butlin, 'Introduction' to the Transformation of Rural England c 1580-1800 (Oxford, 1982), 21-31.
11. Houston, Scottish Literacy, 14-16.
12. J Thirsk (ed.), The Agrarian History of England and Wales 1500-1640, (Cambridge, 1967), vol IV, 23.
13. James, Civil Society, 5 and 24-25.
14. ibid, 6.
15. Nef, British Coal Industry, vol 1, 76-77.

16. ibid, vol 1, 19-23.
17. ibid, vol 1, 29-31.
18. ibid, vol 1, 138.
19. Hodgson, Demographic Trends, Table 1, 17.
20. ibid, 15.
21. ibid, 27.
22. Nef, British Coal Industry, vol iii, 76-77.
23. Hodgson, Demographic Trends, 27.
24. A.E. Smailes, North England (London, 1960), 133; Nef, British Coal Industry, vol ii, 148; E Hughes, North Country Life in the Eighteenth Century: The North-East, 1700-1750 (London, 1952), 252; Brassley, Agricultural Economy, 33-34.
25. Hodgson, Demographic Trends, 31-32.
26. ibid, 31.
27. Brassley, Agricultural Economy, 34.
28. For a discussion of the causes of population growth in northern County Durham see Hodgson, Demographic Trends, 29-33.
29. P.R.O. Durh. 2/1, Bill and Answers, Att. Gen. versus Gascoigne et al, referred to by James in Civil Society, 95.
30. James, Civil Society, 95-96.
31. ibid, 96.
32. Brassley, Agricultural Economy, 6.
33. ibid, 172.
34. ibid, 176.
35. Pal. and Dip., P.R.O. Copies, Box 206 No. 244392, quoted in Brassley, Agricultural Economy, 105.
36. R.I. Hodgson, 'The Progress of Enclosure in County Durham, 1550-1870'. In Change in the Countryside, edited by H.S.A. Fox and R.A. Butlin (London, 1978), 86-89.
37. James, Civil Society, 77.
38. P.R.O., S.P. 15/28: An Abstract of the Certificates of the tenancies and forces decayed upon the borders ... 1584, referred to by James in Civil Society, 77.

39. Hodgson, 'Progress of Enclosure'.
40. Durh. Cath. Lib. Hunter MSS. 44(b), 'Certain Observations Touching the Estate of the Commonwealth' (1634).
41. James, Civil Society, 78.
42. Hodgson, 'Progress of Enclosure'.
43. J. Laurence, A New System of Agriculture (London, 1726), 46.
44. Brassley, Agricultural Economy, 99.
45. ibid, 35-39. Also Nef, British Coal Industry, vol ii, 180ff.
46. Daniel Defoe, A Tour through the Whole Island of Great Britain (Penguin Edn., 1971), 535.
47. Nef, British Coal Industry, vol i, 29.
48. ibid, 30.
49. 'Lives of the Norths' (Edn., 1826), vol i, 277-297 quoted in English Historical Documents, 1660-1714, vol VII (London, 1953), edited by A. Browning, 446.
50. Hughes, North Country Life, 154.
51. Brit. Mus., Harl. MS. 594, f188. Although Bishop Pilkington's Survey of 1563 is very full, no figures are recorded for the number of households within the chapelry of Lamesley in Chester-le-Street parish; P.R.O. Hearth Tax Return of Lady Day 1674, E179 106/25; N.C.L. 'Bishop Chandler's Visitation' (1736), L253 No. 21245.
52. Brassley, Agricultural Economy, 13.
53. R. Howell, Newcastle-upon-Tyne and the Puritan Revolution (Oxford, 1967), 8. For wide variations in the size of households see D.V. Glass and D.E.C. Eversley (eds.), Population in History (London, 1965), 177.
54. Pal. and Dip., Weardale Chest, 115.
55. P. Laslett, 'Mean Household Size in England since the Sixteenth Century'. In Household and Family in Past Time, edited by P. Laslett and R. Wall (Cambridge, 1972), 125-158.
56. For a comparative study of the population densities of the Durham parishes see Brassley, Agricultural Economy, Appendix 1, 196-197.
57. Because the original of the Chester-le-Street parish register is still kept in the Parish Church I have used a transcript made by H. Wood, which was checked and found to be very accurate.

(N.C.L. Local History Section, Transcript of the parish register of Chester-le-Street.

58. The process of interpolation employed Newton's Formula:

$$Y(X) = Y(X_0) + \frac{Y(X_1) - Y(X_0)}{X_1 - X_0} (X - X_0)$$

where $Y(X)$ = interpolated figure
 $Y(X_0)$ = figure for burials before the break in registration
 $Y(X_1)$ = figure for burials after the break in registration

59. W.G.Hoskins, 'Harvest Fluctuations and English Economic History, 1480-1619', and '1620-1759'. Agricultural History Review, vol XII (1964), 46 and vol XVI (1968), 28-29.

60. For the method used in the calculation of the 9 year moving average see R. Floud. An Introduction to Quantitative Methods for Historians (London, 1973), 112-116.

61. This observation is echoed in the research of G.W. Lasker and D.F. Roberts, 'Secular trends in relationships as estimated by surnames: a study of a Tyneside parish', Annals of Human Biology, 9 (1982), 301. Of the surnames recorded in the register of the coal mining parish of Whickham for the period 1629-1654, 50 percent were new to the parish, while 43 percent were recorded in the register of 1603-1628. Only 7 percent could be traced back to the register of 1578-1602. It is a finding confirmed by a more detailed and sophisticated study undertaken by K. Wrightson and D. Levine. Family reconstitution of individuals with surnames beginning with A, B and C reflects the presence of a highly mobile sector. During the period 1590-1619, of the 275 cases examined, 51 percent were classified as 'wastage', for the purposes of the reconstitution since only one event was recorded for them, while 13 percent were described as 'persisting', in the sense that they retained representation in the parish into the next generation. Of the 314 cases for the years 1620-1649, 40 percent were described as 'wastage' as compared to 13 percent of those 'persisting'. 'Death in Whickham' is to be published next year by Cambridge University Press in Death and the Social Order in Early Modern England, edited by R.S. Schofield and J. Walter.

62. Pal. and Dip. Probate MSS. Inventories of the parishioners of Chester-le-Street, 1580-1699.

63. Of the fifteen inventories surviving from the 1640's, 53 percent recorded wealth in excess of £150. No inventories were proved for the 1660's.

64. P.R.O. Hearth Tax Return of Lady Day 1674, E 179 106/25.

65. Pal. and Dip. Parish Records: Chester-le-Street Parish Books, Account Book, 1606-1670 (microfilm). Entry dated 3 April 1622.

66. P.R.O. Hearth Tax Return of Lady Day 1674, E 179 106/25.

67. Pal. and Dip. Parish Records: Chester-le-Street Parish Books,

- Account Book, 1606-1670. Entry dated 5 May 1622.
68. ibid. Entry dated 6 June 1616. Also entry August 1618.
69. ibid.
70. James, Civil Society, 88-90.
71. Pal. and Dip. Halmote MSS., Halmote Court Misc. Book M.64 ff. 46-51; For Commonwealth Survey of 1647 see Kirby (ed.), 'Parliamentary Surveys', vol 185, 1-41.
72. cf. below p. 79
73. M. Spufford, Contrasting Communities, 22; P. Spufford, 'Population Movement in Seventeenth Century England', Local Population Studies, IV (1970), 46.
74. Pal. and Dip. Church Commission. Halmote Court Misc. Books M 8a.
75. Pal. and Dip. Probate MSS. Inventory of Robert Millot of Whitehill within the parish of Chester-le-Street, 1622.
76. Pal. and Dip. Probate MSS, Inventory of Thomas Jobling of Ouston within the parish of Chester-le-Street, 1691.
77. Pal. and Dip. Probate MSS. Will of Robert Robson of Urpeth within the parish of Chester-le-Street, 1647.
78. Pal. and Dip. Parish Records: Chester-le-Street Parish Books, Account Book, 1606-1670. Entry dated 19 November 1661.
79. Pal. and Dip. Halmote Court Books, Series 1, no. 81 (1650-1655), f. 212.
80. For a typical example of a rent agreement see Pal. and Dip. Halmote Court Books, Series 1, no. 83 (1660-1665) f. 285. Thus Elizabeth Fletcher, widow of Richard Fletcher, entered the Court (18 Sept. 1662) and demised to William Stobbert a messuage and certain copyhold land. The lease was for eleven years at an agreed rent of £11 p.a. paid in two parts at the Feast of St. Martin the Bishop and at Pentecost.
81. For a typical example of a mortgage agreement see Pal. and Dip. Halmote Court Books, Series 1, no. 85 (1670-1674) f. 1368. Thus by an agreement dated 24 May 1670 Peter Simpson surrendered to Henry Forster his interest in 5 acres 2 roods of land lying in the Westfield. If, however, Peter Simpson paid to Henry Forster the sum of £50 with interest by 24 May 1674 he could re-enter the holding. If not, then, the surrender would be made absolute. Unfortunately, no evidence can be found in the Halmote Court Books of the sale of copyhold land. But it seems likely that considerable sums of money changed hands.

82. For the relatively low level of fines paid by copyhold tenants within the bishopric estates see James, Civil Society, 39 and 81. Fines on leaseholds also appear to have been reasonable during this period. There is no evidence to suggest that the Bishops sought to increase fines dramatically. See C. Clay, 'The Greed of the Whig Bishops? : Church Landlords and their Lessees 1660-1760'. Past and Present, no. 87 (1980), 128-153.
83. Pal. and Dip. Halmote Court Misc. Book M. 64, ff46-51; Kirby (ed.), 'Parliamentary Surveys', vol 185 (1972), 1-41.
84. cf. Spufford, Contrasting Communities, 70 and 72.
85. Kirby (ed.), 'Parliamentary Surveys', vol 185 (1972), 1-41.
86. Hodgson, 'Progress of Enclosure', 86-87.
87. Brassley, 'Regional Farming Systems: Northumberland and Durham'. In The Agrarian History of England and Wales, 1640-1750, vol V, edited by J. Thirsk, 51-52.
88. Hodgson, 'Progress of Enclosure'., 93.
89. ibid., 93.
90. Brit. Mus., Harl. MS. 954, f189; P.R.O. Hearth Tax Return of Lady Day 1666, E 179 106/28; N.C.L. 'Bishop Chandler's Visitation' (1736), L253 No.21245.
91. For comparative study of population density of the Durham parishes between 1666 and 1736 see Brassley, Agricultural Economy, Appendix 1, 196-197. In 1666 Sedgfield contained between 16-26 families per 1,000 acres as compared with between 9-15 families within the parish of Chester-le-Street. By 1736 the number of families for every 1,000 acres had risen to 52-101 families, while Sedgfield's population density remained the same.
92. N.C.L. Local History Section, transcript of the parish register of Sedgfield by H.M. Wood (1913), vols 1 and 2. The transcription was checked for accuracy and found to be of the highest quality. The original is held in Durham County Record Office (microfilm).
93. For method of interpolation see above p. 103
94. Hoskins, 'Harvest Fluctuations', XVI, 29.
95. cf. Figures 1.1 and 1.6.
96. cf. Wrightson and Levine, Terling, 47.
97. Pal. and Dip. Probate MSS. Inventories of the parishioners of Sedgfield, 1580-1699.

98. Only 2 inventories survive for the period 1640-1649. Of these 2 record wealth in excess of £200.
99. P.R.O. Hearth Tax Return of Lady Day 1666, E 179 106/28; cf. above p. 54
100. Kirby, 'Parliamentary Surveys', vol 183, xvi.
101. Pal. and Dip. Probate MS. Will of William Young of Sedgfield, 1613.
102. P.R.O. E 190 192/4.
103. The Conyers were an old established family, who survived the suppression of the 1569 Rebellion. Rauffe Conyers forfeited his life interest in the estate, which descended by entail to his nephew, Sir Ralph Conyers, Kgt.. By contrast the Frevilles were to benefit from the Act of Attainder against Anthony Hebborne for his part in the Rebellion. In 1573 a lease of the capital mansion of Hardwyke was granted to George Freville and the whole estate appears to have become vested in his family. (See vol III, 34).
104. Pal. and Dip. Halmote Mss., Halmote Court Misc, Book M. 64, ff73-76.
105. cf. above p. 58
106. Brassley, 'Regional Farming', In Agrarian History, Thirsk (ed.), vol 1, 51.
107. Kirby (ed.), 'Parliamentary Surveys', vol 185, 191.
108. Pal. and Dip. Halmote MSS., Halmote Court Misc. Book M. 64, ff73-76; for Commonwealth Survey of 1647 see Kirby (ed.), 'Parliamentary Surveys', vol 185, 206-218.
109. ibid., vol 185, 192.
110. ibid., 206-214.
111. Toulmin Smith, Leland, vol., 71; J. Grainger, A General View of County Durham (London, 1794).
112. Kirby (ed.), 'Parliamentary Surveys', vol 183, 148.
113. Brassley, 'Regional Farming', 31.
114. A. Raistrick and B. Jennings, A History of Lead Mining in the Pennines (London, 1965), 51ff.
115. Pal. and Dip., Weardale Chest, 44, 'Copy of Presentments concerning the custom of the Forest of Weardale, 26 May 1601, f2.
116. ibid., ff3-4.

117. ibid', f3.
118. James, Civil Society, 25.
119. Brit. Mus. Harl. MS. 594 f.188; P.R.O. Hearth Tax Return of Lady Day 1674, E 179 106/25; N.C.L. Bishop Chandler's Visitation of 1736, L253 No. 21245.
120. Pal. and Dip., Weardale Chest, 115.
121. N.C.L. Local History Section. Transcript of the parish register of Stanhope-in-Weardale by H.M. Wood, vols 1-3. The transcription was checked against the original (D.C.R.O.) and was found to be accurate.
122. For method of interpolation see above p.
123. Hoskins, 'Harvest Fluctuations', XVI, 29.
124. Hodgson, Demographic Trends, 32.
125. By the 1630's there were important collieries at Offerton, Harraton, Lambton and Lumley. See Nef, British Coal Industry, vol i, 30.
126. Pal. and Dip., Weardale Chest, 44, f3.
127. ibid., ff5-6.
128. Pal. and Dip., Weardale MSS., 93/2, 94/1-3, 96/1, 97/1-4 and 113, referred to by James, Civil Society, 83.
129. ibid., 109/5 and 109/1 quoted in James, Civil Society, 83.
130. ibid., 109/1.
131. ibid., 115.
132. Pal. and Dip. Inventories relating to the parish of Sedgfield, 1580-1699.
133. cf. above p. 103
134. P.R.O. Hearth Tax Return of Lady Day 1674, E 179 106/25.
120.

Chapter 2

The Recognition of Kin

The 'New Social History': Implications for the Study of Kinship

In the last twenty years the development of a 'new social history' has brought about a significant reappraisal of the nature of English society in the early modern period. A number of assumptions based upon analogies drawn between England and those peasant societies studied by social anthropologists, with their emphasis upon kinship as the principal cohesive bond, have been displaced. Central to this research have been the abandonment of the belief that the extended family was the basic unit of household structure and a growing emphasis upon 'individualism' as the dominant characteristic of an essentially 'flexible and permissive' kinship system.[1] Writing of modern English kinship Professor Williams observes that there were few strong ties of obligation or rules of behaviour between kin.[2] Historical studies suggest that this pattern was not merely a response to the pressures of modern industrial society. Within the context of the early modern period it has been argued by Peter Laslett that kinship ties were of limited structural importance.[3] It is a conclusion which is supported by Keith Wrightson and David Levine in their recent study of the

~~Essex~~ village of Terling where

'households (which in the English context we can confidently expect to have been predominantly nuclear-family households) were isolated within the village in terms of kinship, unlinked to other

households by either blood or marriage'.[4]

On a broader scale Alan Macfarlane has argued that English society possessed a bilateral kinship system which appears ego-centric, pivoting on the individual who traced kin outwards from himself rather than placing himself in a line of descent from a particular ancestor. As a result kinship groupings appear flexible, impermanent and to a large degree personal. Moreover the terminology of kinship suggests that recognition was both shallow in genealogical depth and narrow in range. Essentially simple, terminology makes no distinction between relatives on the father's side and mother's side of the family and is strikingly vague beyond the confines of the nuclear family and the family of origin. Father, mother, grandfather, grandmother, brother, sister, uncle, aunt were clear enough, while terms such as kinsman, cousin and friend give no indication of the precise relationship.[5] If we accept that 'the way a person describes his kin is closely connected to the way he thinks about them', and that kin term reflect social roles, the implications are far-reaching and it is possible to infer that obligation to kin, beyond the confines of the nuclear family and family of origin, was of limited significance.[6] Conversely, personal choice in the maintenance or avoidance of kin relationships may have been of paramount importance.

Important as such findings are, however, caution is necessary in drawing the conclusion that kinship was comparatively insignificant. The case has not been proven. It remains a hypothesis to be tested. Indeed, it is important to

stress that local studies of household structure and kinship networks or individual case studies of kinship terminology, if viewed in isolation, may lead to distortion. The quantitative analysis of data in the search for distinct patterns can result in the formation of simple models, which may obscure important social, and individual variations. More seriously, it is clear that in the final analysis the social significance of kin during this period will not turn upon the question of mean household size or the immediate availability of kinfolk locally, but to a much greater degree upon the extent to which kinship provides the basis of individual social relationships. Similarly, the study of terminology, while superficially attractive, in practice does not give any indication of the importance of individual members of the kin group. It is often the case that relatives with markedly different rights and duties towards 'ego' may be called by the same term and vice versa. Indeed it is probable that in many cases there is no absolute correlation between a kinship system and terminology, especially if the system appears flexible and to consist of a wide variety of rights and duties. It is important to remember, as Robin Fox states in his classic study of 'Kinship and Marriage' that, 'kinship systems are many sided and that terminology may not reflect every side of them'.[7]

The study of structural characteristics and terminology, then, can only be the starting point of analysis, an analysis which must pay far greater attention to context. Indeed, one of the major criticisms of attempting to infer from the structural characteristics of society or from the use of terminology that

kinship was significant is the absence of contextual identifications, which can permit an assessment of the social significance of kinship relations within society. In so far as the family, whether nuclear or extended, is a dynamic unit subject to change, it is clear that an approach based upon conservative legal definitions or general structural patterns is of limited significance. Some account must be taken of the individual's own definition of what constituted family boundaries and of the way these boundaries might vary according to differing situations and in response to changing obligation and personal choice. In view of the fact that, as Michael Anderson has cogently argued, there is no mechanical relationship between structures, attitudes and emotions, it becomes crucial to place kinship relations firmly within context.[8] It is a task to which the discipline of history is ideally suited, for history is, as E.P. Thompson has stated, 'the discipline of context; each fact can be given meaning only within an ensemble of other meanings'.[9]

Terminology and the Recognition of Kin

The discussion of kinship in terms of the semantics of terminology is of limited significance unless it is placed in context. Language is, in itself, conservative and may not reflect reality. Thus it is necessary to examine the use of terminology by individuals. In order to do this a survey was made of Consistory Court depositions and wills of the period noting personal descriptions of kin relationships.

The survey reveals that there was a central core of kinfolk with specific denominations composed of the nuclear family and the family of origin. Father, mother, brother, sister was clear enough. Beyond this core, however, become increasingly less precise. No distinction is made between maternal and paternal grandmother and grandfather or aunt and uncle. Qualifications of 'cousin germain' and cousin 'once removed' were rarely used. One of the rare examples of the precise description of a relationship is to be found in the deposition of Thomas Clibborne of Newcastle in the matrimonial cause Henry Bowes versus Margaret Clarkson, in which he describes himself as 'cosen germain once removed to the said Margaret Clarkson'.^[10] More commonly, however, the term cousin appears to have a relatively loose contemporary definition, a definition which reflects an increasing vagueness in description towards the periphery of the kinship universe. The imprecise nature of such definitions is clearly illustrated in the deposition of Adam Holmes in the testamentary cause following the death of Robert Pasmore. Thus Adam Holmes recalled that Robert Pasmore 'had given his goods to his brother Thomas Pasmore and his wife and his cosen William Burdon'. Although this description is of limited interest in itself, it is of greater interest in the light of other depositions in the case. For it is significant that other deponants do not refer to William Burdon as the cousin of Robert Pasmore but as the brother of his sister-in-law, wife to Thomas Pasmore.^[11] Other evidence confirms the view that the term 'cousin' was used in a variety of ways ranging from the precise description of the relationship, usually qualified by terms such as 'germain', to a form of

address or the description of distant and ill-defined kinship ties. When used as a form of address the term 'cousin' was occasionally used in conjunction with other kinship terms. Thus William Harrison of the parish of Stanhope-in-Weardale, bequeathed the residue of his goods to 'John Ritson of Blackclugh, yeoman, as my nephew and cousin'.^[12] Without qualification, however, the term was ambiguous and ill-defined, a fact which contemporaries acknowledged. Giving evidence in the testamentary cause following the death of James Suerties, Alexander Ridley, yeoman of Whittonstall recalled

'that this exam(ina)t(e) was born in Whittonstall and for and during the time of xxx years this exam(ina)t(e) and the said James Suerties did dwell in a house together in all w(hi)ch time this exam(ina)t(e) know Thomas Suerties art(icu)l(at)e to use and frequent the house of the said James Suerties, deceased, and that he this exam(ina)t(e) hath often heard the said James Suerties call the said Thomas Suerties cosen as also the said Thomas Suerties did call him cosen but what degree of kindred that was alluded to th 'other by the notation of cosen this examt knoweth not'.^[13]

Ambiguity also surrounds the use of the term 'friends', the most commonly used description of kinfolk, both in the sense of all the individuals within a particular kinship group, and more specifically as a designation for kin towards the periphery of the kinship universe. Qualified only by the distinction drawn between 'near kin' and 'familiar friends', and those such as William Bussle of Brancepeth, who, in the testamentary cause following the death of John Jackson, stated 'that he was both kin to the plaintiff and defendant but within what degree he knoweth not', the term was loosely defined by the contemporaries and reflects an increasing lack of knowledge of precise relationships as one moves away from the nuclear family and family of

origin.[14] In addition, however, it is clear, as Martin Ingram has stated, that the precise standing and role of individuals referred to as 'friends' is uncertain, referring not only to kin but also to intimates unrelated by blood or marriage.[15] While often creating problems for historians in terms of identifying relationships, it is clear that contemporaries often may have clarified descriptions either through direct statements or in the description of context. Indeed a notable feature of wills and court depositions is the attempt to clarify description. In describing intimates as 'friends' the term 'neither allied nor kindred' is frequently, although not consistently, used, while references to a particular relative as a 'friend' are usually accompanied by qualifications such as 'kinsman and friend' or 'cousin and friend'. Thus the yeoman Arthur Emmerson of Brotherley in the matrimonial cause Dorothy Glover versus George Craggs described himself as 'a kinsman and friend to the said George Craggs'.[16] Others while aware that a kinship link existed could not describe the precise relationship. For example of the testamentary cause (28 April 1629) following the death of John Blackiston, Thomas Burdon stated that ^{the} deceased was 'familie friend ... being somewhat kindred to this examine's wife'.[17] More interestingly, frequently the term 'friend' was associated with a description of particular social roles. Thus George Brabant, while giving evidence before the consistory court in 1660, stated that, 'he was a wellwisher of Nicholas Smith and a friend unto him as became a neighbour'.[18] While Richard Metcalfe in an adultery cause of 1589 stated that he provided for Elizabeth Dobson for 'that she was a cousin and a frynd of his

and therefore he maintained her'.[19] Tentatively one may suggest that such associations of kinship terms with particular roles reveals something of the relationship between obligation and kinship, within the context of social expectations. Consider, for example, the evidence given to the consistory court by Robert Heighington of Morden, who declared

'that James and George White did sundry times after the death of Thomas Turner .. resort to the said Turner's wife being their half-sister now deceased but this exam(ina)t(e) thinketh they had the dispensing of no business for her but only as one friend would do for another'.[20]

Indeed, in general the only circumstances in which no clear distinctions are drawn is in the context of more formal occasions surrounding wills and marriage settlements, where it seems likely that the term 'friend' refers to kin. This is perhaps indicative of the usual association of kin with certain socially accepted practices, which incidentally suggests formal obligation or at least cooperation. Indeed it is interesting in this respect that the terms 'maugh' meaning brother-in-law and 'gossip' referring to godparents occur in the early seventeenth century and may reflect the importance of the social roles of affinal ties and spiritual kinship.

It is dangerous, then, to equate the increasing vagueness in terminology towards the periphery of the kinship universe with the absence of kinship ties. For the language used to qualify these imprecise kinship terms not only suggests that a clear distinction was drawn between kin and non-kin, but also that even distant kinship ties may have been associated with certain obligations. It is too early to be dogmatic. Nevertheless, the

fact remains that kinship terminology became increasingly precise towards the centre of the kinship universe. Although in the case of uncle, aunt and grandparents no distinction is made between maternal and paternal lines, the possibility of confusion is relatively limited. Within the nuclear family and the family of origin, however, there is no such ambiguity. The terminology is precise. It must now be asked whether this relatively narrow terminology is mirrored in patterns of recognition.

The Effective Recognition of Kin

The study of terminology, while indicative of a narrow kinship system beyond the confines of the nuclear family, only provides a crude estimate of the range of recognition of kin, as no distinction is drawn between the apparent knowledge of kinship terms and effective kinship ties. An individual may be able to describe a specific relationship without necessarily recognising the relation concerned as part of his own effective kinship network. Moreover the study of terminology, while instructive in terms of cross-cultural analysis, reveals little of the possible range in kinship recognition within a particular society.

In order to test the proposition that kinship ties were socially significant beyond the confines of the nuclear family and to examine the range and nature of variation within kinship recognition, it is necessary to refine the analysis and to focus attention upon effective kinship ties. A valuable source for this study are numerous wills, which provide details of inter-personal relationships and permit systematic analysis of

recognition. In the majority of wills, testators describe relationships either through the use of specific terms such as father, brother, nephew etc, or by describing more distant ties in terms of more immediate kin relationships. For example, in many cases, an uncle in referring to his relationship with his nephew would often refer to 'my brother's son'. Affinal ties are similarly often described with reference to more immediate kinship ties. Such intricacies of description are clearly visible in the will of Margaret Hodshon, widow of Lumley within the parish of Chester-le-Street, who sought the 'good lordshippe' of Lord Lumley on behalf of his

'poor tenant in Lumley Thomas ffatherley my brother's son, to whom I give my lease of all my cotages, w(hi)ch I had of his lordshippe in Lumley'.

In addition to recognising her own kin, Margaret Hodshon also acknowledges collateral ties through bequests to Dorothy Hodshon of Midforth in Northumberland and Widow Clarke of Lumley, her late husband's half-sisters. Spiritual kinship is not neglected either as small tokens of money are bequeathed to her godchildren in the nearby township of Newbottle.[21]

The data provided by wills, however, is not without problems. Firstly, it cannot be assumed that references to kin are representative of the range of available kin. Kinship, of course, concerns dynamic relationships, relationships which are subject to change over time and which cannot be captured in the static source material of wills. Nevertheless, it is probable that kinship bonds were strongest at death and reflect strong ties of attachment and obligation.[22] Secondly, there is the

problem of indices and the establishment of the quality of relationships. While individual wills may refer to 'my beloved nephew' or 'my kind and loving brother', in the majority of cases silence prevails with regard to the emotional content of relationships or the value individuals placed upon specific ties. There is no obvious solution; as Alan Macfarlane has stated, 'any yardstick' which the historian 'carries into a world three hundred years behind him is naturally an imperfect instrument'.^[23] Thus in the initial stages of this study no attempt has been made to rank the relationships according to importance, although a distinction has been drawn between acknowledgements in bequests and other forms of recognition involving requests to perform and the obligation to accept specific roles, such as executor, supervisor or guardian, which denote close, personal and trusting relationships.

In order to examine the effective recognition of kin and the possible range of variation an essentially simple approach was adopted, involving the aggregative analysis of data drawn from wills, which focussed primarily upon the genealogical depth and range of recognition. Given the simplicity of the approach and in the absence of detailed family reconstitution studies, it is unfortunately impossible to assess the extent to which the formation of kinship ties was determined by the availability of kin locally.^[24] Nevertheless, by concentrating upon patterns of recognition, it is possible through comparative analysis of wills drawn from parishes with different settlement patterns, inheritance customs and economic bases, to explore the nature and

range of variation. Such a study is not merely of esoteric interest in view of the widely held assumption that the availability of land and local employment, and inheritance practices were two of the major determinants of social structure and social relationships. Thus Mervyn James in his study of County Durham draws a picture of a sharp dichotomy between the society of the Durham lowlands, at least below the level of the gentry, where kinship ties beyond the nuclear family appear relatively limited, and the uplands of Weardale and Teesdale, which he argues had comparatively well-developed kinship systems with a wider range of recognition, which was reflected in the wills of the period. Drawing upon selected wills and formal *manorial inheritance codes*, James concludes that,

'strong family ties in the upland and the persisting cohesiveness of the extended kinship group, owed something to the extensive wastes and *moors of Teesdale* and Weardale. Their younger sons could depasture their cattle and sheep, and also supplemented their income from mining, so they did not need to emigrate. It was a frugal and precarious existence, but may have provided the compensation of a life spirit in a community bound together by ties of familiarity, trust and affection. As a result kinship groups were not broken up by the mobility of their members, for although the able and ambitious might (and did) go away in search of advancement, the majority were content to stay where they were'.[25]

Carried to its logical conclusion, this view, in addition to stressing the relationship between the availability of land and employment opportunities, also implies that under the optimum condition of demographic stability and low levels of migration obligation to kin may have been strong. Inheritance patterns and their relationship to demographic stability shall be examined later, but for the moment it is proposed to study in greater

detail the alleged variation in kinship ties, with particular reference to the nature and range of recognition.

Over five hundred wills were examined for the period 1588-1699. Drawn from three contrasting parishes, the upland parish of Stanhope-in-Weardale with its largely pastoral economy supplemented by lead mining, the parish of Sedgfield lying within the lowland plateau, and the geographically and economically diversified parish of Chester-le-Street.[26] The wills represent a wide range of social and economic groups.[27] Concentration in the study has focussed on the genealogical depth and range of kinship recognition rather than the absolute number of kin mentioned. The results are presented in tables 2.1 and 2.2, 2.3 and 2.4.

Over the whole period, mention of kin beyond the confines of the conjugal family, comprising a spouse and children, was recorded in between 68 percent and 78 percent of all wills (Table 2.1). The lowest level of recognition was observed in the upland parish of Stanhope-in-Weardale, where kin beyond nuclear family was recorded in 68 percent of all wills, while 32 percent of testators failed to acknowledge wider kin. A slightly higher level of recognition was recorded for the parish of Chester-le-Street (70 percent), while Sedgfield displayed the highest level of recognition with 78 percent of all testators referring to kin outside the nuclear family. These results are somewhat surprising in that it has often been assumed that strong kinship ties were a feature of upland areas, like Stanhope-in-Weardale. The initial impression given by the

Table 21

The recognition of kin within the parishes of Stanhope-in-Wearsdale, Sedgfield and Chester le Street 1580 - 1699

Parish	Testators recognising kin		Testators not recognising kin	
	Number	%	Number	%
Stanhope-in-Wearsdale	136	68%	63	32%
Sedgfield	105	78%	29	22%
Chester-le-Street	138	70%	59	30%

Table 2.2

The Recognition of Kin - Starhope-in-Weardale 1580 -1699

	Same generation [as ego]			Descendant ties			Ascendant ties			Affinal ties					Spiritual [kinship]									
	brother	sister	cousin	2g. cousin	grand- grandson	daughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grand- grandfather	son-in-law	daughter- in-law	brother- in-law	sister- in-law	father	mother- in-law	in-law	in-law	kin	godchildren
All references to kin	60	6	2	54	46	5	14	6	1	35	25	2	7											
% of total no. of wills	30%	3%	1%	27%	23%	3%	7%	3%	-	18%	13%	1%	5%											

Total no. of wills = 199

Table 2.3

The Recognition of Kin - Sedgefield 1580 - 1699

	Same generation [as ego]		Descendant ties			Ascendant ties			Affinal ties				Spiritual [kinship]									
	brother	sister	cousin	2g. cousin	grand- grandson	grand- daughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grand- grandfather	son-in-law	daughter- in-law	brother- in-law	sister- in-law	father- in-law	mother- in-law	kin	godchildren
All references to kin	49	20	4	4	36	39	4	8	5	-	33	14	3									6
% of total no. of wills	37%	15%	3%	3%	27%	29%	3%	6%	4%	-	25%	10%	2%									4%

Total no. of wills = 134

Table 24

The Recognition of Kin - Chester-le-Street 1580 - 1699

	Same generation [as ego]			Descendant ties				Ascendant ties				Affinal ties				Spiritual [kinship]					
	brother	sister	cousin	2g. cousin	grand- son	daughter	nephew	neice	2g. nephew/ neice	father	mother	uncle	aunt	grand- father	son-in-law		daughter- in-law	brother- in-law	sister- in-law	father- in-law	mother- in-law
All references to kin	81	15	3	43	49	5	13	5	-	22	22	2	22	15	8%						
% of total no. of wills	40%	8%	2%	22%	25%	3%	7%	3%	-	11%	11%	1%	11%	8%							

Total no. of wills = 199

preliminary study, however, is that differences between upland and lowland areas with regard to kinship may have been of limited significance. However it is too early to conclude that we are dealing with identical or even similar kinship systems, as the study reveals little of the importance of kin relations within three parishes.

It cannot be assumed that the relatively high level of recognition of between 68 percent and 78 percent are indicative of a genealogically broad range of acknowledgement. In all three parishes kinship recognition is narrow, with particular emphasis being placed upon ties with brothers, sisters, nephews, nieces and grandchildren (cf tables 2.2, 2.3 and 2.4). Slight variations, however, emerge in the incidence with which specific relations occur. For example, in Stanhope-in-Weardale grandchildren (27 percent) are referred to in relatively more wills than nephew or neice (23 percent). By contrast, in Sedgfield and Chester-le-Street a higher level of recognition (37 to 40 percent) of brothers and sisters is accompanied by a slightly greater emphasis upon the acknowledgement of nephews and nieces (25-29 percent) than upon grandchildren (22-27 percent). Possible factors influencing such variation are discussed below. For the present it will suffice to note the importance of ties with and through the family of origin and descendant ties through married children. Next in order of importance are ties with sons-in-law and brothers-in-law, which occur in between 13 percent and 25 percent of all wills. Cousins and other affines are mentioned less frequently, and it is interesting to note that

references to 'cousins' were not evenly distributed throughout the willmaking population but were a feature of the wills of single people or those of gentle status. In terms of the form of recognition, it is likely that the discrepancy between all references to kin and references to legatees only, especially in the case of brothers and brothers-in-law, reflects the fact that testators tended to choose these relatives to perform particular roles as supervisors and tutors and guardians to their children.[28] The role of kinship will be discussed later, but for the moment it is possible to suggest that from the point of view of the testators' children, the relationship with uncles and more especially paternal uncles may have been important in early life. The sense of obligation involved in the relationship is clearly visible in the will of Robert Farrow the elder, of Sedgfield, dated 12 July 1617. He sought to provide for his niece Ann Clarke, enjoining his eldest son to ensure that she had 'suffyceyent meat, drink and apparrell, lodging and all necessaries for a woman of hyr years and calling during her lyffe natural'.[29] Although the possibility of the death of uncles reduced the likelihood of these ties being carried on into later life, there is evidence to suggest that the relationship may have continued to be of importance, especially to single people and to those at the earlier stages of the life-cycle.[30] For example in the case of Mabel Dodd, spinster of Tanfield whose relationship with her uncle, who acted as tutor and guardian, appears to involve feelings of reciprocity and obligation.

'My will is that whereas I own and stand indebted unto my uncle Robert Burnwell of Lincegreen af(ore)s(ai)d for my meat, drink, clothes and education for about

four years last past I doe therefore give and bequeathe unto him the said Robert Burnwell ... all the rest and residue of my goods, moneys and chattels.'[31]

The above observations find support in the work of Keith

Wrightson and David Levine, who noted that

'the comparative frequency with which brothers and brothers-in-law were mentioned, commonly as supervisors or executors of a will, suggests that from the point of view of the testator's children, relationships with uncles may well have been of some significance in early life'.

It is a point to which we will have cause to return.[32]

Returning to the main theme of the range of recognition, it is clear that testators concentrated heavily upon their own nuclear families and families of origin. Narrow in focus, kinship recognition also appears to have been shallow in genealogical depth, with a concentration on descendant ties of between 52 percent (Chester-le-Street) and 54 percent (Stanhope-in-Weardale) and ties within the testators own generation of between 33 percent (Stanhope-in-Weardale) and 48 percent (Chester-le-Street). Little variation between the parishes is observed in the recognition of ascendant ties, which appear much less frequently and refer in all cases only to the first ascendant generation.

The relatively low figure of ascendant ties can probably be explained in terms of the demographic realities of the period and the low level of life expectancy.[33] Demographic factors may also have been an important factor in the comparatively high level of recognition for descendant and inter-generational kinship ties. Recently, Richard Smith has suggested that under

the basic demographic conditions of relatively high levels of mortality and fertility it is feasible to assume that these groups would be numerically dominant.[34] However given the numerical predominance of 'cousins' as a group, it is interesting to note that the recognition of cousins is low, a finding which suggests that choice rather than obligation may have been increasingly important towards the periphery of the kinship universe. Thus it is necessary to stress that the recognition of kin cannot be explained in terms of demography alone. Moreover, it is important to emphasise that the figures for recognition are oversimplistic; inter-generational and intra-generational relationships are not static, as the focus of obligation changes during the life-cycle of individuals. It is, of course, obvious that the figure for descendant ties is inflated by reference to grandchildren which feature heavily in the wills of testators with married children. Less obvious, however, is the fact that nephews and neices occur more frequently in the wills of testators who were married but had no children, and single people, while ascendant ties with fathers, mothers, aunts, uncles figured more frequently in the wills of single people or those who left behind young children.

Despite such subtle changes in focus during the lives of individual testators, there appears to be little change over time in the general level of recognition. If the wills for each parish are divided into sub-periods of 1580-1649 and 1650-1699, Sedgefield and Chester-le-Street appear to have experienced a slight contraction in the overall level of recognition, while

Stanhope-in-Weardale experienced a 10 percent increase in the number of testators acknowledging kin, an increase which incidentally brought the upland parish into line with Chester-le-Street and Sedgfield. (cf Tables 2.5, 2.6 and 2.7) With regard to the breadth and depth of recognition, relatively slight changes are observable in the recognition of kin from the family of origin, except in the parish of Chester-le-Street where changes in the recognition of specific relationships are generally more dramatic.

More marked and consistent throughout the parishes are the changes which appear in the recognition of what might be termed peripheral kin and affines, where the percentage swings over time are generally higher than those observed for ties with and through the family of origin. Similarly more distant descendant ties towards the periphery of the kinship universe, such as the acknowledgement of the children of cousin or nephews appear subject to more marked change over time. There are, of course, exceptions to this general pattern, exceptions which are clearly evident in the parish of Chester-le-Street, which reveals a relatively large swing in the recognition of brothers, and conversely only a slight change in the acknowledgement of cousins. Perhaps, however, too much should not be read into such figures. While apparently dramatic if compared to those for the parishes of Sedgfield and Stanhope-in-Weardale, the figures for Chester-le-Street reveal a similar pattern to that outlined above. Thus as one moves away from the nuclear family and family of origin the greater the swings in recognition. Indeed,

Table 2.5

The Recognition of Kin - Change over Time - Starhope-in-Weardale 1580 - 1699

	Same generation [as ego]				Descendant ties				Ascendant ties				Affinal ties				Spiritual [kinship]						
	brother	sister	cousin	2g. cousin	grand- son	grand- daughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law		daughter-in-law	brother- in-law	sister-in-law	father-in-law	mother-in-law	kin
All references to kin 1580 - 1639	26		2	1	24	20				6	3				15	13	1			1			5
% of no. of wills (90)	29%		2%	1%	27%	22%				7%	3%				17%	14%	1%			1%			6%
All references to kin 1640 - 1699	34		4	1	30	26				8	3				20	12	1			1			2
% of no. of kin (109)	31%		4%	1%	28%	29%				7%	3%				18%	11%	1%			1%			2%
% change	+ 8%		+6.5%	-8.3%	+ 3%	+ 7%				+10%	-1.7%				+10%	-2.4%	-8.3%			-8.3%			-6.7%

Table 2.6

The Recognition of Kin - Change over Time - Sedgefield 1580 - 1699

	Same generation [as ego]		Descendant ties				Ascendant ties				Affinal ties				Spiritual [kinship]						
	brother	sister	cousin	2g. cousin	grand- daughter	nephew	neice	2g. nephew/ neice	father	mother	uncle	aunt	grandmother	son-in-law		daughter-in-law	brother- in-law	sister-in-law	father-in-law	mother-in-law	kin
All references to kin 1580 - 1639	28	12	3	15	21	3	4	2	-	18	3	1	4	3	1	4	4	4	4	4	4
% of no. of wills (90)	42%	18%	4%	22%	31%	4%	6%	3%	-	27%	4%	4%	6%	4%	4%	4%	4%	4%	4%	4%	6%
All references to kin 1640 - 1699	21	8	1	21	18	1	4	3	-	19	12	2	4	3	2	2	2	2	2	2	2
% of no. of kin (109)	31%	12%	1%	31%	27%	1%	6%	4%	-	28%	18%	3%	6%	4%	3%	3%	3%	3%	3%	3%	3%
% change	- 25%	- 33%	- 67%	+ 40%	- 14%	- 67%	-	+ 50%	-	+ 6%	+ 300%	+ 50%	-	+ 50%	+ 6%	+ 50%	+ 50%	+ 50%	-	- 50%	-

Table 27

The Recognition of Kin - Change over Time - Chester-le-Street 1580 - 1699

	Same generation as ego		Descendant ties				Ascendant ties				Affinal ties				Spiritual [kinship]								
	brother	sister	cousin	2g. cousin	grand-son	grand-daughter	nephew	niece	2g. nephew/niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter-in-law	brother-in-law	sister-in-law	father-in-law	mother-in-law	kin	godchildren
All references to kin 1580 - 1639	51		8	1	31		28	2	2	9	2					18	15						12
% of no. of wills (90)	49%		8%	1%	30%		27%	2%	2%	9%	2%					17%	14%						11%
All references to kin 1640 - 1699	30		7	2	12		21	3	4	3	3					3	7						2
% of no. of kin (109)	33%		8%	2%	13%		23%	3%	4%	3%	3%					3%	8%						2%
% change	- 33%		- 0%	+128%	- 56%	- 14%	+ 72%	- 49%	+ 72%	- 49%	+ 72%					- 81%	- 47%						- 81%

variation in the pattern of recognition may reflect changes in the wealth structure of the will making population, the relative numbers in life cycle categories or, as W. M. Williams has suggested in his study of Ashworthy, they may reflect the operation of the factors of 'chance and selection, which tend to become increasingly important towards the periphery of the kin universe'. [35] Only one dramatic and consistent change is observable in all three parishes; the fall in the references to godchildren. Always a relatively small element in overall recognition, references to godchildren fall by between 50 percent and 80 percent by the latter half of the seventeenth century. Such a fall is comparable with the findings of Keith Wrightson and David Levine for Terling, although significantly it occurs later than in the Essex village, where no reference to godchildren was found in the wills after 1600. [36]

At a general level, then, it appears from the study that recognition was both shallow in depth and narrow in range, with emphasis being placed upon the nuclear family, but the question now remains as to the degree to which relationships were governed by social convention and obligation. Given the reticence of contemporary writers and diarists upon the subject of duty and obligation to kin, it is tempting to infer that both were of limited significance and the social conventions governing the recognition of kin by will makers were of negligible importance and individual choice paramount. However this may present the problems in terms of too crude a dichotomy. It is not difficult to envisage a society in which recognition of kin was relatively

flexible but still governed by implicit notions of obligation. Obligation and choice are not incompatible. The complexities underlying the formation of kinship ties is revealed in the will of Robert Turbatt, yeoman of Bradbury in the parish of Sedgefield (May 1609). In appointing his 'wellbeloved friend' William Parireman to look after the interests of his son, Robert Turbatt revealingly states,

'And because John Parireman is of my blood and neare kinsman my will is that if he live he shall have a great care of my sonne above all the rest. I hope he will make him his heir if it please God he have no issue of his own.' [37]

Clearly in this case there is only a fine distinction drawn between obligation, expectation and choice. In other cases, however, the blurred line between obligation and choice is recognised by contemporaries themselves. A rare insight into the overlap between personal choice and obligation is given in the diary of the Reverend Henry Newcombe. In an entry dated 14 December 1661 he recalls,

'last night just as I went to bed wee received a doleful letter from my sister Anne Manw(orth) to borrow £5 to save her cow yt is just taken from her. I know not w(ha)t to doe in ys case'.

In order to resolve the dilemma, Newcombe proceeded to outline the 'pros' and 'cons' of lending money. Against, he details his own financial insecurity and his concern that the debt will not be repaid. In favour, he lists not only religious reasons but the fact that 'wee are kin and so have some ty to helpe her'. It is significant, however, that in his decision to lend his sister 40s, ties of kinship take second place to Christian charity and his duty to God:

'I doe it for his sake: i, To supply her crying necessity. ii, To prevent her sin, for I believe she would g(rea)tly offend by impatience if wee doe not doe it. ... I resolve therefore to doe someth(ing) herein as well as I can'.[38]

Moreover, as suggested in a later chapter, the conflict between expectation, obligation and personal choice, which finds expression in the testamentary causes which frequently came before the Consistory Court at Durham, imply that certain social conventions existed, although it is clear that individual interpretation was flexible.

In the absence of explicit contemporary comment, it is necessary to approach the problem of obligation, choice and expectation circumspectly, examining all possible factors influencing the maintenance or avoidance of kinship ties. In particular attention has been focussed upon the influence of wealth and the life cycle stage of individual testators.

Wealth and the Recognition of Kin

It is often assumed that the recognition of wider kin was directly related to wealth and so to the upper strata of society, who, it is plausibly argued, had more available resources with which to maintain kinship ties. Again kinship connections appear to have been of greater significance to members of the gentry, who cultivated kinship ties in order to satisfy social and political aspirations. It is a view succinctly expressed by Mervyn James, who argues that

'in the competitive world of the governing class, family cohesion and family alliances were assets without which success in the scramble for office, privilege and land were unlikely. In these circles

too, even after the decline of the old-fashioned gregarious household routines, and the rise of the new emphasis on privacy, family visiting and hospitality were amongst the satisfactions of the gentry way of life, on which resources were freely lavished. The extended family was therefore favoured by the rich, to an extent not possible for the poor, the husbandman, or those who were rising in the social scale'.[39]

However, while there is ample evidence to suggest that for the gentry practical considerations encouraged the maintenance of wide and numerically large kinship groups, it would be dangerous to assume from the experience of this group alone, that there was a direct and simple correlation between kinship recognition and wealth. Indeed it will be shown that the general level and range of recognition below the upper eschelons of wealth are more complex and less predictable than one would expect if recognition was purely determined by the availability of resources.

The initial study of wealth and recognition (Table 2.8, 2.9 and 2.10) which compares the distribution of wealth in each parish with the indexed percentage of those testators acknowledging kin and those failing to acknowledge kin, reveals that the recognition of kin was fairly evenly distributed among the wealth categories. Indeed only a small difference of 7 percent was observed between the highest and lowest levels of recognition in the parish of Sedgfield, while in the parishes of Chester-le-Street and Stanhope-in-Weardale the percentage was only slightly higher at between 15 percent and 17 percent. Even more significantly, there is no evidence to suggest that there was a direct relationship between higher incidences of recognition and higher levels of wealth. Indeed it is interesting to note that in all three parishes the wealth group

Table 28

Kinship and the Distribution of Wealth - Stanhope-in-Weardale 1580 - 1699

Wealth categories	Distribution of wealth of the will-making population		Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin	
Over £200	18	10%	[15]	24%	[3]	12%
£150 - £200	14	8%	[8]	16%	[6]	29%
£100 - £150	22	13%	[19]	24%	[3]	9%
£50 - £100	40	23%	[26]	18%	[14]	24%
Under £50	80	46%	[50]	18%	[30]	26%
	174	100%	[118]	100%	[56]	100%

Table 29

Kinship and the Distribution of Wealth - Sedgefield 1580 - 1699

Wealth categories	Distribution of wealth of the will-making population		Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin	
Over £200	24	21%	[19]	20%	[5]	20%
£150 - £200	11	10%	[8]	18%	[3]	25%
£100 - £150	14	13%	[12]	22%	[2]	13%
£50 - £100	21	19%	[17]	21%	[4]	18%
Under £50	42	37%	[31]	19%	[11]	24%
	112	100%	[87]	100%	[25]	100%

Table 2.10

Kinship and the Distribution of Wealth - Chester-le-Street 1580 - 1699

Wealth categories	Distribution of wealth of the will-making population		Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin	
Over £200	16	10%	[14]	25%	[2]	7%
£150 - £200	8	5%	[5]	19%	[3]	25%
£100 - £150	24	15%	[15]	19%	[9]	25%
£50 - £100	36	23%	[24]	17%	[12]	22%
Under £50	76	47%	[52]	20%	[24]	21%
	160	100%	[110]	100%	[50]	100%

£150-£200, produces the lowest, or in the case of Chester-le-Street the second lowest, level of recognition, while only in one parish, Chester-le-Street is the highest wealth category of over £200 associated with the highest incidence of recognition. While it is true that the figures for the failure to acknowledge kin reveal a wider range of variation in distribution between highest and lowest levels of recognition, again there appears to be no evidence of a direct relationship between wealth and the failure to recognise kin: once again there is no distinct pattern. For example, in all of the parishes the highest incidence of failure to recognise kin occurs in the second highest wealth group. Conversely, the lowest percentage for the non-recognition of kin appears to be associated with the wealth category £100-£150 in the parishes of Stanhope-in-Weardale and Sedgefield. However, care must be taken in interpreting this finding, as the position is reversed in the case of Chester-le-Street, where this group displays one of the highest levels of non-recognition of kin.

If a comparison is made between the relative percentage in each wealth group recognising kin and failing to recognise kin, a similar, if more dramatic, picture emerges. (cf Tables 2.11, 2.12 and 2.13). In all three parishes the wealth group 'over £200' reveals a consistently high percentage of recognition of between 79-87 percent. So far the evidence does little to contradict the theory that a direct correlation may have existed between wealth and kinship recognition. However below the upper eschelon of wealth, the results become less compatible with this

Table 2.11

Kinship and the Distribution of Wealth - Stanhope-in-Weardale 1580 - 1699

Wealth categories	Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin		Total no. of wills
	No. of wills	%	No. of wills	%	
Over £200	15	83%	3	17%	18
£150 - £200	8	57%	6	43%	14
£100 - £150	19	86%	3	14%	22
£50 - £100	26	67%	14	35%	40
Under £50	50	62%	30	38%	80

Table 2.12

Kinship and the Distribution of Wealth - Sedgefield 1580 - 1699

Wealth categories	Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin		Total no. of wills
	No. of wills	%	No. of wills	%	
Over £200	19	79%	5	21%	24
£150 - £200	8	73%	3	27%	11
£100 - £150	12	86%	2	14%	14
£50 - £100	17	81%	4	19%	21
Under £50	31	74%	11	26%	42

Table 213

Kinship and the Distribution of Wealth - Chester-le-Street 1580 - 1699

Wealth categories	Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin		Total no. of wills
	No.	%	No.	%	
Over £200	14	87%	2	13%	16
£150 - £200	5	62%	3	38%	8
£100 - £150	15	62%	9	38%	24
£50 - £100	24	67%	12	33%	36
Under £50	52	68%	24	32%	76

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theory. In each parish the second wealth group £150-£200 reveals the lowest level of recognition of between 73 percent in Sedgfield and 57 percent in Stanhope-in-Weardale. Similarly it is of interest to note that the highest level of recognition within each individual wealth category was recorded for the wealth group £50-£100. Moreover there is little to suggest that there was any dramatic decrease in recognition in the lower wealth categories. Indeed, in the parish of Chester-le-Street the wealth category of 'under £50' displays the second highest level of recognition.

Although there appears to be little evidence of a direct relationship between wealth and the general level of kinship recognition, the question must now be asked if the increased availability of resources led to the recognition of a wider range of kin? The results of the study of the range and depth of recognition and the effect of wealth are presented in tables 2.14, 2.15 and 2.16. The patterns revealed by the tables suggest that there was little difference in the range of recognition, with the exception of 'cousin', a term which may denote either cousin germain or a more distant relationship. Towards the periphery of the kinship universe this term appears to occur more frequently in the wills of testators with wealth over £200. However, if the background of these testators is examined in greater detail, it appears that the recognition of cousin may have been a social convention rather than directly related to wealth. The majority of references are drawn from the wills of those of gentle status, single people and widows, who may, in

Table 2.14

Wealth and the Range of Kinship Recognition - Stanhope-in-Weardale 1580 - 1699

Wealth categories	Same generation [as ego]			Descendant ties					Ascendant ties					Affinal ties					Spiritual [kinship]		No. of Wills			
	brother	sister	cousin	2g. cousin	grandson	granddaughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter	brother - in-law	sister in-law	in-law		father-in-law	mother-in-law	kin
Over £200	5	4	4	-	5	9	1	0	1	1	1	-	3	3	3	1	4	1	1	1	1	4	1	18
£150 - £200	4	-	-	-	4	2	-	-	1	1	-	-	4	4	1	-	-	1	-	-	-	-	1	14
£100 - £150	8	2	2	1	7	6	-	1	-	-	-	-	4	4	5	2	2	5	5	-	-	2	2	22
£50 - £100	10	9	9	-	11	9	2	2	2	2	2	-	6	6	3	1	1	3	3	-	-	1	-	40
Under £50	21	-	-	-	18	14	-	8	-	-	-	-	15	15	11	3	3	11	11	-	-	3	2	80

Table 2.15

Wealth and the Range of Kinship Recognition - Sedgefield 1580 - 1699

Wealth categories	Same generation [as ego]			Descendant ties				Ascendant ties				Affinal ties				Spiritual [kinship]		No. of Wills						
	brother	sister	cousin	2g. cousin	grandson	granddaughter	nephew	niece	2g. nephew/niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter-in-law		brother-in-law	sister-in-law	in-law	father-in-law	mother-in-law	kin
Over £200	9		7	-	7	8	4	2	2	-	-	-	-	-	5	2	2	2	2	-	-	4	2	23
£150 - £200	5		3	2	-	4	-	2	2	-	-	-	-	-	1	1	1	1	1	-	-	1	-	11
£100 - £150	6		2	-	7	3	-	1	1	-	-	-	-	-	3	-	-	-	-	-	-	2	1	14
£50 - £100	9		3	1	6	8	-	-	-	2	-	-	-	-	6	2	2	2	2	2	2	2	-	22
Under £50	17		3	1	9	10	-	-	1	2	-	-	-	-	11	5	-	-	-	-	-	3	1	42

Table 2.16

Wealth and the Range of Kinship Recognition - Chester -le-Street 1580 - 1699

Wealth categories	Same generation [as ego]				Descendant ties				Ascendant ties				Affinal ties				Spiritual [kinship]		No. of Wills						
	brother	sister	cousin	2g. cousin	grandson	granddaughter	nephew	neice	2g. nephew/ neice	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter in-law	brother - sister in-law		in-law	father-in-law	mother-in-law	kin	godchildren	
Over £200	11		3	-	1	9						3				2	4						3		16
£150 - £200	3		-	-	1	2																			8
£100 - £150	11		3	-	6	6				1		2				3	2			1			1		24
£50 - £100	16		3	-	8	12						5				5	5			1			1		36
Under £50	24		2	-	17	12				3		2				6	7					3			76

some cases, have been of gentle status. Indeed such recognition may not denote frequent contact, or any deep feelings of attachment, but rather may reflect social obligations. Consider, for example, the will of John Dunforth, gentleman of Chester-le-Street, who acknowledged his Cousin Ward through bequests to his children, even though he confessed 'I know not well his childrens names'. [40] While the study of kinship amongst the gentry still awaits systematic analysis, it seems likely, as Mervyn James has argued, that kinship may have been of greater significance to those of gentle status than the above generalisations would suggest

'For in the competitive world of the governing class, family cohesion and family alliances were assets without which success in the scramble for office, privilege, and land was unlikely.' [41]

Within this privileged sector of society it seems likely that the availability of resources not only permitted an individual to maintain ties with a greater number of kin, it may also have resulted in increased pressure on individual feelings of obligation. In general, however, it appears that wealth played a negligible role in the determination of the decision of whether or not to recognise kin or in the range of recognition. In short, it would be dangerous to assume that differing obligations towards kin were determined by wealth alone.

Within the three parishes, then, there appears to be little variation in the range of kinship recognition in terms of wealth, with the now familiar emphasis upon the nuclear family and family of origin emerging as the dominant characteristic. More interesting, however, is the fact that no direct or simple

relationship emerges between the recognition of kin and wealth. The implications of this are as yet difficult to assess, but tentatively it is possible to suggest that while wealth may have been one factor in the maintenance or avoidance of kin relationships, the changing obligations to the nuclear family may have been of greater significance. It is to an examination of this factor that attention will now be turned.

The Life Cycle and the Recognition of Kin

In order to examine the nature of obligation to the nuclear family and wider kin, attention has been focussed upon the acknowledgement of kin by testators with differing responsibilities in consequence of their differing positions in the family cycle. Thus testators ranged from single people, who were free from obligations towards children, to married men with responsibilities to the nuclear family. The results of this preliminary study are presented in tables 2.17, 2.18 and 2.19.

The most interesting result to emerge from the study is that testators referring to wife and children consistently have the lowest level of kinship recognition, ranging from 61 percent in the parish of Sedgfield to 53 percent in the parish of Chester-le-Street. Moreover in all three parishes the incidence of kinship recognition by testators with responsibilities to wife and children is between approximately 24-28 percent lower than the figures recorded for single people or widows without children. This appears to suggest that obligation to the nuclear family may have been an important factor in the decision of

Table 2.17

Obligation to the nuclear family and the acknowledgement of wider kin - Stanhope-in-Weardale 1580 - 1699

	Testators referring to wife and children	Testators (including widows) referring to children but not to spouse	Testators referring to wife	Single people and widows without children
Those acknowledging kin	43 [57%]	52 [74%]	7 [58%]	35 [85%]
Those not acknowledging kin	33 [43%]	18 [26%]	5 [42%]	6 [15%]
	76 [100%]	70 [100%]	12 [100%]	41 [100%]

Table 2.18

Obligation to the nuclear family and the acknowledgement of wider kin - Sedgefield 1580 - 1699

	Testators referring to wife and children	Testators (including widows) referring to children but not to spouse	Testators referring to wife	Single people and widows without children
Those acknowledging kin	34 [61%]	34 [92%]	12 [86%]	23 [85%]
Those not acknowledging kin	22 [39%]	3 [8%]	2 [14%]	4 [15%]
	56 [100%]	37 [100%]	14 [199%]	27 [100%]

Table 2.19

Obligation to the nuclear family and the acknowledgement of wider kin - Chester-le-Street 1580 - 1699

	Testators referring to wife and children	Testators referring to children but not to wife or husband	Testators referring to wife	Single people and widows without children
Those acknowledging kin	48 [53%]	33 [73%]	16 [62%]	28 [78%]
Those not acknowledging kin	42 [47%]	12 [27%]	10 [38%]	8 [22%]
	90 [100%]	45 [100%]	26 [100%]	36 [100%]

whether or not to acknowledge kin. In short there are signs of a shift in obligation at marriage away from ties with the family of origin and wider kin. In spite of this slight indication of the importance of obligation towards members of the nuclear family, the results appear contradictory and present interpretative problems. At first glance, for example, the consistently high levels of recognition observed for those testators with children suggests that many maintained ties with kin beyond the nuclear family and as such appear to represent a severe challenge to the above view. However this may reflect less an increase in obligation to kin beyond the confines of the nuclear family than the deficiencies of an oversimplistic approach. The main weakness of this preliminary study is that it assumes that relationships within the conjugal family and especially within the important child-parent dyad were static. In reality it is clear that relationships within the family should be viewed less as being fixed and established than as dynamic relationships that were constantly changing, both through structural changes in the family itself and through personal experience, which resulted in a continual redefinition of relationships. Later attention shall be turned to the personal aspects of redefinition as influenced by marriage, conflict and reciprocity, but for the present attention shall focus upon recognition at different stages of the life cycle.

On the basis of the internal evidence of wills, testators were placed in five groups. The groups are as follows: group I - those who were married but had no children; group II - those

whose children were all unmarried; group III - those whose children were in part married, while group IV - represents the dissolution of the nuclear family with the marriage of all the children.[42] The final group consists of bachelors, spinsters and widows without children. In order to examine the role of obligation in the recognition of kin, it has been assumed that the life cycle categories correspond to periods of differing responsibilities to the nuclear family. Concentration has once again been focussed upon the general level of recognition and the range of kin acknowledged. The results are presented in tables 2.20, 2.21 and 2.22.

Predictably, testators at stage IV of the life cycle appear to have the highest percentage of those recognising kin, despite continuing obligations in the majority of cases to a widow. It seems likely that this reflects the widening of the kin universe over time, through the marriage of children and the concomitant development of affinal relationships and descendant ties with grandchildren. A slightly narrower range of recognition emerges from an examination of those in group V where a high level of recognition is also found. By contrast, the lowest level of recognition is observed for those testators at stage II of the life cycle, that is to say those with the maximum responsibilities to the nuclear family. In this category recognition falls below 60 percent in Sedgefield and in both Stanhope-in-Weardale and Chester-le-Street below 45 percent, and it appears that only when children marry and leave the parental home that the percentage of those acknowledging kin rises to

Table 2.20

Life cycle and the recognition of kin - Starhope-in-Weardale 1580 - 1699

Stage in life cycle

	I	II	III	IV	Single persons and widows without children
Those acknowledging kin	6 [50%]	28 [39%]	41 [91%]	25 [96%]	36 [86%]
Those not acknowledging kin	6 [50%]	43 [61%]	4 [9%]	1 [4%]	6 [14%]
	12 [100%]	71 [100%]	45 [100%]	26 [100%]	42 [100%]

Key

I - those testators who were married but without children

II - those testators who had unmarried children

III - those testators who had some unmarried and some married children

IV - those testators whose children were all married

Table 221

Life cycle and the recognition of kin - Sedgfield 1580 - 1699

Stage in life cycle

	I	II	III	IV	Single persons and widows without children
Those acknowledging kin	12 [86%]	22 [59%]	31 [84%]	13 [93%]	23 [89%]
Those not acknowledging kin	2 [14%]	15 [41%]	6 [16%]	1 [7%]	4 [15%]
	14 [100%]	37 [100%]	37 [100%]	14 [100%]	27 [100%]

Key

I - those testators who were married but without children

II - those testators who had unmarried children

III - those testators who had some unmarried and some married children

IV - those testators whose children were all married

Table 223

Life cycle and the recognition of kin - Chester le Street 1580 - 1699

Stage in life cycle

	I	II	III	IV	Single persons and widows without children
Those acknowledging kin	15 [58%]	35 [44%]	24 [80%]	23 [88%]	28 [78%]
Those not acknowledging kin	11 [42%]	44 [56%]	6 [20%]	3 [12%]	8 [22%]
	26 [100%]	79 [100%]	30 [100%]	26 [100%]	36 [100%]

Key

I - those testators who were married but without children

II - those testators who had unmarried children

III - those testators who had some unmarried and some married children

IV - those testators whose children were all married

between 96 percent (Stanhope-in-Weardale) and 88 percent (Chester-le-Street). This concern for the nuclear family and the priorities involved are clearly revealed in the will of John Fletcher, butcher of Chester-le-Street. A wealthy man with goods valued at over £350, in August he and his family were victims of a 'visitation of sickness'. Despite small bequests to his sister's children and his mother, there is no division of his estate among kin and the residue of his goods and chattels were bequeathed 'to the use and benefit of my wife and my two children, who are at present visited with God's loving visitation and sickness'. He states explicitly that only if his family should die was the estate to be divided equally among 'my nearest kindred and friends'.^[43] A yet more explicit statement of the duty of parents towards *their children* is presented in the will of Robert Farrow of Fishburn in the parish of Sedgfield, who dying in debt sought to provide for his nine children

'And as touching my temporall estate I doe concieve and doe hearbye acknowledge and confesse that I stand indebted p(ar)tely for my late father Robte Farrow deceased and p(ar)te for my selfe sundrye soms of monye unto sundrie p(er)sons to the full valew of all my goods or therabouts and therefore I having received from the Lord a blessing of manie children, and finding my selfe bound to give unto everye of them a competent respect towards their maintenncance and education w(hi)ch I cannot otherwyse doe then forth of my lands
....'

Moreover, it is clear from the will that Robert Farrow placed confidence in his wife Ann to ensure that his obligation to his children was fulfilled, appointing her as sole executor:

'And as touching my goods I doe hearbye nominate, make and appoint Ann Farrow my trew and faithfull wyffe my full and sole executor of the same and this my testament, noethinge doubtinge of her motherlye love towards our said children nor of the trewe adminstringe

of my said goods.' [44]

Together the wills reveal something of the strength of obligation to the nuclear family and the priorities involved in the settling of an estate.

A similar concern is shown in the provisions made for widows, though in the absence of children, siblings, nephews and neices figure more frequently in wills. Nevertheless it seems likely that in the initial stage of the life cycle and the process of home-making, when resources, in many cases, were probably scarce, obligation to a new wife was probably strong. One of the most moving wills of the period is that of Anthony Lambert, who in March 1615/16 lay dying. Had he lived he 'should have married Katherin Fletcher, spinster', and 'for that purpose he had taken a house to dwell in at Whittynaide'. Katherin Fletcher, his betrothed, was the only beneficiary of his will. [45]

Thus there appears to be a tendency for the recognition of kin to be associated with changing obligation to the nuclear family. Moreover it is clear that this association was not affected by differing wealth distributions of the various life cycle categories. Indeed as tables 2.23, 2.24, and 2.25 reveal those at the fourth stage of the life cycle and single people, who had relatively high levels of wider kin recognition, also had the highest percentages of those with wealth under £100. An exception is provided by the case of Stanhope-in-Weardale, where there is evidence of a slight variation, as those at stage three of the life cycle appear to have a slightly higher percentage of

Table 2.23

Comparative analysis of wealth distributions and the life cycle - Stanhope-in-Weardale 1580 - 1699

Wealth categories	I		II		III		IV		Single people and widows without children	
Over £200	3	25%	6	9%	3	7%	3	13%	2	6%
£150 - £200	-	-	8	13%	4	10%	1	4%	1	3%
£100 - £150	3	25%	13	20%	5	13%	4	18%	1	3%
£50 - £100	-	-	12	19%	10	26%	5	22%	7	19%
Under £50	6	50%	25	39%	17	44%	10	43%	25	69%
	12	[100%]	64	[100%]	39	[100%]	23	[100%]	36	[100%]

Table 2.24

Comparative analysis of wealth distributions and the life cycle - Sedgefield 1580 - 1699

Wealth categories	I		II		III		IV		Single people and widows without children	
Over £200	2	15%	9	26%	5	18%	3	23%	2	10%
£150 - £200	-	-	7	20%	2	7%	-	-	3	17%
£100 - £150	2	15%	5	14%	4	14%	2	15%	-	-
£50 - £100	4	31%	7	20%	6	22%	2	15%	3	17%
Under £50	5	39%	7	20%	11	39%	6	47%	10	56%
	13	[100%]	35	[100%]	28	[100%]	13	[100%]	18	[100%]

Table 2.25

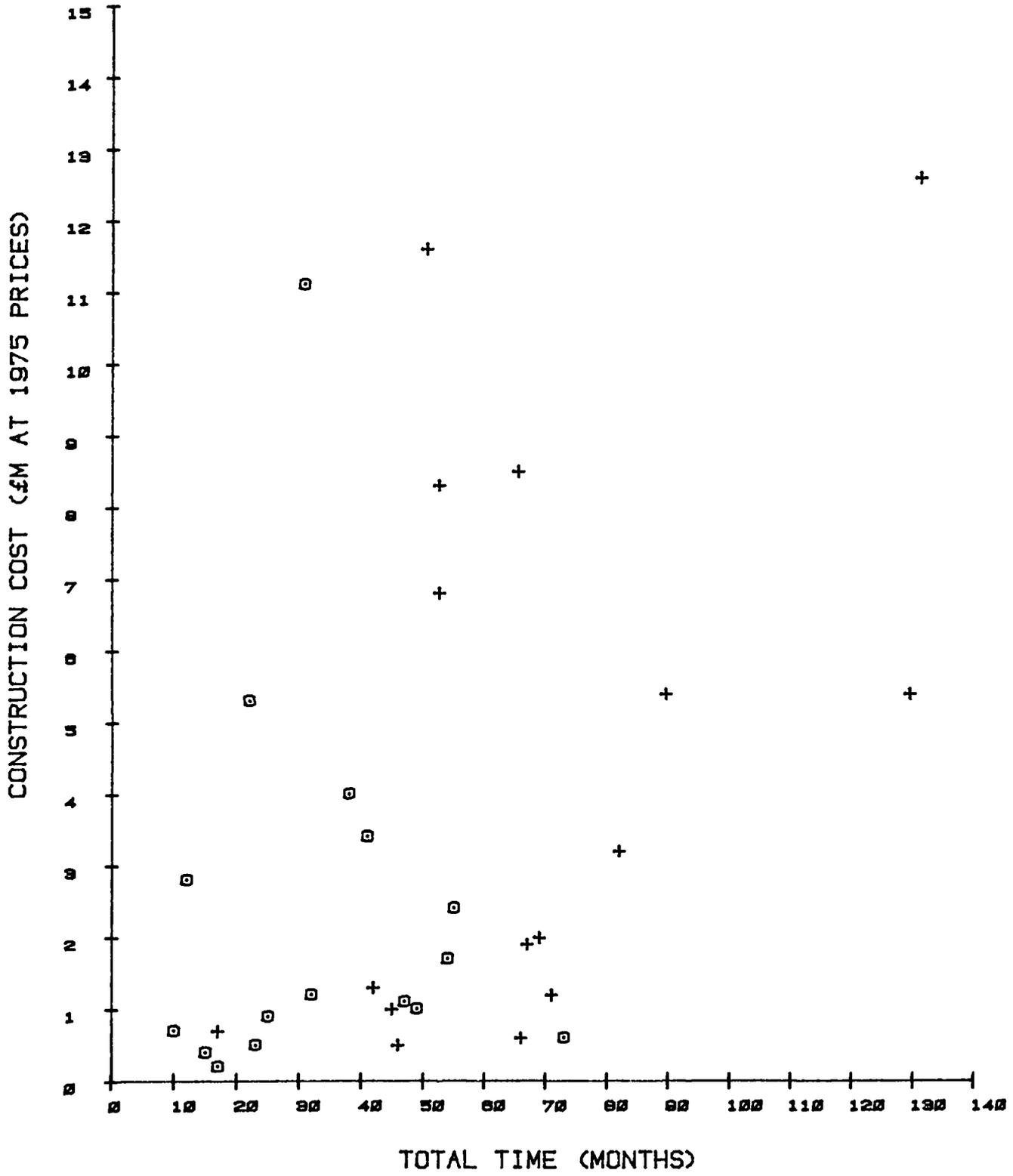
Comparative analysis of wealth distributions and the life cycle - Chester le Street 1580 - 1699

Wealth categories	I		II		III		IV		Single people and widows without children	
Over £200	2	9%	7	10%	3	12%	1	6%	1	5%
£150 - £200	1	4%	5	7%	1	4%	-	-	1	5%
£100 - £150	3	14%	12	18%	6	24%	2	12%	1	5%
£50 - £100	2	9%	20	28%	2	8%	6	33%	7	33%
Under £50	14	64%	26	37%	13	52%	8	47%	11	52%
	24	[100%]	70	[100%]	25	[100%]	17	[100%]	21	[100%]

testators with wealth under £100. Conversely, those at the second stage of the life cycle, who consistently display the lowest level of recognition of wider kin, appear also to have the lowest percentage of testators with wealth of under £100. The parish of Stanhope-in-Weardale again shows a slight variation with those at stage one of the life cycle recording only 50 percent as compared with 58 percent for those at the second stage of the life cycle, with below £100 in wealth. However the importance of such variations should not be overemphasised, as the number of testators at the first stage of the life cycle is relatively small and thus when presented in terms of percentages may lead to distortion. Despite relatively minor variations it is clear that in all three parishes both single people and those at stage four of the life cycle, who recorded a relatively higher level of recognition of wider kin than those of the second stage of the life cycle, also had a higher percentage, between 20-30 percent higher, of testators with wealth under £100. Thus tentatively one may suggest that when the apparently crucial factor of life cycle is taken into account there appears to be an indirect relationship between the level of recognition and wealth, at least at the lower levels of the wealth spectrum.

This apparent contradiction can be resolved if it is remembered that the changing patterns in wealth distribution probably reflect changes in the life cycle itself, from the formation of the family unit to its final dissolution with the reallocation of wealth through inheritance and the providing of marriage settlements which in turn resulted in the development of

CONSTRUCTION COST PLOTTED
AGAINST TOTAL TIME



+ - PUBLICLY FUNDED CLIENTS
O - PRIVATELY FUNDED CLIENTS

FIGURE 8

Table 2.26

Life cycle and the range of kinship recognition - Stanhope-in-Weardale 1580 - 1699

Stage in life cycle	brother	sister	cousin	2g. cousin	grandson	granddaughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter-in-law	brother-in-law	sister-in-law	father-in-law	mother-in-law	kin	godchildren	Total number of wills
I	5 42%		2 17%	1 8%	-	-	4 33%		-	-	-	1 8%		-	-	-	-	2 17%	2 17%	-	-	2 17%	1 8%	12
II	15 21%		-	-	-	-	10 14%		-	5 7%		2 3%		-	-	-	-	11 15%		2 3%		2 3%	1 1%	71
III	10 22%		-	-	32 72%		4 9%		-	-		1 2%		-	-	21 47%		2 5%		-		3 7%	3 7%	45
IV	1 4%		-	-	21 81%		3 12%		-	-		-		-	-	14 54%		-		-		3 12%	-	26
Single people & widows without children	29 69%		1 2%	-	-		23 59%		5 12%	9 21%		2 5%		-	-	-		11 26%		-		4 10%	1 2%	42

Table 2.27

Life cycle and the range of kinship recognition - Sedgefield 1580 - 1699

Stage in life cycle	brother	sister	cousin	2g. cousin	grandson	grandaughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter-in-law	brother-in-law	sister-in-law	father-in-law	mother-in-law	kin	godchildren	Total number of wills
I	9 64%		6 43%	-	-		8 57%	1 7%	-	-	-	3 21%				-	-	2 14%		1 7%		(2)	3 21%	14
II	12 33%		3 8%	1 3%	-		6 16%	-	-	5 14%		1 3%				-	-	2 5%		2 5%		(2)	-	37
III	10 27%		1 3%	-	24 63%		5 14%	-	-	-	-	-				23 62%		1 3%		-		(2)	-	37
IV	2 14%		2 14%	-	11 79%		4 29%	1 7%	-	-	-	-				9 64%		1 7%		-		-	-	14
Single people & widows without children	18 67%		6 22%	2 7%	-		15 56%	2 7%	3 11%			1 4%				-	-	8 30%		(1) 4%		(2)	1 4%	27

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Table 2.28

Life cycle and the range of kinship recognition - Chester le Street 1580 - 1699

Stage in life cycle	brother	sister	cousin	2g. cousin	grandson	grandaughter	nephew	niece	2g. nephew/ niece	father	mother	uncle	aunt	grandfather	grandmother	son-in-law	daughter-in-law	brother-in-law	sister-in-law	father-in-law	mother-in-law	kin	godchildren	Total number of wills
I	13 50%	-	-	-	-	-	9 35%	-	-	1 4%	-	-	-	-	-	-	-	3 12%	-	-	-	-	4 15%	26
II	32 40%	3 4%	1 1%	-	-	-	16 20%	-	-	8 10%	4 5%	-	-	-	-	-	-	8 10%	2 3%	2 3%	(2)	2 3%	79	
III	11 37%	2 7%	-	-	21 70%	3 10%	-	-	-	-	-	-	-	-	-	11 37%	-	3 10%	-	-	(1)	2 7%	30	
IV	4 15%	4 15%	1 4%	1 4%	22 85%	5 19%	1 4%	-	-	-	-	-	-	-	-	9 35%	1 4%	1 4%	-	-	(1)	1 4%	26	
Single people & widows without children	21 58%	6 17%	1 3%	1 3%	-	15 42%	4 11%	4 11%	4 11%	4 11%	1 3%	1 3%	-	-	-	-	-	7 19%	-	-	(1)	5 14%	36	

increasingly wide variations in patterns of kinship recognition the further one moves away from the nuclear family, a pattern which suggests that the recognition of wider kin was a matter of personal choice rather than strictly defined obligations. It is a pattern which appears to have been largely independent of considerations of wealth. While the gentle classes maintained links with a wider kinship group, it is likely that this practice owed more to political and social aspirations than to social obligations and convention. For the vast majority life cycle rather than considerations of wealth was the crucial factor influencing kinship recognition. Thus there appears to have been a contraction in the breadth of kinship ties at marriage, which is marked by a shift in emphasis away from ties with wider kin and in particular ties with the family of origin, as obligation to wives and children take precedence. While there is evidence of a slight broadening of kinship recognition during the latter stages of the life cycle, it should not be assumed that this is indicative of a revival of ties with wider kin as obligations to children became less demanding. Rather this expansion was due to the broadening of the kinship universe through the marriage of children and the arrival of grandchildren. Such findings support the conclusion that within the context of English society broad kinship ties were of limited importance, a matter of personal choice rather than of obligation.[46]

References

Chapter 2 - The Recognition of Kin

1. Macfarlane, Origins, 64, 71, 76, 139-147, 97, 163.
2. Williams, Ashworthy, 183-184 and Chapter 6.
3. Laslett, Household Size, 125-158.
4. Wrightson and Levine, Terling, 46.
5. Macfarlane, Origins, 146-147; Wrightson, English Society, 46.
6. Macfarlane, Origins, 146-147.
7. R. Fox, Kinship and Marriage, An Anthropological Perspective (Penguin, 1967), 243.
8. M. Anderson, 'Family and Class in Nineteenth Century Cities, Journal of Family History 2.2, 147.
9. E.P. Thompson, 'Anthropology and the Discipline of Historical Context', Midland History (Spring, 1972), 41-55.
10. Pal. and Dip., DR. V, Book 12. Henry Bowes v. Margaret Clarkson. Deposition of Thomas Clibborne of Newcastle (Jan. 1630).
11. Pal. and Dip., DR. V, Book 7. Pasmore v. Pasmore. Deposition of Adam Holmes of Wearmouth (24 May 1600).
12. Pal. and Dip., Probate MS. Will of William Harrison of Stanhope-in-Weardale (1688).
13. Pal. and Dip., DR. V, Book 7. Suerties v. Suerties. Deposition of Alexander Ridley of Whittonstall (21 Oct. 1600).
14. Pal. and Dip., DR. V, Book 12. Jackson v. Jackson. Deposition of William Bussle (22 Nov. 1628).
15. M. Ingram, 'Spousal Litigation in the English Ecclesiastical Courts c.1350-c.1640'. In Marriage and Society. Studies in the Social History of Marriage, edited by R.B. Outhwaite (London, 1981), 48.
16. Pal. and Dip., DR. V, Book 7, Glover v. Craggs. Deposition of Arthur Emmerson of Brotherlee (18 Feb. 1602).
17. Pal. and Dip., DR. V, Book 12. Blackiston v. Pattison. Deposition of Thomas Burdon of Stockton (28 Apl. 1629).
18. Pal. and Dip., DR. V, Book 7. Smith v. Hull. Deposition of George Brabant of Brancepeth (7 May 1601).

19. Pal. and Dip., DR. V, Book 5. Dobson v. Pereson. Deposition of Richard Metcalfe, Apparitor of the Court of Richmond (13 Mar. 1589).
20. Pal. and Dip., DR. V, Book 11. James and George White uncles of William and Elizabeth Wheatley children of deceased, Elizabeth Wheatley, v. Henry Pearson. Deposition of Robert Heighington of Morden (19 Nov. 1619).
21. Pal. and Dip., Probate MS. Registered Copies of Wills. Will of Margaret Hodshon of Lumley within the parish of Chester-le-Street (1591).
22. Wrightson and Levine, Terling, 92.
23. Macfarlane, 'Family Life of Ralph Josselin', 106.
24. Wrightson and Levine, Terling, 82-91.
25. James, Civil Society, 24-25.
26. For a fuller description of the economic and social structures of the parishes see above pp. 42-97
27. The wills are drawn from a very broad range of social groups, ranging from those of gentle status to labourers. The most common group, however, was that of yeomen. The term husbandman appears to have been used only rarely. Yet it should not be assumed that yeomen represented an economically homogenous group. When paired with inventories it is clear that this group was economically diverse with wealth ranging from above £200 to below £50.
28. Wrightson and Levine, Terling, 92.
29. Pal. and Dip., Probate MS. Will of Robert Farrow, the elder, of Sedgfield (1613).
30. P. Laslett has estimated by the process of micro-simulation that in seventeenth century England at the age of 11 children could expect to have an average of 1.25 uncles, a figure which fell to 0.99 by the age of 22. These figures have been taken from Exhibit 2, 'Types of kin and demographic regime', part of an unpublished paper given to the Cambridge Group (27 Jan. 1985). Similar figures for the survival of uncles and aunts are available for eighteenth century France. Thus H. Le Bras has estimated that at the age of 5 children possessed an average of 5.12 uncles and aunts, while as the age of 20 the average had fallen to 3.57. By the age of 35 the average for 1.89. See 'Evolution des liens de famille au cours de l'existence' in Les Ages de la Vie. Actes du Colloque, Tome 1 (1980), tableau 3, 31. In assessing the significance of these figures it is important to stress that France possessed a very different demographic regime to that of seventeenth century England, a regime which was characterised by high fertility and severe mortality.

31. Pal. and Dip., Probate MS. Will of Mabel Dodd of Tanfield within the parish of Chester-le-Street (1621).
32. Wrightson and Levine, Terling, 92. See also Macfarlane, 'Family Life of Ralph Josselin', 132.
33. P. Laslett has estimated that within seventeenth century England a person up to the age of 33 would have on average just over 4 ascendant kinship ties. See Exhibit 1, 'Numbers of Kin: Variation over Time and by Region', part of an unpublished paper given to the Cambridge Group (27 Jan. 1985). A more detailed break-down of the changing kinship ties with the ascendant generation over time is given by Le Bras in 'Evolution de Liens', Tableau 5, 35. In eighteenth century France at the age of 5 a child would have an average of 7.66 kin from the ascendant generation, as compared with 4.93 at the age of 20 and a comparatively low 2.47 at 35.. It must be borne in mind, however, that these figures are not strictly comparable. For the demographic regime of France with its high levels of fertility coupled with severe mortality was very different to that of England.
34. R. Smith, 'Some issues concerning families and their property in rural England'. In Land, Kinship and Life Cycle, edited by R. Smith (Cambridge, 1984), p.
35. Williams Ashworthy, 166.
36. Wrightson and Levine, Terling, 93.
37. Pal. and Dip., Probate MS. Will of Robert Turbatt of Bradbury within the parish of Sedgfield (1609).
38. Thomas Heywood (ed.), 'The Diary of the Rev. Henry Newcombe', The Chetham Society, vol xviii (1849), 31-32.
39. James, Civil Society, 26-27. See also Fletcher, County Community, 44-48, 52. Whether very strong kinship ties were a feature of the lesser gentry, however, is open to question. Morrill in his study of Cheshire, 1630-1660, suggests that kinship ties were much less significant for the lower gentry of Cheshire as compared with the leading gentry families. It is a finding which receives some support from L. Stone, Family, Sex and Marriage, who argues that the influence of kinship was gradually declining among the propertied classes.
40. Pal. and Dip., Probate MS. Will of John Dunforth of Chester-le-Street (1616).
41. James, Civil Society, 26.
42. The definition of life cycle is based upon that of C. Bell, 'The Social Significance of Kinship: 3', in Sociology of the Family, edited by M. Anderson (Penguin, 1971), 142. It is important to emphasise, however, that different societies may

possess different life cycle patterns. Nevertheless it is valuable to make broad assumptions about the nature of the life cycle within English society in order to place empirical findings within a general framework, a framework which would also permit future comparison.

43. Pal. and Dip., Probate MS. Will and inventory of John Fletcher of Chester-le-Street (1626).

44. Pal. and Dip., Probate MS. Will of Robert Farrow, the younger, of Sedgfield (1622).

45. Pal. and Dip., Probate MS. Will of Anthony Lambert of Tanfield within the parish of Chester-le-Street (1616).

46. Cf. Wrightson and Levine, Terling, 84-87; Macfarlane, Origins, 75-76; D Hey, An English Rural Community; Myddle under the Tudors and Stuarts (Leicester, 1974), 203-204. The findings, however, are substantially different from those of Miranda Chaytor in her study, 'Household and Kinship: Ryton in the late sixteenth and early seventeenth centuries', History Workshop, no. 10 (1980), 45-49, in which she argues not only of the existence of complex households produced by remarriage but that these households 'had a claim on the resources of several kin groups'. While not wishing to challenge the conclusions of this research, the above findings lead us to question the typicality of the experience of the four families at the centre of the study. For a fuller criticism of the article see K. Wrightson, 'Critique: Household and Kinship in sixteenth century England', History Workshop, no. 12 (1981), 151-158.

Chapter 3

The Role of Kin

The relative importance of kin

In studying the question of kin relationships and the maintenance of kinship ties it is necessary to assess the relative importance of kin, neighbours and intimates as a source of support and assistance and the basis of these relationships in terms of obligation and choice. Attention has again been focussed upon the internal evidence of wills and inventories, which permit systematic analysis of personal relationships and roles. Valuable as such evidence is, however, it must be recognised that the data drawn from wills and inventories presents a number of interpretative problems. Firstly, there is the problem of assessing the value of particular roles and the establishments of indices for the quality of relationships, in view of the reticence of wills in description of the emotional content of relationships and the difficulties of analysing isolated subjective comment. There is no obvious solution. However, in an attempt to minimise the possibility of distortion, it is proposed to introduce a degree of refinement into the analysis by drawing a distinction between what may be termed the formal roles of executors, supervisors and witnesses, and the more instrumental relationships, such as the guardianship of children and economic assistance. Secondly, as stressed earlier, there arises the problem associated with the evaluation of obligation and choice, which again involves the assessment of

personal motives and subjective feelings of duty. Indeed in so far as obligation and choice are not separate and distinct entities, but are, and often were, interconnected, it is clear that the distinction in contemporary eyes may have been to a certain extent artificial. One suspects that Anthony Stephenson, yeoman of Chester-le-Street was not untypical when he appointed his 'goods friends' George Grindie and Jo Wheatley, the latter being his brother-in-law, as supervisors of his will.[1]

Nevertheless, while it is true that obligation and choice cannot be regarded as mutually exclusive motivations, it seems likely that relationships based solely upon personal choice would reveal a more scattered pattern of selection than those influenced by social convention. Therefore, in that it is necessary to examine patterns of selection, attention has been focussed not upon the absolute numbers of executors, supervisors and witnesses, but upon the range of choice of individual testators.

The first relationship to be considered is that between testator and chosen executor (cf table 3.1). Over the whole period 490 testators named executors in their wills. Only three of the testators chose both a relative and an intimate friend as executors. Thus Anne Gadge, widow of Sedgfield in addition to appointing her nephew as executor also requested that her 'loving friend John Bellarby of Shotton' should assist in this task.[2] Similarly, Richard Fawden, yeoman of Bradbury (24 Sept. 1687) did

'constitute (his) dear mother and (his) loving friends Richard Reed of Morden gent and John Hixon of County Durham executors'.[3]

Table 3.1

The appointment of executors 1580 - 1699

Parish	Total No. of Testators	Testators Appointing Executors	No. of Testators Appointing Kin		No. of Testators Appointing 1st Order Kin		No. of Testators Appointing Wife & or Child- ren	
			No. of Testators Appointing Kin	as % of Testators Appointing Executors	No. of Testators Appointing Executors	as % of Testators Appointing Executors	No. of Testators Appointing Executors	as % of Testators Appointing Executors
Stanhope-in-Wearsdale	199	187 % of total 94%	182	97%	173	99%	142	78%
Sedgefield	134	119 % of total 89%	114	96%	104	91%	85	75%
Chester-le-Street	199	184 % of total 92%	164	89%	153	93%	124	76%

In both instances it is impossible to state with any degree of certainty whether the testators were referring to wider kin or intimates. Of the remaining testators between 92 percent (Chester-le-Street) and 97 percent (Stanhope-in-Weardale) appointed identifiable kin as executors. Of those appointing kin between 93 percent (Chester-le-Street) and 95 percent (Stanhope-in-Weardale) selected 'first order' kin, that is to say parents, spouses, children or siblings. Indeed, between 75 percent (Sedgefield) and 78 percent (Stanhope-in-Weardale) of testators appointed wives and children. Beyond the confines of the nuclear family the range of kin nominated appears narrow with one of the closest relationships being reserved for siblings, though it is interesting to note that in the parishes of Stanhope-in-Weardale and Sedgefield the role of nephews as executors once again is suggestive of the importance of the relationship between nephews and paternal uncles. Next in order of importance come affinal ties, especially those with sons-in-law and brothers-in-law. (cf table 3.2). If non-kin were chosen they were often designated in terms indicating close personal relationships such as 'my trusty friends' and 'my beloved friends and neighbours'. Over time there is no evidence of change in the relative importance of kin, and throughout the period there appears to be, as in Terling, 'an overwhelming bias towards the closest kin in the handling of family property'.^[4] However, the handling of property was not always associated with the position of executor. Thus George Simpson, yeoman of Chester-le-Street, while following the usual practice of appointing his wife Isabel and his eldest daughter Elizabeth as

Table 3.2

Range of kin appointed beyond the nuclear family as executors 1580 - 1699

Parish	brother	sister	nephew	neice	grandchild	father	mother	grandmother	uncle	son-in-law	daughter-in-law	brother-in-law	sister-in-law	father-in-law	cousin	kin
Starhope-in-Weardale	12		14		2	1	1	1	-	6		5		-	2	-
Sedgefield	5		9		3	1	1	-	-	-		1		-	4	3
Chester-le-Street	12		4		5	-	-	-	3	3		4		2	-	-

joint executors, also requested William Marley and Robert Sanders his brothers-in-law 'to demise, grant and sett to any p(er)son and p(er)sons whatsoever all such lands, tenements and buildings in Chester as (he) holdeth of his Majesty and lying in Chester seven yeares after my death towards the paying of debts'.[5]

Indeed it is interesting to speculate that the appointment of executors may have fulfilled a symbolic as well as functional role. Several of the testators appointed wives and young children as joint executors. An example of this is to be found in the will of Thomas Silvertopp, tailor, of Chester-le-Street, who appointed his 'wellbeloved wife Jane, Agnes Silvertopp and Katherine Silvertopp and the child in my wife's womb', as executors.[6] Similarly, Thomas Chapman, yeoman of Bradbury appointed his daughter Margaret Chapman and 'my child nowe in my wife's womb', as executors.[7] A more extreme example of the appointment of a minor as executor is to be found in the will of John Claxton, gentleman of Chester-le-Street (18 March 1615/16) and the subsequent transfer of administration. In addition to bequeathing the residue of his estate to the 'yonge Thomas Scott of Allerton', he also appointed the child as executor of his will. On 7 April 1616 Thomas Scott, sadler of Allerton in the County of York and his young son appeared before Mr Colmor, Chancellor of Durham to seek permission to transfer the administration. The solution was to appoint Cuthbert Brown of Gateside, brother-in-law of Thomas Scott the elder, as tutor and guardian to his nephew 'being of x yeares', a position which carried with it the responsibility of 'bringing forth the last

will and testament of the said John Claxton'.^[8] Such an extreme example is, however, rare, as in the majority of cases the child was usually appointed as a joint executor, a position shared with an adult. The implications of the appointment of children as executors is unclear, though tentatively it may be suggested that in so far as the position was often tied to the bequest of the residue of the estate, it may have been an attempt on the part of the testator to ensure the security of the bequest to a child. In the absence of any contemporary description of motives, however, such an argument can only be hypothetical.

In addition to executors, testators sometimes appointed supervisors or overseers of their wills, a custom which was dying in the seventeenth century, with the majority of references occurring in the early decades of the century. Four testators named both kin and non-kin as supervisors. Of the remainder of testators appointing supervisors, a similar pattern emerges in each of the parishes, with an average of 45 percent selecting kin, while a slightly higher percentage appointed intimate friends. The result is interesting, since in comparison with the bias towards kin in the appointment of executors, it appears that there was a greater degree of choice involved in the appointment of supervisors. Indeed this greater element of choice is reflected in the range of kin selected, as the previous emphasis upon the family of origin is no longer so prominent and there appears to be greater tendency to call upon wider kin, including 'cousins' and affines, to act as supervisors (cf. table 3.3). However, it must be acknowledged that the actual numbers involved

Table 3.3

The range of kin appointed beyond the nuclear family as supervisors: 1580-1699

Parish	brother	father	nephew	uncle	son-in-law	brother-in-law	father-in-law / mother-in-law	cousin	wife's cousin	kin
Stanhope-in-Weardale	-	-	-	1	1	1	1	1	-	2
Sedgefield	-	-	1	-	1	-	1	-	-	3
Chester-le-Street	4	2	-	-	4	4	1	3	-	1

in the analysis are small and the basis of selection is not always clear. While it is true that several of the testators appointing kin as supervisors left young dependant children, others had seen their children settled, while some were unmarried. A similar lack of pattern in selection is to be found in the responsibilities of those testators appointing non-kin. What is clear is that the relationship between testator and supervisor was often close, as both kin and non-kin were usually distinguished by terms such as 'wellbeloved' and 'trusty'. Such an observation, however, may obscure other important criteria of selection, which may have depended not only upon the personal relationship between the individual testator and supervisor, but also between the supervisor and the testator's family. Consider, for example, the will of James Shafto the elder of Tanfield Leigh. After appointing his wife and sons as executors of his will, he requested that his 'good friends Mr. Mark Shafto of Newcastle, alderman, and William Grenewell of Newcastle, merchant' be supervisors and that they were 'to bind my said executors in obligation to p(er)form this my last will and testament.' The appointment is interesting in two respects. Firstly, it may be significant that James Shafto should select Mark Shafto, a member of his own kin group, and William Grenewell, his wife's cousin. Secondly, the will gives a clue to one of the roles of supervisors to ensure that the will is performed and (so one may infer) to avoid the possibility of conflict.[9] Indeed when viewed within the context of the supervisory role, the appointment of both non-kin and wider kin towards the periphery of the kinship universe and away from the centre of possible

intra-familial conflict, the choice is more comprehensible. The need to provide security for individual members may have been an additional factor in choice. Consider, for example, John Burne, yeoman of Chester-le-Street, who died leaving his wife, Jane, two children, Phillip and Anne, and a step-daughter, Mary Bainbridge, a child of his wife's previous marriage. There is nothing surprising in John Burne's appointment of his wife and son as joint executors of his will, but of greater interest is the choice of John Bainbrig of Chester as supervisor. Clearly in ascribing motive to any individual is to tread upon dangerous ground, but it is possible that the choice of an affine from his wife's earlier marriage may have been influenced by his desire to provide a degree of security for his step-daughter.[10]

Choice and the availability of kin

Analysis to this point has concentrated upon the relative frequency with which testators drew upon kin for the roles of executor and supervisor. However, given the possibility that distance and geographical mobility may have had a direct bearing upon the maintenance of kinship ties, it is necessary to establish the extent to which kin were available locally. The importance of this is underlined if it is remembered, as W.M. Williams has stressed in his study of Ashworthy, that kinship should be viewed as one of several networks of connection within a community from which individuals might select one another for various purposes.[11] In view of these considerations an ideal solution would be to establish the degree to which households within a given area were linked by kinship ties and to assess the relative importance of kin and neighbours for a variety of practical purposes. Such a study would require the use of rigorous methodology of family reconstitution at the micro-level of the village. Indeed to be fully satisfactory such research should include the study of neighbouring communities. The range and depth that such a study would require is clearly impossible within the context of the present study. In the absence of detailed kinship analysis of this kind, however, the aggregative analysis of the appearance of kin as witness may provide an admittedly imperfect substitute giving some indication of kinship density. Such a study is not without problems and it is necessary to clarify the underlying assumption behind the study and to recognise the crudeness of the methodology employed.

Firstly, it has been assumed that given the suddenness with which a man might find himself at death's door that, as Keith Wriggson and David Levine have suggested, 'the tendency was to seek immediate aid within the neighbourhood'. [12]

Secondly, the methodology of aggregative analysis is a crude instrument unless strengthened by reconstitution, as in the absence of explicit references to kin, ties may be overlooked, especially maternal kin relationships and affinal ties. In order to introduce a degree of refinement, therefore, an upper and lower estimate of the number of wills including respectively kin and non-kin has been provided. The upper limit for kin includes both kin who can be identified from the internal evidence of the wills and those with the same surname, while the lower limit excludes kinship ties based upon surnames alone. However it is important to emphasize that the upper limit can only be regarded as a conservative measure of the availability of kin locally.

With these considerations in mind, we may now turn to the findings for the availability of kin locally. The results are presented in table 3.4. As might be expected non-kin, probably neighbours, figure prominently, with all the wills under examination including non-kin amongst the witnesses. However, despite this predominance, it is interesting to note that on average between 19 percent and 35 percent of all testators probably had kin present as witnesses. Comparative analysis of the results between the parishes reveals similar overall patterns, with non-kin predominating in all three parishes. However, significant differences emerge between the parishes

Table 34

The percentages of kin and non-kin performing the role of witnesses: 1580-1699

	No. of wills with kin kin acting as witnesses		No. of wills with non-kin acting as witnesses		Total No. of Wills
	Upper Estimate	Lower Estimate	Upper Estimate	Lower Estimate	
Stanhope-in-Weardale	86 (44%)	38 (20%)	156 (80%)	108 (56%)	194
Sedgefield	33 (23%)	18 (14%)	113 (86%)	98 (73%)	131
Chester-le-Street	64 (33%)	42 (22%)	152 (78%)	130 (67%)	194

especially at the level of the upper estimate of the percentages of wills witnessed by kin, with the relatively high level of 44 percent of wills in the parish of Stanhope-in-Weardale possibly being witnessed by kin. However in the light of the similarities in the minimum estimates, it seems likely that the higher figure may be artificially inflated by the inclusion of witnesses of the same surname of the testator who were not in fact kin. The possibility of such distortion suggests that the lower estimate for the presence of kin as witnesses may be a more accurate, if conservative, guide to the availability of kin locally. If concentration is focussed upon these results it is instructive to note that the differences between the parishes are much less marked, a finding which suggests that the dichotomy which is often drawn between upland and lowland communities in terms of kinship densities may have been less sharply defined than earlier studies have implied.[13]

Over time there appears to be a slight fall, at least in the parishes of Stanhope-in-Weardale and Chester-le-Street, in the percentage of kin acting as witnesses (cf tables 3.5 and 3.8). However care must be taken in interpreting the results as being indicative of the loosening of the kinship networks in these areas. If the wills are studied by decade, it is clear that the findings for the period 1649-1699 are distorted by the low figures for the 1660s, a period of disruption in the proving of wills (cf tables 3.6, 3.7 and 3.8). The overall analysis by decade reveals no trends suggesting change over time. Just as there is little change over time in the percentage of kin acting

Table 3.5

Change over time: the percentage of kin and non-kin acting as witnesses

	No. of Kin Acting as Witnesses		No. of non-kin Acting as Witnesses		No. of Wills				
	Upper Estimate	Lower Estimate	Upper Estimate	Lower Estimate					
Chester-le-Street	44	34%	32	25%	96	75%	84	66%	128
	20	30%	10	15%	56	85%	46	70%	66
Stanhope-in-Weardale	40	48%	19	23%	65	77%	44	52%	84
	46	42%	19	17%	91	83%	64	58%	110
Sedgefield	19	28%	9	13%	58	87%	48	72%	67
	14	22%	9	14%	55	86%	50	78%	64

Table 3.6

Percentage of kin and non-kin acting as witnesses by decade: Stanhope-in-Weardale, 1580-1699

Decade	No. of kin Acting as Witnesses				No. of non-kin Acting as Witnesses				No. of Wills
	Upper Estimate		Lower Estimate		Upper Estimate		Lower Estimate		
1580's	6	55%	3	27%	8	73%	5	45%	11
1590's	6	55%	4	36%	7	64%	5	45%	11
1600's	4	26%	2	13%	13	87%	11	73%	15
1610's	9	47%	6	32%	13	68%	10	53%	19
1620's	6	60%	2	20%	8	80%	4	30%	10
1630's	9	50%	2	11%	16	89%	9	50%	18
1640's	7	50%	4	29%	10	71%	7	50%	14
1650's & 1660's	10	50%	5	25%	15	75%	10	50%	20
1670's	14	48%	4	14%	25	86%	15	52%	29
1680's	7	29%	2	8%	22	92%	17	71%	24
1690's	8	35%	4	17%	19	83%	15	65%	23

Table 37

Percentage of kin and non-kin acting as witnesses by decade : Sedgefield, 1580-1699

Decade	No. of kin Acting as Witnesses				No. of non-kin Acting as Witnesses				No. of Wills
	Upper Estimate		Lower Estimate		Upper Estimate		Lower Estimate		
1580's	2	29%	2	29%	5	71%	5	71%	7
1590's	3	38%	-	-	8	100%	5	63%	8
1600's	2	15%	2	15%	11	85%	11	85%	13
1610's	5	39%	2	15%	11	85%	8	62%	13
1620's	4	29%	1	7%	13	93%	10	71%	14
1630's	3	25%	2	17%	10	83%	9	75%	12
1640's	2	40%	1	20%	4	80%	3	60%	5
1650's & 1660's	3	18%	2	12%	15	88%	14	82%	17
1670's	2	20%	2	20%	8	80%	8	80%	10
1680's	4	18%	2	9%	20	91%	18	82%	22
1690's	3	30%	2	20%	8	80%	7	70%	10

Table 3.8

Percentage of kin and non-kin acting as witnesses by decade: Chester-le-Street, 1580-1699

Decade	No. of kin Acting as Witnesses				No. of non-kin Acting as Witnesses				No. of Wills
	Upper Estimate		Lower Estimate		Upper Estimate		Lower Estimate		
1580's	7	30%	6	26%	17	74%	16	70%	23
1590's	6	27%	2	9%	20	91%	16	73%	22
1600's	5	50%	3	30%	7	70%	5	50%	10
1610's	13	41%	12	38%	20	63%	19	59%	32
1620's	8	39%	6	26%	17	74%	15	69%	23
1630's	5	28%	3	17%	15	83%	13	72%	18
1640's	5	42%	2	17%	10	83%	7	58%	12
1650's & 1660's	2	11%	1	9%	17	94%	16	89%	18
1670's	8	38%	4	19%	17	81%	13	62%	21
1680's	2	29%	1	14%	6	86%	5	71%	7
1690's	3	38%	2	28%	6	75%	5	63%	8

as witnesses, there is little variation in the range of kin present. Although the nuclear family is less predominant, the now familiar narrow range of kin is evident, with brothers, brothers-in-law and sons-in-law playing an important role. It is tempting to assume, given the probably narrow range of kin present, that the obligation of wider kin to perform this role may have been slight, and that in practice close relatives (if nearby) and neighbours fulfilled this simple but important service. However the results presented in table 3.9 are representative of under 20 percent of the will-making population and the relationships they highlight are gleaned from the internal evidence of the wills, evidence which in the main refers to the acknowledgement of kin through bequests. Moreover they reveal little of the complex reality of relationships, a complexity which is clearly illustrated in the evidence given in the testamentary cause following the death of Richard Hedworth, which came before the Consistory Court at Durham on 7 December 1607. As Richard Hedworth lay dying he was not alone but surrounded by neighbours and kin. One of his closest neighbours was Agnes Mills, wife of William Mills of Darwencrook, who despite obligation to her family and work, continued to visit the dying Richard Hedworth. Ten or twelve days before his death she recalls

'that upon the said Friday att night around six or seven of the clock when this examine came from shearing she went to visit Richard Hedworth', while later that night she 'again came to him and sat with him for the space of two hours after which time ... this examine being weary with working all day went to her rest that night and rose the morning after and went to him again and did for him and afterwards went to her business'.

In the actions of Richard Hedworth's kin it is possible to discern a more defined sense of obligation. Thus Richard Appleby of Newbottle, nephew to Richard Hedworth

'by direction and appointment of Mary Hedworth his aunt did go to Mr Hutton parson of Gateshead in all haste to ask him to come to Richard Hedworth his uncle who then lay sick. Then he took of his horse and went to Newbottle for William Applebie, Edward Saunderson and Katherine Brough sister of the said deceased and brought them to Darwencrook that evening.' [14]

Such actions are, of course, difficult to evaluate, but they serve to emphasise the need to be cautious when interpreting statistics, which fail to reflect the overlapping and complex nature of relationships involving obligation and choice.

Moreover figures such as those presented above, whatever their intrinsic interest, are of little value unless placed in a comparative context. Although the results are not strictly comparable to those of the village study of Terling, which tend to focus attention upon the absolute numbers of people fulfilling these roles, nevertheless striking parallels do emerge. In the appointment of executors there occurs a similar emphasis upon kin, especially members of the nuclear family and first order kin. Another important parallel occurs in the study of the appointment of supervisors, where not only is a similar range of kin selected, but an almost identical figure for the relative importance of kin and non-kin in the performance of this role is observed, with an average of 46 percent of testators selecting kin in the Durham parishes as against 45 percent in Terling. However in reality the difference between the two results may have been slightly more dramatic, in view of the more rigorous

methodology of family reconstitution, which was adopted in the Terling study and permitted a more accurate and comprehensive identification of kin. In general, however, it is possible to conclude that it is likely that in both Terling and the Durham parishes there was 'a strong tendency to draw upon kin... in a matter involving family property.' [15] The implication is that in such affairs it was kin who were most deeply trusted, despite the fact that they may have been relatively less available locally. In addition the preference of testators in the selection of kin suggests that the testators themselves may have been responding to a parallel obligation on the part of kin to perform these roles.

Support is given to these premises, if the implications of the findings for the percentage of wills including kin as witnesses are considered. Between approximately 14 percent and 22 percent of all testators had one or more kin present to witness their wills, figures which suggest that the Durham parishes may have possessed a higher kinship density, at least among the will making population, than the Essex village of Terling, where only 5 percent of all witnesses were identified as kin. [15] Nevertheless, despite these apparent divergent results and the possibility of differences in the density of kinship networks and the distribution of kin, this appears to have had little influence upon the preferential selection of kin in the roles of executors and supervisors.

A position of trust: the appointment of tutors and guardians

Death in common with other prominent landmarks in the family cycle is, as W.M. Williams has stressed, 'a very striking indication of the general importance of kinship and the distinctions which are made between kin'. [17] However it can be argued that family groups are drawn closer at times of death, and the passive acknowledgement of kin, for example through bequests, cannot be regarded as an accurate indication of the importance of kinship ties. Therefore it is proposed to study kin as a source of assistance and in particular to examine in greater detail two active relationships: firstly, the appointment of tutors and guardians and secondly, economic assistance.

Given the harsh demographic regime of the early modern period, it is hardly surprising that many families did not survive intact. Indeed, estimates for the village of Clayworth in Nottinghamshire, suggest that in 1688 'a good two fifths ... of all unmarried dependent young persons had suffered parental deprivation'. [18] Similarly, a survey of the wills of the parishes of Chester-le-Street, Stanhope-in-Weardale and Sedgefield, (although not strictly comparable, in that the will-making population may have been skewed towards those members of society with the greatest responsibilities towards dependent children) gives some indication of the frequency with which parental deprivation disrupted family life. Between 55 percent and 59 percent of testators left young dependents within the household (cf table 3.10). [19]

Table 3.10

Analysis of wills by life cycle 1580 - 1699

	I	II	III	IV	Single people and widows
Starhope-in-Weardale	12 6%	71 36%	45 23%	26 13%	42 21%
		59 %			
Sedgefield	14 11%	37 29%	37 29%	14 11%	27 21%
		58 %			
Chester-le-Street	26 13%	79 40%	30 15%	26 13%	36 18%
		55 %			

Despite the high frequency of parental deprivation there was no formal legal obligation on the part of kin either to maintain or protect the interests of orphans or stepchildren. Thus the legal historians Pollock and Maitland write

'We may suppose that in the common case the sisters or younger brothers of the youthful heir dwelt with their mother in the dower house ... but we know of no writ which would have maintained them, or which would have compelled them to live with her or anyone else.' [20]

Similarly, with regard to aid and assistance there were few binding formal obligations to kin other than to members of the individual's own nuclear family and to grandparents and to grandchildren; a point illustrated by the fact that the Tudor Poor Laws, when laying down those relatives for whose welfare individuals might be held responsible at law, went no further than parents and children, grandparents and grandchildren. [21] Thus legal obligation confined such duties to natural connections, and in consequence excluded all relatives by law, even stepfathers and stepmothers. This lack of formal legal obligations contrasts sharply with the situation in seventeenth-century France where

'In principle the children (orphans) were given a guardian or an administrator by a family council, which was theoretically composed of four relatives on the maternal side and four on the paternal side.' [22]

In England despite the similar bilateral character of kinship there is no evidence of such defined responsibilities.

However it is dangerous to interpret the legal differences between the two societies as being indicative of a close correlation between legal obligations and the social importance of kinship. Indeed, as Micheline Baulant notes in practice the

provision of a guardian only followed the death or marriage of the surviving parent. Moreover, within French society there appears to be a certain disparity between legal duties and kinship obligation, as the role of guardian was often regarded as an 'unbearable burden', and 'in certain cases uncles, great uncles and cousins avoided the task on various pretexts: age, family obligation, offices etc and after several meetings and discussions, the procureur fiscal was finally forced to initiate legal proceedings to oblige one of them to accept the position.' [23] Conversely, within the English context, if there were no explicit references to the role of kin in social or legal sanctions, nevertheless it is possible that kinship obligation may have been implicit. Consider, for example, the will of Edward Watson, clerk of Chester-le-Street (20 January 1672/73), who sought to secure the future of his four children,

'and if my friends or any of them will take care of educating the said children then they shall have the goods and chattels aforesaid for that purpose'. [24]

While it is difficult to measure the emotional content of relationships, it may be assumed that in the absence of legal requirements, the choice of guardians and the acceptance of the role denoted both the existence of close and trusting relationships, and a strong sense of obligation.

Who then did testators choose to protect and maintain the interests of their children? Over the whole period 55 testators appointed 74 guardians. Of these between 67 percent (Stanhope-in-Weardale) and 87 percent (Chester-le-Street) selected kin. Of those who appointed kin an average of 80

percent chose first order kin, while 46 percent were wives and elder unmarried sons. If non-kin were appointed they were often designated in terms indicating close personal relationships such as my 'beloved friend' or 'trusty friend'. Clearly, however, in the provision for children following the death of a parent or parents there was an overwhelming bias towards a reliance upon the nuclear family or towards seeking of assistance from the family of origin. Indeed the formal appointment of tutors and guardians may obscure the extent to which testators tended to rely, when possible, upon the nuclear family. It is revealing that several of the testators made what might be termed secondary provisions which were to come into force if circumstances changed. Thus, for example, William Cotsforth, yeoman of the Forest of Weardale (22 April 1661), appointed his wife as tutor to his children until they reached the age of twenty-one years. He continues, 'and if shee die in the meantime then I doe appoint my brother John Cotsforth of Jollybody and my brother Arthur Emerson of Shorthorns to be guardians for them'.[25] In other cases the subsequent marriage of a surviving wife would mark the appointment of another guardian. Thus John Lawes of Kibblesworth, Lamesley in his will of 18 July 1588, stipulated that

'my wife shall have my children and theyre portions and lande and the bringinge uppe of them duringe her wedowe heade and no longer. And at her Mareing, then I will my brothers Andrewe Lawes and Rauffe Lawes shall have my childring and theyr portions and leaving and the bringing uppe of them till they come to xxi yere of ayge'.[26]

Provisions such as those outlined above, in terms of the total numbers of wills examined, are rare, and it is likely that

provision for children within the nuclear family following the death of a parent was implicit rather than explicit. Indeed many must have held similar feelings to those expressed by Francis Bucke, yeoman of Streatyeate, Lamesley (1 August 1670), who was content to appoint

'my deare wife Isabel to keepe and take care of my two children till they be able to doe for themselves'.[27]

The analysis to this point, however, is perhaps oversimplistic as concentration has been focussed purely upon the relationship between the testator and chosen guardian. In reality the relationship established between tutor and guardian and child or children may have been of greater importance. Thus in order to examine the possible factors influencing choice, it is necessary to look beyond the relationship between the testator and tutor, to the basis of the relationship established between children and their guardians. From the point of view of the children, as stressed earlier, the role of the surviving parent appears crucial, but beyond the frontiers of the nuclear family the relationship established between uncles, especially paternal uncles, appears significant (cf table 3.11). Assessing the emotional content of any ties is, of course, fraught with difficulty, but the internal evidence of wills suggests that the relationships established were, in many cases, close. Consider, for example, the will of Mabel Dodds, spinster of Lincegreen, Tanfield (April 1660)

"My will is that whereas I owe and stand indebted unto my Uncle Robert Burnwell of Lincegreen aforesaid for my meat, drink, clothes and education for about these four years last past I do therefore in consideration give and bequeath unto him the said Robert Burnwell ... all the rest and residue of my goods, moneys and chattels

Table 3.11

Relationships between tutors and guardians and tutees

Parish	nuclear family		same generation		ascendant generation											
	mother	brother	brother-in-law	cousin	paternal uncle	maternal uncle	paternal aunt	maternal aunt	paternal grand-father	maternal grand-father	paternal grand-mother	maternal grandmother	great uncle	father's cousin	wider kin (not specific)	non-kin
Stanhope-in-Weardale	5	1	1	-	5	1	-	-	1	-	-	-	-	-	2	8
Sedgefield	4	-	-	-	3	1	-	-	-	-	1	-	-	1	1	6
Chester-le-Street	13	4	-	-	4	1	-	-	1	1	-	-	1	-	-	4

whatsoever'.[28]

Similarly Henry Dawson, labourer of Fishburne (19 January 1604) in addition to a bequest to his siblings, left the residue of his estate to Robert Farrow the elder of Fishburne 'my tutor and gardyan'.[29]

Further it is interesting to note that there appears to be little indication of any uprooting of children. On the contrary there appears to have been a tendency among testators to integrate their children into a local community or a local kinship network. Unfortunately details of the residence of guardians are not consistently given, but in cases where the wills are explicit or where the residence of guardians can be traced through other documents a preference emerges for the selection of guardians at a local level. Thus Margaret Anderson, widow of Birtley entrusted the care of her seventeen year old son to her brother Thomas West also of Birtley.[30] Similarly, John Wall, yeoman of West Hare Hope in his appointment of John Mowbray the younger of Low Bisholey and Anthony Wall of Coves was selecting guardians from within the parish of Stanhope-in-Weardale, a parish with a scattered population.[31] Moreover it is possible that there may have been a tendency for testators to seek additional support within the locality. Consider, for example, the appeal of George Robinson, yeoman of Kibblesworth. While his wife was assigned the tuition of his five young children during their minorities, George Robinson also desired Mr Wylm Scurfield

'for the love of God and as I trust him ... to be a good landlord and maister to my poor wief and

children'.[32]

The form that integration took varied according to individual circumstances and the nature of the assistance given, but in general it is clear that the major considerations were economic and social. Thus, for example, Anthony Marley, blacksmith of Chester-le-Street (9 May 1632) bequeathed his eldest son John to his brother John Marley and did

'request that he will take him as an apprentice for the tearme of seven years and teache him the trade of glazier ... in lieu and consideration whereof (my) said brother John shall have my house wherein I now inhabit in Chester rent free for the tearme of six years and after that tearme be expired then to pay rent for the said house during my son's minority'.[33]

Similarly, Richard Elstobb, gentleman of Foxton in his will of 12 September 1615, sought to provide for the economic security of his two illegitimate sons. Appointing his brother Humphery Elstobb as guardian, he requested not only that his sons should be brought up in learning and in the knowledge of God and Christian religion', but also that they should be placed as apprentices to 'some good trades'.[34] It is perhaps worthwhile noting however, that such assistance may have been indicative of the development of an existing relationship. Thus, for instance, Thomas Silvertopp, tailor of Chester-le-Street, bequeathed twenty shillings to his brother's eldest son 'to put him to an occupation', while William Wilson, gentleman of Chester-le-Street, willed the residue of his estate 'unto the child and children of my two sisters', instructing that 'the interest and profit (was) to go towards the childrens schooling and clothing'.[35]

Assessing the importance and significance of such findings is fraught with difficulty, as few wills give details which would illuminate the basis of choice and the number of testators appointing guardians is small. Although it is impossible to be dogmatic upon the issue of motive, it may be fruitful to enter the realms of speculation and to suggest that testators were influenced by existing bonds within the nuclear family and the desire to maintain the household as a unit.

Support is given to this proposition if the appointment of guardians is viewed within the context of both the life cycle and the surviving members of the household. Several factors become apparent. Firstly, it is important to note that a little over one quarter of testators leaving a wife and minors made reference to the appointment of guardians. It is likely that the provision for children within the context of the nuclear family was an accepted social convention and implicit, a belief which is given credence when it is observed that few of the testators in this group appointed tutors and guardians outwith the family household. For the majority, then, the care and tuition of children, whether explicitly or implicitly stated, appears to have rested in the hands of the surviving spouse, who was occasionally assisted by older unmarried son. Thus Robert Clarke, yeoman of Lumley in his will of 22 August 1617, appointed his wife and eldest son 'to be tutors and gardyans of all my young children viz. Richard, Rauffe, Henry, Willm, Thomas and Christopher'.^[36] Similarly, provision was made by Robert Marley, gentleman of Pictree (16 October 1671), who sought to secure the

future of his five younger children in the event of his wife's death:

'And in case their mother dies before they reach the age of eighteen years then Ralph (his eldest son) shall take care of the said children and to put the sons to sure trades as may be convenient for them'.[37]

It is apparent, then, that in practice only the necessity of providing for orphans required the appointment of tutors and guardians or foster parents, but even in such situations the desire to maintain the household remained strong. It is a desire that is clearly evident in the will of Isabel Wilde, widow of the late Robert Wilde of Kibblesworth (18 January 1612/13), who requested

'that Anthony, Ralph and Elizabeth my children shall be brought up upon my farmhold, for the space of six years after my departure'.[38]

Likewise, Robert Robson of Urpeth noted in his will of 7 October 1644

'And my children all agre(e) to abide together during the tyme of my lease of the farm I now live on at Urpeth'.[39]

For others, however, as in the case of Anthony Marley, blacksmith of Chester-le-Street, there could have been little alternative other than the break-up of the family unit. Thus Anthony Marley bequeathed his eldest son to his brother John Marley, his younger son Charles and younger daughter Katherin to his brother William 'to bring them up in the fear of God during their minorities' and his elder daughter Isabel to his sister Elianor 'if it pleases my sister's husband and herself to take my daughter'.[40] While it is difficult to assess in such cases the degree of obligation on the part of the chosen guardians, it is interesting to note that

in the absence of legal sanctions, testators frequently couched their request in terms which would permit the final choice to lie in the hands of the chosen guardians. Others, however, did not and it seems likely that testators in many cases expected kin to accept the role. Yet it is also interesting to note that there appear to be limitations to expectation. Not only are wider kin excluded but also there is little evidence to suggest that parents required their married children to adopt younger siblings into their households. Thus although George Billington of Birtley left a married daughter, he desired that his friend Elizabeth Wright should 'take particular care of (his) daughter Elizabeth Billington'.^[41] Without recourse to a wider analysis of wills and testators leaving both married children and minors, it is difficult to assess the importance of such a finding, though future research may reveal that the testator's choice may have been influenced by the circumstances and the stage in the life cycle of the prospective guardian as well as the position of his own family. For the moment, however, it will suffice to emphasise that in the choice of guardians the nuclear family and the family of origin are important, and that the desire to maintain the integrity of the nuclear family remained strong.

observed

'that debt and credit were not matters which were either controlled by specialist moneylenders, or reduced to simple financial contracts on the basis of the payments by debtors. Specialist moneylenders, of course, existed but what is more significant is the extremely widespread participation of villagers in the provision of credit'.[42]

It is a picture confirmed by the study of a series of 651 inventories drawn from the parishes of Chester-le-Street, Sedgefield and Stanhope-in-Weardale for the period 1580-1699. Between 52 percent (Sedgefield) and 67 percent (Stanhope-in-Weardale) referred to either debt or credit.[43] Though the provision of credit was recorded more frequently than outstanding debts, borrowing was also important with between 35 percent (Chester-le-Street) and 42 percent (Sedgefield) of inventories noting debts. Indeed it is interesting to observe that while many were involved in lending money, the same people had often contracted debts. Involvement, then, in debt and credit relationships appears widespread.

This picture of widespread participation is further strengthened if the economic status of those involved is examined. Only within the parish of Chester-le-Street was the proportion of inventories having wealth below £50 and not referring to either debt or credit significantly higher (nearly 20 percent higher) than inventories recording financial transactions in the same wealth category. In Sedgefield, however, the difference was a less pronounced 6 percent, while in Stanhope-in-Weardale the figure was 9 percent. Of course, it may be argued that involvement of the poorer sections of society

reflects the importance of borrowing to this group. In order to test this proposition transactions were broken down further to reflect the relative importance of debt and credit. While the incidence of inventories recording debts was slightly higher in cases where wealth was below £50, there is no hard evidence to suggest that debt was a feature of lower economic groups. Similarly, there is little indication that the wealthy were heavily involved in the provision of credit, although debts were recorded slightly less frequently in inventories valued in excess of £150. It is an observation, however, which needs to be qualified. For in the case of those of gentle status like Richard Elstobb of Foxton and John Dunforth of Chester-le-Street, the credit advanced was often substantial.[44] Debt and credit relationships appear to have permeated all levels of society: 'it would appear that people with spare money were ready to lend it ..., doubtless knowing that they would borrow in their turn when the need arose'.[45]

The observation, however, raises the question of the changing availability of resources as obligations to the nuclear family changed. By pairing, where possible, inventories of wills, which give some indication of the life cycle stage of individuals the importance of changing obligations can be assessed. The initial impression gained is that the life cycle was of limited importance. There is no evidence to suggest that those in the second or third stage of the life cycle, when the obligations to young children were at their greatest, were any less likely to participate in financial transactions. A more

revealing picture emerges, however, if transactions are broken down in terms of debt and credit. For it is clear that references to debt and credit were slightly more common in the inventories of those who left children. Of greater interest is the fact that the provision of credit was consistently recorded more frequently than debts in the inventories of single people, a group which includes widows without children. It is a finding which is supported by B.A. Holderness' extensive study of the probate inventories of Lincolnshire, Leicestershire and Norfolk, in which he identified in addition to professional men and gentlemen, widows and single people as important sources of credit.[46] For some like widow Elizabeth Armstrong of Embleton and the spinster Dorothy Fetherstonhaugh of Stanhope Hall the lending of money was probably an important source of income. In both cases credit in the form of bonds and unpaid debts was far greater than the value of their goods.[47] Similarly, one suspects that for the yeoman, John Nattress of Brotherlee that the income gained from the provision of credit was not unimportant. For his inventory values his *goods and personal* effects at £32 8s., while recording 'money owing at London' and 'money owing him within the p(ar)ish of Stanhope' of £40 and £160 respectively.[48]

The inventory of John Nattress, however, cannot be regarded as being typical. It is unusual in two respects. Firstly, inventories seldom record money lent outwith the County. Although the residence of those involved in debt and credit transactions is only occasionally recorded, the available

evidence suggests that such relationships were local in nature: 'the network of debt and credit might extend beyond the bounds of a single village, but ... was densest within the immediate neighbourhood'.[49] This was particularly true in the case of small sums. Secondly, although larger sums of money could be secured in the form of bonds and mortgages, in the vast majority of instances the sum borrowed or lent seldom exceeded £5, sums upon which interest does not appear to have been charged. As Keith Wrightson has observed,

'Doubtless the interest on small sums was in the form of the 'social interest' of goodwill and the tacit assumption of reciprocal aid in the time of need, something on which no cash value could be placed'.[50]

The importance of reciprocity is further strengthened by the fact that many debts were not repaid. Inventories frequently record the existence of 'desperate debts'. Consider, for example, the inventory of John Bell, which noted the existence of 'severall scrambling and desperate debts' valued at £5 11s. Clearly, the expectation of repayment was often low.

Despite the undoubted value of inventories in revealing the importance of debt and credit in the rural economy, for the study of kin relationships the source is less informative.

Unfortunately, inventories are rarely specific about the relationship between the deceased and the debtors and creditors. Nevertheless a limited analysis is possible by producing a lower and upper estimate for the involvement of kin. The lower estimate is based upon the number of inventories which specifically mention kin, while the upper estimate also includes those with the same surname as the deceased. While the upper

estimate may be inflated by the inclusion of inventories which make references to people who were not related, it is also conservative in the sense that maternal kinship relations and affinal ties cannot be detected. With this important caveat in mind, let us turn to the evidence.

Of the 466 inventories referring to debt and credit, direct references to kin were made in between 11 percent (Chester-le-Street) and 14 percent (Sedgefield) of inventories. It is interesting that the difference between parishes was relatively small. Moreover there is no evidence to suggest that debt and credit relationships involved broad kinship ties: the range of kin referred to was narrow. Only one inventory recorded a debt to a cousin, the vast majority concerned sons, siblings and affines, especially sons-in-law. Both these findings once again call into question the alleged contrast between the kinship systems of the uplands and lowlands. If inventories referring to those of the same surname are included proportions rise to between 30 percent (Sedgefield) and 39 percent (Chester-le-Street). Yet it would be misleading to view these figures as evidence of considerable, if not widespread, involvement of kin in debt and credit relationships. For there are signs that debts due to kin occasionally refer to the payment, for example, of portions and legacies rather than the more commonplace borrowing of money. Consider, for example, the inventory of John Nattress of Stanhope-in-Weardale, which records a debt of £25 'to his bretheren and sisters being their portions or legacies left by his uncle deceased'. In addition the

inventory records legacies due to his brothers, sisters and mother.[53] Similarly, the inventory of Margaret Rutledge of Plawsworth records a debt of 40s. 'to Will(ia)m Em(er)son w(hi)ch he claimeth in p(ar)t of his wives portion'.[54] It is clear, however, that debts could take several forms. Thus the spinster, Jane Reed's inventory notes a single debt of £80, 'owing by the aforesaid Jane Reed dec(eased) to her mother Mary Reed widow for her tabling with her said mother for the space of 8 years and for keeping her gelding for the same time'[55] Clearly the contemporary definition of debt was wide.

A greater degree of distortion, however, is created by the fact that the participation of relatives has been viewed with regard to the proportion of inventories recording kin rather than in terms of individual financial transactions. When examined within this context the role of kin diminishes and appears of negligible importance. It is significant that the vast majority of inventories recording money either borrowed from or lent to kin, also referred to debt and credit transactions with others. Given the local nature of the credit market it seems likely that in the main there is little evidence to suggest that the principal motivation in the provision of credit was obligation. Recall again the example of the Reverend Henry Newcombe, whose decision to lend money to his sister was based less upon kinship obligations than upon his duty to God.[56]

Conclusion: The Narrowness of Recognition

Kinship, then, appears to be only one of a number of special networks to which an individual could turn for support and aid. In all three parishes neighbours and close friends fulfilled the roles of creditors and witnesses to wills, roles which in other societies would be fulfilled by the wider kin group. In the case of the transmission of property, however, there appears to have been a clear preference for kin to play an active role, a preference which finds expression in the selection of executors and to a lesser extent supervisors. Even here, however, the choice of kin was narrow, rarely extending beyond the nuclear family and family of origin. The importance of close kin and especially the nuclear family is dramatically underlined in the appointment of tutors and guardians. Only in the case of the death of both parents or occasionally the re-marriage of a widow did testators turn to kin. Once again there occurs the now familiar reliance upon the family of origin, with a particular emphasis upon kin who lived locally and who had probably already established relationships with the surviving children. Even in extreme circumstances an attempt was made to limit the degree of disruption. If a mother or elder child remained within the family home there was a clear desire to maintain the integrity of the nuclear family for as long as possible. For the nuclear family was not only a source of economic but also emotional security. Beyond the nuclear family kinship ties appear of limited importance in social relationships.[57] It must now be asked whether narrow obligations outwith the conjugal family were mirrored by limited expectations on the part of wider kin?

References

Chapter 3 - The Role of Kin

1. Pal. and Dip., Probate MS. Will of Anthony Stephenson of Hedley within the parish of Chester-le-Street (1614).
2. Pal. and Dip., Probate MS. Will of Ann Gadge of Sedgfield (1621).
3. Pal. and Dip., Probate MS. Will of Richard Fawden of Bradbury within the parish of Sedgfield (1687).
4. Wrightson and Levine, Terling, 100.
5. Pal. and Dip., Probate MS. Will of George Simpson of Chester-le-Street (1608).
6. Pal. and Dip., Probate MS. Will of Thomas Silvertopp of Chester-le-Street (1612).
7. Pal. and Dip., Probate MS. Will of Thomas Chapman of Bradbury within the parish of Sedgfield (1607).
8. Pal. and Dip., Probate MS. Will of John Claxton of Chester-le-Street (1616). See also the adjoining details of transfer of administration (7 Apl. 1616).
9. Pal. and Dip., Probate MS. Will of James Shafto, the elder, of Tanfield Leigh within the parish of Chester-le-Street (1594).
10. Pal. and Dip., Probate MS. Will of John Burne of Chester-le-Street (1612).
11. Williams, Ashworthy, 183-184.
12. Wrightson and Levine, Terling, 100.
13. James, Civil Society, 5, 19-25.
14. Pal. and Dip., DR. V. Book 9. Brough v. Hedworth. Depositions of Agnes Mills of Darwencrook and Richard Appleby of Newbottle (7 Dec. 1607).
15. Wrightson and Levine, Terling, 100.
16. ibid.
17. Williams, Ashworthy, 174.
18. P. Laslett, 'Clayworth and Cogenhoe'. In Family Life and Illicit Love in Earlier Generations: Essays in Historical Sociology (Cambridge, 1977), 165. 19. Cf. M. Spufford, 'Peasant Inheritance Customs and Land Distribution in Cambridgeshire from the Sixteenth to the Eighteenth Centuries'. In Family and

Inheritance, edited by Goody, Thirsk and Thompson, 172. In the Cambridgeshire village of Willingham over three quarters of testators had to provide for children.

20. F. Pollock and F.W. Maitland, History of the English Law before the Time of Edward I (Cambridge, 1898), 444.

21. R.H. Tawney and E. Power (eds.), Tudor Economic Documents, 3 vols (London, 1924), vol. 2, 349-350. The 1597 Statute had the obligation to provide for the welfare of individual parents and children. Studies of the Lancashire Quarter Sessions however, suggest that in practice the letter of the law was extended to include grandparents and grandchildren. I am indebted to Keith Wrightson for this point.

22. Micheline Baulant, 'The Scattered Family. Another Aspect of Seventeenth Century Demography'. In Family and Society. Selections from Annales, edited by R. Forster and O. Ranum (Baltimore and London, 1976), 106-107.

23. ibid.

24. Pal. and Dip., Probate MS. Will of Edward Watson of Chester-le-Street (1673).

25. Pal. and Dip., Probate MS. Will of William Cotsforth of the Forest of Weardale within the parish of Stanhope-in-Weardale (1661).

26. Pal. and Dip., Probate MS. Will of John Lawes of Kibblesworth within the parish of Chester-le-Street (1588).

27. Pal. and Dip., Probate MS. Will of Francis Bucke of Streatyeate within the parish of Chester-le-Street (1670).

28. Pal. and Dip., Probate MS. Will of Mabel Dodds of Lincegreen within the parish of Chester-le-Street (1660).

29. Pal. and Dip., Probate MS. Will of Henry Dawson of Fishburn within the parish of Sedgfield (1604).

30. Pal. and Dip., Probate MS. Will of Margaret Anderson of Birtley within the parish of Chester-le-Street (1618).

31. Pal. and Dip., Probate MS. Will of John Wall of West Hare Hope within the parish of Stanhope-in-Weardale (1675).

32. Pal. and Dip., Probate MS. Will of George Robinson of Kibblesworth within the parish of Chester-le-Street (1617).

33. Pal. and Dip., Probate MS. Will of Anthony Marley of Chester-le-Street (1632).

34. Pal. and Dip., Probate MS. Will of Richard Elstobb of Foxton within the parish of Sedgfield (1615).

35. Pal. and Dip., Probate MSS. Will of Thomas Silvertopp of Chester-le-Street (1612) and the will of William Wilson also of Chester-le-Street (1692).
36. Pal. and Dip., Probate MS. Will of Robert Clarke of Lumley within the parish of Chester-le-Street (1617).
37. Pal. and Dip., Probate MS. Will of Robert Marley of Pictree within the parish of Chester-le-Street (1671).
38. Pal. and Dip., Probate MS. Will of Isabel Wilde of Kibblesworth within the parish of Chester-le-Street (1613).
39. Pal. and Dip., Probate MS. Will of Robert Robson of Urpeth within the parish of Chester-le-Street (1644).
40. Pal. and Dip., Probate MS. Will of Anthony Marley of Chester-le-Street (1632).
41. Pal. and Dip., Probate MS. Will of George Billington of Birtley within the parish of Chester-le-Street (1668).
42. Wrightson, English Society, 52; cf also Spufford, Contrasting Communities, 80, 212-213.
43. Pal. and Dip., Probate MSS. Inventories relating to the parishes of Stanhope-in-Weardale, Sedgfield and Chester-le-Street, 1580-1699.
44. Pal. and Dip., Probate MSS. Inventories of Richard Elstobb of Foxton within the parish of Sedgfield, 1615, and John Dunforth of Chester-le-Street, 1616.
45. Wrightson, English Society, 52.
46. B.A. Holderness, 'Credit in a Rural Community, 1660-1800', Midland History, III (1975), 98-102; cf also Spufford, Contrasting Communities, 212-213.
47. Pal. and Dip., Probate MSS. Inventories of Elizabeth Armstrong of Embleton within the parish of Sedgfield, 1674, and Dorothy Fetherstonhaugh of Stanhope Hall within the parish of Stanhope-in-Weardale, 1646.
48. Pal. and Dip., Probate MS. Inventory of John Nattress of Brotherlee within the parish of Stanhope-in-Weardale, 1674.
49. Wrightson, English Society, 53.
50. ibid.
51. Pal. and Dip., Probate MS. Inventory of John Bell of Stanhope-in-Weardale, 1674.
52. Cf. James, Civil Society, 5, 19-25.

53. Pal. and Dip., Probate MS. Inventory of John Nattress of Stanhope-in-Weardale, 1679.
54. Pal. and Dip., Probate MS. Inventory of Margaret Rutledge of Plawsworth within the parish of Chester-le-Street, 1622.
55. Pal. and Dip., Probate MS. Inventory of Jane Reed of Morden within the parish of Sedgfield, 1692.
56. Parkinson (ed.), 'Henry Newcombe', Chetham Soc., vol 18, 31-32.
57. Cf. for similar conclusions see Macfarlane, Origins, 144-147; Wrightson and Levine, Terling, 99-103. Such patterns, however, were not merely a feature of early modern society. See, for example, R.M. Smith, 'Kin and Neighbours in a Thirteenth Century Suffolk Community', Journal of Fam. Hist. 4 (1979), 219-256; L Lancaster, 'Kinship in Anglo-Saxon Society', British Journal of Sociology, 9 (1958) 230-250, 359-377.

Chapter 4Conflict, Expectation and the Recognition of Kin .Testamentary Cause Wills: An Expression of Individual Choice?

The study of obligation and choice in kinship recognition, while indicative of general patterns of acknowledgement and selection, only provides a crude evaluation of the nature of relationships. Resting on the central premise that relationships based solely upon personal choice would reveal a more scattered pattern of recognition and selection than those influenced by obligation, the central problem of the assessment of personal motive and notions of duty was left temporarily unresolved. Indeed, in so far as obligation and choice are not separate and distinct entities, but are often inter-connected, it is clear that the dichotomy in contemporary eyes may have been to a certain extent artificial. There is no simple solution. In the absence of contemporary commentary upon the subject of duty, it is necessary to approach the study of the relationship between obligation and choice circumspectly, looking beyond the actions of testators to the expectations made upon them.

In order to test the proposition that kinship recognition based on obligation can be identified with general patterns of expectation, it is necessary to refine the analysis and to focus attention upon testamentary conflict. Such conflict often expressed a divergence between recognition (either through bequests or appointment to specific roles) and expectation.

However, as a preliminary to any evaluation of the role of expectation, it is necessary to assess whether testators whose wills were later challenged were an atypical group within the will-making population and in particular whether they expressed individualistic patterns of kinship recognition. A valuable source for this initial study are those wills which relate to testamentary causes.

Seventy-six wills relating to approximately one third of the testatmentary causes which came before the Durham Consistory Court during the period 1580-1631 formed the documentary basis of the study.[1] The wills represent a wide geographical area, being drawn from diverse parishes within the County: no single parish or group of parishes predominate. In order to assess the typicality of the patterns of kinship recognition of this group, the data concerning inter-personal relations has been placed in the comparative context of the results of the earlier studies of recognition within the parishes of Stanhope-in-Weardale, Sedgefield and Chester-le-Street during the period 1580-1639.[2] Concentration, as in the previous study, has been focussed on the genealogical depth and range of kinship recognition rather than absolute number of kin mentioned. The results are presented in tables 4.1 and 4.2.

At a general level, the comparative study reveals that the mention of kin beyond the confines of the nuclear family was recorded in approximately between 63 percent and 83 percent of all wills. The lowest level was recorded in the parish of Stanhope-in-Weardale, where kin beyond the nuclear family were

Table 4.1

The acknowledgement of kin beyond the nuclear family : testamentary cause wills

	Testators acknowledging kin		Testators not acknowledging kin	
	Number	Percentage	Number	Percentage
Wills relating to testamentary causes: 1580-1631	63	83%	13	17%
Stanhope-in-Weardale 1580-1639	57	63%	33	37%
Sedgefield 1580-1639	54	81%	13	19%
Chester-le-Street 1580-1639	87	83%	18	17%

Table 4.2

Comparative analysis of the recognition of kin beyond the nuclear family

	same generation as ego		descendant ties				ascendant ties				affinal ties				spiritual kinship					
	brother	sister	2g. cousins	grandson	granddaughter	nephew	niece	2g. nephew/niece	uncle	father	mother	grandfather	grandmother	brother-in-law		sister-in-law	son-in-law	daughter-in-law	father-in-law	mother-in-law
Testamentary causes: 1580-1631 All references to kin	44	12	5	21	33	2	2	6	7	6	-	-	14	10	5	11	5	17%	5	11
% of total number of wills referring to kin	70%	19%	8%	33%	52%	3%	3%	10%	11%	10%	-	-	22%	16%	8%	17%	16%	8%	8%	17%
Starhope-in-Weardales: 1580-1639 All references to kin	26	2	1	24	20	-	-	6	3	6	-	-	13	15	1	5	15	1	1	5
% of total number of wills referring to kin	46%	4%	2%	42%	39%	-	-	11%	5%	11%	-	-	22%	26%	2%	9%	26%	2%	2%	9%
Sedgefield: 1580-1639 All references to kin	28	12	3	15	21	3	3	4	2	4	-	-	3	18	1	4	18	1	1	4
% of total number of wills referring to kin	49%	21%	5%	26%	37%	5%	5%	7%	4%	7%	-	-	5%	32%	2%	7%	32%	2%	2%	7%
Chester-le-Street: 1580-1639 All references to kin	51	8	1	31	28	2	2	9	2	9	-	-	15	18	-	12	18	-	-	12
% of total number of wills referring to kin	59%	9%	1%	36%	32%	2%	2%	10%	2%	10%	-	-	17%	21%	-	14%	21%	-	-	14%

referred to in 64 percent of wills, while the wills relating to testamentary causes with a level of recognition of 83 percent was similar to the patterns of recognition recorded for the parishes of Sedgfield (81 percent) and Chester-le-Street (83 percent). This picture of broad conformity, however, needs to be modified slightly when attention is turned to the frequency of recognition of specific relationships (cf table 4.2). It is clear from the table that the frequency of ties is generally higher than those observed in the parishes of Stanhope-in-Weardale, Sedgfield and Chester-le-Street. Indeed, in only one relationship, that of son-in-law, does the percentage of wills fall below that recorded in all three parishes. Reasons for this particular finding will be discussed later, but for the moment it will prove useful to examine the broader implications. Two interpretations of the findings are possible. Firstly, it is conceivable that the generally higher frequency of recognition of relationships beyond the nuclear family departs from the earlier model of recognition in which obligation and choice were important factors. If such a general hypothesis were correct it would suggest that testators whose wills were later challenged may have been an atypical group within the will-making population, a group which may have displayed different patterns of obligation within more dense kinship networks. Conversely, it is possible to suggest that the findings do not represent a departure from the previous model, as the higher frequency of recognition may reflect a greater representation of testators with no obligation to a nuclear family and testators at the later stage of the life cycle, or those within the highest wealth bracket of society. It is to the

testing of these contradictory hypotheses that we must now turn.

In order to test the proposition that the higher levels of recognition reflected higher kinship density, attention has been focussed upon the availability of kin locally. Ideally to test this hypothesis with any degree of accuracy would require the use of network analysis, based upon the rigorous methodology of family reconstitution. Unfortunately, given the scattered geographical nature of the wills relating to testamentary causes, such reconstitution, which can only be realistically applied at the micro level of the village, is not feasible. However an indication, albeit imperfect, of kinship can be gained from the aggregative analysis of the appearance of kin as witnesses to wills. As stressed earlier such a study is not without problems and it may be useful at this time to repeat the under-lying assumptions and to recognise the crude nature of the methodology. Firstly, it has been assumed that given the suddenness with which a testator might find himself at death's door that, as Keith Wrightson and David Levine have suggested, 'the tendency was to seek immediate aid within the neighbourhood'.^[3] Such an assumption is not without foundation, as the evidence of both wills and testamentary cause depositions illustrates. Thus Nicholas Hedlie of Tanfield on the 11th. November 1587, 'finding himself scant well', nuncupatively declared his simple will to Thomas Brown and Robert Archer, curate of Tanfield, while slightly later in 1593 Jane Wrightson of Norton 'being very aged ... some three daies before her death did nuncupatively declare her last will'.^[4] For some testators such as Allison Matthew of

Houghton-le-Spring, a suspected plague victim, who sent her servant 'to call to some of her neighbours to come nigh to hear her declare her will', no kin appear to have been available within the immediate vicinity.[5] For others kin were available locally and were usually preferred. For example Alice Wilburne, spinster of Byers Green within the parish of Auckland St. Andrew 'did wish her half brother Ralph Wright then pr(e)sent with her to call for her sister Mary the wife of Robert Trotter of Byersgreen aforesaid to be pr(e)sent at the making of her will.[6] Secondly, it must be recognised that the aggregative analysis is essentially a blunt analytical tool in comparison to reconstitution techniques, as in the absence of explicit references to kin, certain ties may be overlooked, especially maternal kin relationships and affinal ties. As before, a degree of refinement has been introduced by recording an upper and lower estimate of the number of wills including respectively kin and non-kin: the upper limit encompassing both kin who can be identified from the internal evidence of the wills and those with the same surname, while the lower limit excludes kinship ties based upon the evidence of surnames alone. Finally, by adopting an identical methodology to that employed in the earlier parish studies, it is possible to place the findings within a comparative context.

With these considerations in mind we may now turn to an assessment of the local availability of kin to testators whose wills were later challenged. The comparative results are presented in table 4.3. As in the previous study non-kin,

Table 4.3

Appointment of witnesses comparative analysis

	No. of wills with kin acting as witnesses		No. of wills with non-kin acting as witnesses		No. of wills
	upper estimate	lower estimate	upper estimate	lower estimate	
Stanhope-in-Wearsdale: 1580-1639	40 48%	19 23%	65 77%	44 52%	84
Sedgefield: 1580-1639	19 28%	9 13%	58 87%	48 72%	67
Chester-le-Street: 1580-1639	44 34%	32 25%	96 75%	84 66%	128
Wills relating to testamentary causes: 1580-1639	30 42%	21 30%	50 70%	41 58%	71

probably neighbours, figure predominantly, with all wills under examination including non-kin amongst the witnesses. However, despite this predominance, it is interesting to note that an average of between 23 percent and 38 percent of testators probably had kin present as witnesses. Comparison of the findings drawn from the wills relating to testamentary causes with those referring to the parishes of Sedgefield, Stanhope-in-Weardale and Chester-le-Street reveals similar patterns in the relative importance of kin and non-kin. However significant differences also emerge, especially at the upper estimate of the proportion of wills witnessed by kin. The highest level was observed in the parish of Stanhope-in-Weardale (where 48 percent of wills may have included kin amongst their witnesses) and wills relating to later testamentary causes (with a possible 42 percent of wills including kin as witnesses). While it is true in the light of the much lower minimum estimate for the presence of kin as witnesses in Stanhope-in-Weardale, it seems likely that the higher figure was probably artificially inflated by the inclusion of witnesses of the same surname as the testator who were not in fact kin, the same may not be true in the case of testamentary cause wills. In this case the divergence between the two estimates is not so marked, with the lower estimate of 30 percent being the highest conservative estimate of the percentage of wills with kin acting as witnesses. Nevertheless, it would be dangerous to assume that the slightly increased tendency for wills relating to testamentary causes to have kin as witnesses reflected a higher availability of kin locally or the greater density in the kinship networks of these

testators. There is no evidence of a radical departure from the pattern of the predominance of non-kin in the role of witnesses, nor is there any suggestion that we are dealing with an atypical group. This is not, however, to ignore the finding, since the apparently greater availability of kin locally may be a reflection not so much of a departure from what might be termed as 'normal' patterns of recognition due to the increased availability of kin locally as of a greater representation of those categories of testators, who were earlier identified as being more likely to recognise kin beyond the confines of the nuclear family.

To what extent, then, do the higher levels of recognition observed in the wills relating to testamentary causes conform to the earlier model of recognition? In the previous study three groups were identified as having a higher frequency of recognition beyond the confines of the nuclear family: the wealthiest group within society, single people including widows without responsibility to children and those in the later stages of the life cycle with a slightly broader range of recognition as a result of ties with grandchildren.[7] Consequently, the predominance of any of these groups may have been an important determinant in the higher frequency of recognition of relationships with kin beyond the conjugal household.

In the previous study it was concluded that while there was no direct relationship between levels of wealth and the recognition of wider kin, there was a tendency for the wealthiest group, testators with wealth over £200, to display consistently

high levels and a slightly broader range of recognition. Consequently, if high levels of wealth were an important factor in explaining the higher frequency of recognition of relationships beyond the nuclear family, as observed in the cause wills, then one might expect to find a different distribution of wealth within this group, a distribution which would be characterised by a relatively high proportion of testators within the top wealth bracket.

From the pairing of fifty-six inventories to wills relating to testamentary causes, it proved possible to examine the wealth distribution and patterns of recognition of this group (cf tables 4.4 & 4.5). [8] The analysis reveals that testators with wealth over £200 consistently refer to kin beyond the nuclear family, a finding which underlines the association between the wealthiest group within society and the recognition of wider kin. In contrast to the earlier study, however, this association is also present in the wills of testators with wealth between £100-£200, while the lowest level of recognition is observed in the wills of testators with wealth below £50 in value. Although the figures appear to suggest that there was a direct relationship between wealth and the recognition of kin beyond the nuclear family, the relatively low numbers of testators recorded with wealth between £100-£200 may lead to a certain degree of distortion. More importantly it is interesting to note that the figure of 64 percent recognition for those with wealth under £50, while relatively low within the context of testamentary cause wills is similar to the figures of 63 percent and 68 percent for the

Table 4.4

Comparative analysis of wealth distributions

Wealth Categories	Wills relating to testamentary causes: 1580-1639		Wills from Sedgefield: 1580-1639		Wills from Stanhope-in-Wearsdale 1580-1639		Wills from Chester-le-Street 1580-1639	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Over £200	13	20%	13	18%	8	10%	10	10%
£150 - £200	3	5%	7	10%	2	2%	5	5%
£100 - £150	6	9%	7	10%	8	10%	14	14%
£50 - £100	18	28%	15	21%	16	19%	27	28%
Under £50	25	38%	30	41%	50	59%	46	45%
	65	100%	72	100%	84	100%	102	100%

Table 4.5

Wealth and the recognition of kin: testamentary cause wills

Wealth Categories	Distribution of wealth of those acknowledging kin		Distribution of wealth of those not acknowledging kin		Total no. of wills	
	Count	Percentage	Count	Percentage	Count	Percentage
Over £200	10	100%	-	-	10	17%
£150 - £200	3	100%	-	-	3	5%
£100 - £150	5	100%	-	-	5	8%
£50 - £100	14	88%	2	13%	16	27%
Under £50	16	64%	9	36%	25	42%

parishes of Stanhope-in-Weardale and Chester-le-Street respectively. In terms of recognition, then, despite slight variations the overall impression is of similarity in behaviour.

Similarities in kinship recognition were also accompanied by similarities in wealth distribution.

While the figure of 20 percent of testators having wealth over £200 appears higher than the figure of approximately 9 percent for the parishes of Stanhope-in-Weardale and Chester-le-Street, it is comparable to that of Sedgfield (18 percent). Below this upper wealth bracket, as in the other three parishes, there is a contraction in the number of testators with wealth between £150-£200, a contraction which is followed by a gradual expansion towards the lowest wealth category of testators with wealth under £50, which consistently recorded the highest percentage of all testators. The broad similarities in wealth distribution, which reveal no marked bias towards the most wealthy members of the will-making population, have important implications. Firstly, just as there is little suggestion that obligation was directly related to wealth, the broad pattern of wealth distribution relating to testamentary causes suggests that expectation alone, or the prospect of sizeable bequests, was not the sole motive in challenging wills. Secondly, and for the present more importantly, there is no evidence to suggest that wealth patterns were a significant determinant of the higher frequency of recognition of kin beyond the nuclear family in the case of disputed wills.

A second and more important conclusion of the previous parish studies was that the life cycle and the presence or absence of obligation to the nuclear family was of crucial importance in determining whether or not kin beyond the conjugal family were recognised in wills. Briefly, it was argued that single people and widows without children were more likely to acknowledge kin, than testators with obligations to spouse or children. Testators in the later stages of the developmental cycle often had ties with grandchildren. If this earlier model is correct then a higher representation of single people, widows without obligation to children and those in the later stages of the life cycle would be expressed in a generally higher frequency of recognition of kin relationships beyond the nuclear family.[9]

In order to assess the relative importance of these groups of testators within wills relating to testamentary causes, testators were placed in five life cycle groups, groups which roughly corresponded to periods of differing responsibility to the nuclear family (cf table 4.6). The groups are as follows: group I - those who were married but had no children; group II - those whose children were unmarried; group III those whose children were in part married; group IV - represents the dissolution of the original nuclear family with the marriage of all the children.[10] The fifth group represents single people and widows without children. When placed within the comparative context of the life cycle distribution of the parishes of Sedgefield, Stanhope-in-Weardale and Chester-le-Street significant differences are apparent.[11] Firstly, it is clear

Table 4.6

Comparative analysis of life cycle distribution

Stage in life cycle	Wills relating to testamentary causes: 1580-1631		Wills from Sedgfield 1580-1639		Wills from Stanhope-in-Wearsdale 1580-1639		Wills from Chester-le-Street 1580-1639	
I	10	13%	6	8%	7	8%	15	12%
II	11	14%	20	31%	33	38%	51	40%
III	14	19%	20	31%	21	24%	24	18%
IV	14	19%	5	8%	10	12%	16	12%
Single people and widows without children	28	37%	14	22%	16	18%	23	18%
	77	100%	65	100%	87	100%	129	100%

that in the wills relating to testamentary causes the representation of single testators without responsibilities to children was between 12 percent and 16 percent higher than in all three parishes. Similarly, there was a higher proportion of testators who had seen the dissolution of the nuclear family. Conversely, the proportion of testators at stage II of the life cycle was between 16 percent and 25 percent lower. In general, then, it may be concluded that in those wills which can be linked to testamentary causes there was a tendency for a higher proportion of testators to have no obligation to a nuclear family or to have seen the dissolution of the original family unit, while those with maximum obligation to younger unmarried children was comparatively small. The full implications of these findings in terms of the role of expectations will be discussed later, but for the present it is necessary to enquire whether this differing distribution of life cycle groups provides an explanation of the pattern of recognition of the wills relating to testamentary causes.

The hypothesis that the pattern of recognition reflects the different life cycle distribution finds support in a detailed examination of the breadth and depth of recognition. Broad conformity is a feature of the genealogical range of recognition, which shows the now familiar narrow range of kinship recognition with its emphasis upon ties with brothers, sisters, nephews, nieces and grandchildren. Variations, however, emerge in the incidence of specific relationships. For example within the three parishes of Stanhope-in-Weardale, Sedgfield and

Chester-le-Street grandchildren occur slightly more frequently than nephews and nieces, while in the cause wills this pattern is reversed. Such differences however, do not challenge the importance of ties with and through the family of origin and ties of descent through married children. Rather they suggest that the significance of variations lies not in the order of importance of various relationships but in the frequency of recognition of ties, especially those with affines and wider kin towards the periphery of the kinship universe. For example, the relationships with nephews occurs much more frequently in wills relating to testamentary causes than in wills from the three parishes. In view of the finding that single testators predominated in the wills relating to testamentary causes, it is significant to recall the finding of the earlier study that nephews and nieces occurred more frequently in the wills of testators who were either married but without children or single people. Similarly, while references to 'cousins' and their children occur less frequently, it is interesting to note that such references are much higher than in the parishes of Stanhope-in-Weardale and Chester-le-Street. The earlier observation that references to 'cousins' were not evenly distributed throughout the will-making population, but were a feature of wills of those of gentle status and single people, suggests that these groups were probably important as authors of wills which were later disputed.[12] While it is dangerous to equate wealth with status, nevertheless given the normal distribution of wealth, it is likely that this distinctive pattern of recognition reflects the importance of single people

as the authors of cause wills.

This broad picture of conformity with regard to pattern of recognition finds support in the comparative analysis of the genealogical depth of recognition. Again the findings for the wills relating to testamentary causes are broadly similar to those for the parishes of Sedgefield, Stanhope-in-Weardale and Chester-le-Street, with a relatively shallow depth of recognition. Slight variations, however, are apparent. For example the cause wills reveal a slightly lower emphasis (45 percent) on descendant ties as compared with the three parishes, while references to kin within the testator's own generation were marginally higher (44 percent) than in the wills drawn from the parishes (40 percent). The range of variation, between the recognition of descendant ties and ties within the testator's own generation were relatively low when compared with the other parishes, especially Stanhope-in-Weardale and Sedgefield where greater emphasis appears to have been placed on descendant ties. It is likely that the low level of variation reflects the patterns of recognition of both single people, with a generally broader recognition of both descendant and intra-generational ties, and testators in the later stages of the life cycle, with their emphasis upon descendant ties with grandchildren. With regard to ascendant ties is it likely that the harsh demographic realities of the period, as reflected in a low life expectancy, resulted in a lower frequency of reference to ascendant ties of 11 percent. However it is significant the frequency of reference to ascendant ties was high in comparison to that of the parishes

of Sedgefield and Chester-le-Street. Though it is impossible to be certain, it can be suggested that this finding may reflect differing age structures. The wills relating to testamentary causes may have represented testators who were drawn from the youngest and oldest sections of the will-making population. Such speculation is not without foundation if attention is turned to an examination of recognition. For example, it is interesting to note that ascendant ties with mothers, fathers, aunts and uncles figured more frequently in the wills of married testators without children and single people, probably the youngest sector of the will-making population. Grandchildren, on the other hand, were frequently mentioned in the wills of older testators. It is perhaps no surprise that references to these relationships should occur comparatively more frequently in the cause wills than in those drawn from the parishes.

In conclusion it is important to emphasise that we are not dealing with radically different patterns of recognition. There is little evidence to suggest that the majority of testators whose wills were later the subject of controversy failed to conform to normal patterns of recognition. They were not unusual in this respect. Yet it is in the very conformity of the wills that the dim boundaries of expectation are already visible. For the predominance of single people and testators in the latter stages of the life cycle suggests that the burden of expectation placed on these groups was greater than that placed upon those testators with obligations to secure the future of a wife and young children. Just as obligations to wider kin were limited so

obligations to married children were less clearly defined and subject to a greater degree of choice. As the boundaries of obligation were less clearly defined so the possibility of conflict increased.

The Range of Expectation: Who Contested Wills?

Although the dim boundaries of expectation are visible in the initial study of kinship recognition in wills the precise perimeters of expectations as yet lack definition. While the differing life cycle distribution of testators whose wills were later the subject of controversy suggests that expectation to recognise kin beyond the nuclear family was greater upon single people and those with married children than upon testators with obligations to a spouse and/or young children, the range of expectation on the part of kin and non-kin must be determined in order to understand the important relationship between obligation, choice and expectation. Such a study forms a crucial preliminary to any examination of the degree of variation in expectation within an allegedly 'flexible and permissive' kinship system, variation which finds expression in testamentary disputes and the differing interpretations of obligation and choice.

In order to determine the range of expectation, it is necessary to expand the analysis and to focus attention upon expressions of expectation. A valuable source for this study are the numerous testamentary causes which came before the Durham Consistory Court during the period 1580-1631.[13] Providing details of inter-personal relationships between the deceased and

the parties contesting the cause, the source permits close analysis of expectation. The source material, however, is not without problems. Firstly, it has only proved possible to determine inter-personal relationships in ninety-two of two hundred and twenty causes which came before the Court. While the Consistory Court depositions are extremely detailed, the internal evidence of deponents does not, in the majority of cases, compensate for the lack of detail in the formal headings to causes, which do not consistently record the names of the parties contesting the cause or their relationship to the testator. Although the problem of omission is difficult to resolve, by recourse to the Consistory Court Act Books and for the period it has proved possible to determine the identities of the parties contesting causes.[14] Again, the actual wills relating to testamentary causes can provide important supplementary details of relationships. Despite the lack of consistency in the description provided by consistory depositions and the chance survival of complementary information, there is no suggestion that the data collected represents an atypical group. While more complete documentation would have revealed slight variations in emphasis, in broad terms there is no evidence of serious distortion of the picture of expectation which is revealed.

Establishing the precise perimeters of expectation is more difficult. Relationships are dynamic and cannot be captured in the essentially static data provided by participation in testamentary conflict. Consider, for example, the evidence of Nicholas Cockey Vicar of Brancepath, who recalled in his

deposition of 24th April 1630 that having 'formerlie made his last will about four or five years then since past,' Thomas Dowthwaite of Wooley stated, 'I am much changed in both my estate and in mind, therefore ... I do revoke the same.'[15]

Nevertheless, the belief that kinship bonds were strongest at death reflecting strong ties of attachment and obligation, can be extended to incorporate the expectations of kin. The establishment of indices and the determining of the quality of relationships is more problematic. There may have been a reluctance to bring 'family quarrels' into court, a reluctance which may obscure or at least underestimate both familial tension and the strength of expectation.[16] Expectation, then, like recognition remains difficult to evaluate especially within an historical context. Thus in the initial stages of the study no attempt has been made to rank relationships on the basis of any subjective evaluation of the importance of individual causes and an essentially broad definition of expectation has been adopted, which assumes that participation in testamentary causes was an expression of disappointed expectation.

Ninety-two causes provided details of the relationship between the deceased and those who were to contest the subsequent cause. Drawn from a wide geographical area the causes relate to diverse parishes within the County: no single parish or group of parishes predominate. Similarly, there is no evidence to suggest that the causes represent an atypical group within society, the impression is of broad social involvement. Concentration as in the previous study of recognition has been focussed upon the

range and genealogical depth of kin relationships rather than the absolute number of kin mentioned. The results are presented in table 4.7.

Over the whole period only one cause appears to have involved non-kin. This was an isolated case following the death of an elderly servant, and the social circumstances surrounding the cause were unusual.[16] Of the remainder, 16 percent of causes concerned both kin and non-kin, while the majority (83 percent) involved kin and, or, affines of the deceased. A more detailed analysis of relationships reveals that 86 percent of causes were contested by spouses, children, parents and siblings, that is to say 'first order' kin, while 45 percent involved wider kin. The high proportion of 'first order' kin suggests that expectation, like recognition, was narrow in focus with a parallel emphasis upon relationships within the nuclear family and family of origin. The relatively high figure of 45 percent for the involvement of wider kin in testamentary causes, however, appears to indicate that expectation may have been broader than recognition. This apparent contradiction can be resolved by pointing out the limitations of simple analysis of the involvement of kin in these causes. For example, closer examination reveals that the proportion of causes involving wider kin was inflated by the inclusion of affines such as sons-in-law and brothers-in-law who, in many cases, were contesting causes on behalf of spouses, who were 'first order' kin of the deceased. The problem of such distortion will be discussed below. For the present it is enough to stress that the figures should not be

Table 4.7

Range of kin involved in testamentary disputes

nuclear family		family of origin						wider kin (relationship not stated)				non-kin						
wife	son	daughter	brother	sister	father	mother	uncle	aunt	nephew	niece	grandson	granddaughter	son-in-law	daughter-in-law	brother-in-law	sister-in-law	wider kin (relationship not stated)	non-kin
29	32		27	8	3	15	3	3	10	10	3	3	10	10	10	3	3	19
32%	35%		29%	9%	3%	16%	3%	11%	11%	3%	3%	3%	11%	11%	11%	3%	3%	21%

No. of causes 92

interpreted as indicating a broad ranging expectation. This is a conclusion which finds support from the examination of the participation of specific kin. This reveals that in the vast majority of causes, expectation was narrow, with involvement beyond the nuclear family being largely confined to siblings and nephews and nieces; a pattern which conforms to the narrow range of recognition. Only one significant variation emerges. In contrast to the relatively high level of recognition of grandchildren in wills, few were to be involved in testamentary conflict. Possible factors influencing such variation will be discussed later, but for the moment it is necessary to stress that expectation was narrow in range, a narrowness which mirrored the pattern of kinship recognition. Such a parallel suggests that a relationship may have existed between obligation and expectation, and that towards the central core of kinship ties it is oversimplistic to view personal choice as the sole determinant of recognition. This is a hypothesis which is strengthened if attention is turned to the expectation of affines and wider kin.

Although the relatively high percentages of causes involving sons-in-law/daughters-in-law (11 percent) and brothers-in-law/sisters-in-law (11 percent) suggests that expectation was strong, it is important to remember that, as with kinship recognition, this may reflect the importance of ties through marriage. Thus in the testamentary cause of July 1624 following the death of Bartholemew Musgrave of the parish of Brancepeth, Claud Lewen his son-in-law challenged, in right of his wife, his mother-in-law, Ann Musgrave over the inheritance of

a farm and house. Similarly, in the testamentary cause following the death of Richard Hedworth of Darwincrook, John Brough brother-in-law of the deceased was with his wife Katherin to challenge Margaret widow of Richard Hedworth.[17] There can be little doubt that relationships formed through marriage were strengthened by existing ties with 'first order' kin and reflected close bonds of obligation and expectation. More revealing, therefore, is the fact that only three causes (3 percent) involved unspecified 'wider kin' and there is no evidence of 'cousins' or other affines being party to testamentary disputes. Tentatively, then, it may be suggested that in general, expectation was expressed by a narrow range of kin, and in consequence that recognition of wider kin was a matter of personal choice rather than any feelings of obligation in response to expectation.

If, expectation was narrow in focus, it also appears to be shallow in genealogical depth. Those involved in testamentary conflict were largely descendants (32 percent) and people of the same generation (35 percent) as the deceased. Expectation within the same generation was primarily voiced by siblings or their spouses, usually brothers-in-law. Thus, for example, it seems likely that Ann Grinwell in challenging the will of her brother John Carr had expected to be recognised in the will. John Carr, however, it was alleged in giving reason for the exclusion of his sister, had stated that 'she was well settled and he would give her nothing'.[18] Similarly, Elizabeth Burdon's decision to ignore all advice 'to dispose of her goods so as the same might

rebound to the quietness of her brethren', and to exclude both her brother Robert Burdon and his children from her will, was to be the subject of controversy: the will was to be challenged in the Consistory Court by Robert Burdon.[19] Factors influencing the departure from 'normal' patterns of recognition will be discussed in the final section of this chapter, but for the present it is necessary to emphasise that ties formed with siblings within the nuclear family or family of origin may not only have engendered feelings of obligation but also of expectation.

Expectation was also a feature of descendant ties. Although slightly less prominent the involvement of sons-in-law, nephews and nieces and occasionally grandchildren, suggests that expectation was an important feature of relationships. A more detailed examination, however, implies that it is oversimplistic to view the involvement of sons-in-law in testamentary causes as an expression of personal expectation. For example, Claud Lewen was to challenge the will of his father-in-law Bartholemew Musgrave, producing evidence that Bartholemew 'did always intend that my daughter Adelyn Lewen should after the death of my wife have my house and farm in Brancepath'.[20] Similarly, the expectation of grandchildren may have found expression in the challenging of causes by their parents. Thus in the cause following the death of John Fawcett of Darlington it was alleged that Fawcett when advised 'to be good to his eldest son and to discharge his conscience towards him', stated that 'he had been an unthraister and disobedient child and that he deserved no more

than that he had bestowed on him'. Moreover when moved 'to be good to the eldest son of his son', he would not relent answering 'that he would prove like his father and would give him nothing'. [21] Clearly the expectation of parent and children, especially younger children were closely linked. While the harsh demographic realities of the period militated against young grandchildren being involved in testamentary causes, occasionally grandchildren did express personal expectation. Consider, for example, the cause following the death of John Blaxton of Stockton-on-Tees, in which his grandson Robert Pattenson was to challenge Valentina Blaxton, niece of the deceased. Robert Pattenson's challenge was to be given support by the deposition of Thomas Burdon of Stockton who stated that John Blaxton 'had neither wife nor children of his own and therefore was desirous to settle his estate upon his grandson Robert Pattenson'. The cause is of interest from two aspects. Firstly, in bringing the cause before the Consistory Court, Robert Pattenson, as grandchild of the deceased, clearly expected to be the principal benefactor of his grandfather's will. In the absence of responsibilities to the nuclear family, obligations to grandchildren were expected to take precedence over those with nephews and nieces. While the cause suggests that there may have been a hierarchy of obligation, it is clear that beyond the confines of the conjugal family such obligations were not clearly defined. In addition the cause draws attention to the importance of the relationship between uncles and their nephews and nieces. [22]

In the earlier study of recognition it was suggested that the relationship with uncles and more especially paternal uncles may have been important in early life, it is a view which finds support in the study of the relationship between obligation and expectation. Slightly more than 16 percent of causes involved nephews and nieces of the deceased, a relatively high figure within the context of descendant ties which underlies the importance of the relationship. The importance of the relationship finds eloquent expression in the will of John Shadforth of Murton and the subsequent testamentary cause between the cousins germain James Shadforth and George Shadforth, nephews of the deceased. Having revoked an earlier will John Shadforth bequeathed to 'George Shadforth son of (his) brother Anthonie Shadforth all (his) lands, leases, houses and hereditaments in Hetton-le-Hole ... and elsewhere whatsoever', and cancelled a previous bequest of land to James Shadforth. When questioned about the alteration of his bequest to James Shadforth, 'the testator answered that since making his will he had bought the said James a farm in Trimdon and had paid four score pounds'.[23]

In the absence of responsibilities to a wife and children it seems likely that John Shadforth felt obliged to settle his estate upon his other nephews, an obligation that was paralleled by expectation. Expectation, although not fulfilled, was also expressed by Thomas Cuthbert, nephew of Richard Hedworth of Darwencrook within the parish of Chester-le-Street, who chose to bequeath a lease of land to his nephew John Appleby, his sister's son. When Thomas Cuthbert confessed to his uncle that 'he thought he should have given the lease of the Rideing to him ...

the said Richard Hedworth then answered ... that the said John Appleby was a poor prentice and said that he had nothing to live upon and in regard that his other two brothers were preferred by their marriages'.[24] The justification of such actions will be the subject of later discussion, for the present it is necessary to observe that close parallels existed in the range and genealogical depth of both recognition and expectation.

It is oversimplistic, however, to view the ties between ascendant and descendant generations in terms of relationships based upon obligation and expectation respectively. In reality the relationships were much more complex and might involve feelings of expectation on the part of the elder generation and parallel obligation on the part of the younger generation. Although only ten causes directly involved ascendant ties, several of the causes, in conjunction with other consistory depositions, highlight the importance of reciprocity within inter-generational relationships. Consider, for example, the cause following the death of Richard Arrowsmith, yeoman of Cockfield and in particular the deposition of the yeoman John Lodge, who was to relate that,

'Richard Arrowsmith the deceased did divers tymes before the making of the deed of gift and a year before the making thereof did tell this exam(ina)te who were very familiar friends, that for so much as William Arrowsmith and John Arrowsmith his nephews were very young and unprovided for and stood in more need than any others of his kindred he would therefore make them a deed of gift of all he had conditionally that they should maintain him with meat, drink clothing and lodging and all other necessaries during his life and also should pay such legacies as he the said Richard should by his will or otherwise give to any persons so as the same did not exceed 1s.'[25]

The expectation of security in old age or retirement was also expressed by Elizabeth Bell who spent the last ten weeks of her life in the house of her daughter and son-in-law 'for that she was old and infirm and had a desire to live with her daughter.' [26] Again, William Thompson of Cockerton was to favour his son Matthew in his will, for 'the said Matthew was his chief husband and took care of him and so he deserved more than that if he could have done the same in regard to his ability.' [27] It is important, however, to avoid stereotyping: a sense of obligation, for example, on the part of the descendant generation, especially children, to provide for elderly kin was not always matched by the expectation or the desire of the elderly person. Thus John Foreman yeoman of Hunwick describes his unsuccessful approach to Ann Wright of Hunwick on behalf of her daughter Janet Pickering.

'And then and there this exam(ina)te theretofore moved by Janet Pickering wife to Nicholas and daughter to the said dec(eased) to speak to the said dec(eased) and intreat her (for that she had none to look to her) to suffer the said Janet... to come and dwell with her... being an old and sicklie woman whereunto she the dec(eased) answered this exam(ina)te ... John you have often moved me herein but she (meaning her daughter) shall not come to me, yet my meaning is that her husband and she and their children shall have all my goods.' [28]

Such a cause, however, is isolated and the general impression given by the descriptive evidence of depositions is that reciprocity in matters involving obligation and expectation was an important feature of ties between generations, as well as in ties with kin in general. Disappointment of expectations was a common justification for the failure to recognise specific relatives or broader kin. The sentiments which reinforced Robert

Newton's decision to bequeath his goods to his master, John Dichante, 'w(i)th whom he did dwell,' and who 'kept and relieved' him was not atypical: when asked 'the cause why did give his goods to the said John Dichante was that he did relieve him in his sickness when none of his friends would once look at him.' [29]

To summarise, kinship expectation appears to have been genealogically narrow in breadth and shallow in depth. It is a pattern which conforms to that of recognition and reveals a similar emphasis upon relationships within the nuclear family and the family of origin. The similarity suggests that obligation may have been closely linked to expectation. While the study of expectation in terms of participation in testamentary causes permits an identification of broad patterns of expectation, it may in reality underestimate the strength of expectation within the nuclear family and family of origin, which were bound together by strong affective ties. Such affective ties may not only have strengthened feelings of obligation and expectation, but also militated against the possibility of 'family quarrels' being brought to the public forum of the Consistory Court. The possibility of underestimating expectation is not only confined to the central core of kin relations, but may exist towards the periphery of the kinship universe. In so far as recognition of wider kin often involved the bequest of 'tokens' rather than major bequests, there may have been an unwillingness to bring such disputes before the Consistory Court. Thus participation in testamentary conflict may give an oversimplistic and narrow view

of the extent and strength of expectation.

The Range of Expectation: The Nature of Conflict

Given the constraints of the source material, a more precise definition of the perimeters of expectation remains difficult to achieve. However by approaching the problem circumspectly through studying in greater detail the nature and source of conflict, light may be thrown on the issue. Firstly, then, it is proposed to examine the relationship between parties contesting causes in order to assess the degree to which affective ties within the nuclear family and family of origin may have militated against participation in formal legal disputes and thus may have led to an underestimation of the strength of expectation. By extending the study to encompass an examination of the source of controversy it is hoped to establish whether the prospects of sizeable bequests encouraged the challenging or defence of testamentary causes, or whether expectation of recognition alone determined the decision to enter into often lengthy legal disputes.

The study combines two approaches: a statistical examination of the relationships between parties contesting testamentary causes in order to assess the degree to which causes concerned intra-familial conflict and secondly, a more qualitative study of the various sources of conflict. Eighty-nine causes provided details of relationships between contesting parties, permitting a systematic analysis of the genealogical range of conflict, while the detailed depositions

relating to individual causes provided rich descriptive evidence of motive. The results of the preliminary study of relationships are presented in table 4 8.

An interesting feature of the results is the relatively low proportion of causes (38 percent) which concerned conflict between 'first order' kin, a figure which falls to below 30 percent if causes exclusively involving 'first order' kin are considered. Two possible conclusions are available: firstly, that the importance of conflict between members of the nuclear family and family of origin was negligible, or secondly, that there was a reluctance on the part of close kin to bring family disputes into court and thus may not only underestimate tensions within the nuclear family and family of origin but also the strength of expectation. A more detailed examination of the relationships between those involved in conflict, suggests that the latter hypothesis was the more probable explanation. Thus the relatively low figure of 19 percent of causes between parties who were unrelated by either blood or marriage emphasises that familial disputes were not unimportant. More revealing, however, is the fact that 61 percent of causes were between affines or wider kin. With regard to conflict between affines it is important to stress that such cases involved conflicts both of personal expectation and wider expectation of 'first order' kin. Direct personal expectation was often a feature of inter-generational conflict, which in many cases concerned the widow and mother or father of the deceased. Consider, for example, the cause following the death of William Adamson, in

Table 4.8

The relationship between parties contesting wills

Relationships	58% conflict nuclear family & family of origin		10% conflict wider kin				36% conflict between affines								Intragenerational 48	Intergenerational 31	53% 35%							
	children/wife	siblings	nephew/uncle	niece/uncle	nephew/aunt	niece/aunt	grandmother/ grandchildren	cousins	wider kin	father-in-law	daughter-in-law	mother-in-law	son-in-law	mother-in-law				daughter-in-law	brother-in-law	sister-in-law	sister-in-law	brother-in-law	sister-in-law	wider affinal ties
No. of causes	9	25	3	2	8	2	2	3	6	2	4	1	7	2	13	3	1	16						
% of causes	10%	28%	3%	2%	6%	2%	2%	3%	7%	2%	4%	1%	8%	2%	15%	3%	1%	18%						

which Jane Adamson his widow was to challenge her mother-in-law.[30] While not explicit the deposition evidence suggests that the central issue of controversy was alleged acceptance of £16 by William Adamson's mother, 'in consideration of all her husband's goods w(hi)ch he had rec(eived) and she had passed on to him, w(hi)ch he said was one and twenty pounds and three kyne, w(hi)ch the said £xvi he did will should be paid of his goods and not only debts'. While there can be little doubt that intra-generational conflict between affines also involved personal expectation, often this was to be associated with the wider expectations of siblings. In this respect it is interesting to observe the prominence of causes involving disputes between brothers-in-law and sisters-in-law (15 percent of causes), followed by those between brothers-in-law. Thus Robert Merrington husband of Margaret was to challenge his brother-in-law Robert Thorpe in the testamentary cause following the death of Elizabeth Thorpe of Long Newton, a cause which centred around a dispute concerning the payment of Margaret's marriage portion.[31] Despite variations in detail, it is an example which can be duplicated.

Similar patterns are observed in causes involving kin beyond the nuclear family and family of origin. Once again conflict appears to have involved those who were related by marriage rather than blood. This is especially true of causes involving aunts and nephews/nieces, which in approximately half of the cases concerned the deceased's widow and the child or children of a sibling. Thus Jane Watt was to challenge her husband's will

and in particular the bequest of her late husband to his sister's son of part of a tenement, a bequest which it was alleged was made upon condition that aunt and nephew 'could agree together'. [32] Such an example underlines the importance of ties through marriage in conflict with over 40 percent of causes involving such relationships, a figure which suggests that there may indeed have been a reluctance to bring 'family quarrels' into the Consistory Court.

Specific references to any unwillingness to enter legal disputes are regrettably rare. However it seems probable that many like John Cook, who gave evidence in the testamentary cause following the death of his brother William Cook of Waldrige, chose 'for quietness sake' to avoid conflict, and to accept from his sister-in-law Margaret, widow of William Cook, 'some household stuff dear enough of £5', although his brother *in fact* owed him £7 'for part of his portion remaining in his hands and household stuff w(hi)ch was to (him) at his marriage as should be worth £10'. [33] The desire for discretion in matters relating to the family was of central importance. Thus James King of Jarrow was to place his trust in John Smith stating that he would declare his will 'to none but him saying I know you will keep council but if I acquaint others therewith they will blab it abroad which I would not have done', while William Adamson, in making an agreement with his mother, was 'desirous to be as private as he could therein'. [34] Similarly it is clear from the evidence of Henry Ewbank that families, at least in the upper stratum of society, enjoyed a certain degree of privacy. Thus in

the cause following the death of Mr Leonard Pilkington he related

'that the testator had one brother ... and divers children friends and kindred who this exam(ina)te taketh to be wise and discrete but whether they were at variance with him or what affection he had to his children he referreth himself to the said testament'.

The testament is in itself of interest because it demonstrates both the testators concern at the possibility of family conflict and the attempt to avoid contention.

'if it shall fortune anie question, ambiguity or doubt to arise between my said wiffe and my said sonne Nathias or anie other my children claiming any benefit by force of this my will and testament that onlie exposition and determination and judgements thereof shalbe determined and judged from tyme to tyme to the best of my minde and according to the literal sense and meaning of this my last will in ev(e)rie behalf and by the exposicon and discretion of my said supervisors'.[35]

Indeed it is interesting to speculate that supervisors were not only appointed to ensure the correct execution of a will, but also to arbitrate in the case of conflict. Arbitration was also an option available to disputing kin in an attempt to avoid formal legal action. Thus, for example, in the cause following the death of Thomas Ovington of Winston, who entrusted to his son John the responsibility to increase his sister's portion to £40 and a bride waine. Prior to entering the Court the subsequent dispute between George Robinson husband of Jane, and John Ovington over the payment of the portion was 'putt ... to the hearing and ordering of some friends'.[36] Similarly, the dispute between Margaret wife of Robert Marley and Richard Maddison following the death of Robert Marley of Chester-le-Street, was to be the subject of mediation between Richard Clark and Guy Bainbridge on the part of the respective parties before entering

the Consistory Court.[37]

Such a reluctance to bring family quarrels into the public arena of the court room while important must not be overstated. It must be emphasised that conflict between blood relatives was observed in 66 percent of causes. Of these approximately 62 percent involved conflict within the nuclear family and family of origin , with 15 percent of these causes involving the wife and children of the deceased and 46 percent concerning conflict between siblings, who represented by far the largest group contesting wills. Given the strength of affective ties within the family it must be asked, in what circumstances did conflict arise?

Occasionally disputes within the family, especially between mother and children can be directly related to the change in circumstances following remarriage. Thus in the cause following the death of Henry Davison, between his widow Isabel, now the wife of John Burn, and his daughter Margaret Davison alias Ingledene, it was alleged that 'about three years after the death of the said Henry Davison at or before the said Isabel took to husband John Burn she caused ... the said Henry Davison's goods to be praised a new'.[38] A more extreme and disturbing cause related to the events following the death of William Johnson of Kello and the remarriage of his widow, Isabel, to Henry Franklin:

'divers times since the intermarrying of the said Henry with the said Isabel he hath been called by processe to appear before July of this Court to enter into a bond with suerties for the children's portion and other goods of the said William Johnson so much as came to the hands of the said Isabel w(hi)ch bond he hath refused to enter and would in no wise p(er)form any

suerty for the same ... and further ... the said Henry Franklin and Isabel his wife before and since their marriage together have wasted and consumed the goods and portions of the said children whereby their estate is decayed ...'.[39]

In other testamentary causes involvement reflected conflicts in personal expectation. This is perhaps most clearly expressed in the cause following the death of Bartholemew Musgrave of Brancepeth, in which Ann Musgrave, widow, was to challenge her son-in-law, Claud Lewen, who sought to defend the will 'in right of his wife'. The cause is of particular interest in that the case for both the defence and challenge of the will is given. Thus Claud Lewen produced evidence that Bartholemew Musgrave

'did always intend that (his) daughter Adelyn Lewen should after the death of (his) wife have my house and farm in Brancepeth ... and durst not give it her by (his) will', because he had 'no quietness with (his) wife'.

Contrary evidence supporting Ann Musgrave was given in the deposition of Christopher Forrest of Brancepeth, who stated that:

'he thinketh that Bartolemew Musgrave did nev(er) intend his house and farm now in question to Adelyn Lewen for that he hath often times heard the said Bartholemew complain and say that he had given her too much and more than he thought well to bestow'.[40]

Though not so clearly stated, it seems likely that a conflict of expectation was an important issue in the testamentary dispute between Margaret Kipling and her son George, following the death of Nicholas Kipling of Barnard Castle. Thus Nicholas Kipling in making his will sought 'to please his wife being an angry woman', while privately stating, it was alleged, that 'it should not stand for he knew it would overthrow and (undermine) his son George so as he would ner be his own man'.[41]

Conflicts of personal expectation, however, were not the sole motive for conflict between mother and child. Another apparent reason for participation was involvement in a dispute between siblings, in which a mother was to support a particular child. Thus, for example, Agnes Fawcett, in conjunction with her son Oswald, was to challenge her eldest son Christopher Fawcett, whom it was alleged had been excluded from his father's will.[42] More dramatically in the cause following the death of Mr Leonard Pilkington, Jane Pilkington, his widow, was to defend with her youngest son, Nathias, her husband's will against the challenge of her son Barnabus Pilkington and son-in-law Mr Robert Hutton. In particular Jane Pilkington, as executor of the will, sought to defend her husband's decision to bequeath the residue of his estate to their youngest son, in view of the fact that he had already 'advanced and given (his other children) their portions'.[43] Such involvement in testamentary disputes, while revealing something of the complex nature of ties within the nuclear family, also serves to emphasise the importance of the conflicting expectations of siblings.

The relatively high figure for the involvement of siblings (over 30 percent) suggests that despite the formation of close affective ties within the nuclear family, individual expectations were strong and many were prepared to defend these at law. A central theme dominated the majority of causes: inheritance. While the diverse circumstances surrounding individual causes defies any attempts at generalisation, the study of the cause following the death of William Thompson of Cockerton serves to

illustrate conflict of expectation in inheritance. The cause centres around the decision of William Thompson, who 'at the time of making his will had four children and no wife living', chose to favour his son Matthew with a bequest of one hundred pounds. When asked 'why did he so liberally bestow the said hundred pounds upon the said Matthew Thompson not suffering to come near that portion of the rest of his children', William Thompson replied that, 'he would give him no less for that ... the said Matthew was his chief husband and took care of him and so he deserved more than that if he could have done the same in regard to his ability'. As for his other children 'they should be contented with what he would give unto them'. Following the death of William Thompson, his son Matthew sought to avoid conflict. Thus 'out of the love he did bear to his sister (and) for her better p(re)ferment and mending of her portion ... to make the said £xx given to her for her filial portion by her father's last will and testament (and) to enlarge and make the same £xxx'. Although the money was allegedly paid, it did not settle the dispute.[44] Even strong ties between siblings could be strained in conflicts of expectation. Indeed the awareness of possible conflict in expectation concerned many testators, who like William Steire sought to achieve an equitable division of his estate by ensuring that his son received 'as good a portion as other (of) his children'.[45] In an effort to justify her action, Anne Collyer of Offerton, nuncupatively declared,

'that in regard hir daughter Alice had remained w(i)th hir and ayded hir in hir old age and was unp(re)fered, whereas all the rest of her daughters were married and forth w(i)th their portions, that she hir sayd daughter should have all hir goods that she died possessed of at

the hower of hir death and sayd if she had more, more she would have given hir'.[46]

The source of conflict and justification of actions will be discussed at greater length below, but for the present it is possible to speculate that, in the absence of any concrete definition of equity in inheritance, conflict arose out of the differing interpretations of expectation and obligation not only between parent and child, but also between siblings.

In discussing expectation, however, it is important to stress that it is oversimplistic to view expectation purely in terms of mercenary motives, as expectation reflected notions of entitlement, as well as of personal attachment. The strength of feelings of entitlement is revealed in several ways, but perhaps the most interesting is that although there is considerable evidence to suggest that relationships changed over time, expectation of recognition remained strong. Consider, for example, the deposition of Henry Wanless, Vicar of Monkhesledon, who related his advice to the deceased Janet Tweddall. Thus he

'advised her to make a will to avoid all controv(er)sies that might happen amongst her children concerning her goods and to give some part thereof to her daughter's children who stood in much need thereof and to do the same cheerfully not withstanding that she had long time carried a hard conceit against her daughters and especially against Dorothy Hutchinson'.

Despite this advice Janet Twedall by her will settled her estate upon her son Robert, 'in regard he had spent much of his own goods about her business'. The will was challenged by her daughter Dorothy Hutchinson, who claimed that her mother died intestate.[47] Similarly, in the cause following the death of Alice Wilburne of Byers Green evidence was produced by her

brother-in-law John Eltringham to suggest that the relationship between Alice and her mother had broken down, and that Alice excluded her mother from her will. Thus when Robert Wright advised Alice Wilburne, 'to give something to her mother and remember her with some token ... she replied and said that she had been an unnatural mother to her and stood no need'.[48] More revealing, however, with regard to entitlement is the predominance of causes concerning inheritance within the nuclear family and family of origin, which in many cases were indicative of expectation on the part of a wife or unpreferred child. Thus in the cause following the death of Julia Hatch of Hart, her son Robert Robinson was to produce evidence that his mother had stated,

'that Cuthbert Robinson (her son) should have nothing of her goods saying that he was w(i)th his part of her goods already, and that John Robinson was likewise owt w(i)th his part, yet she would give him a bowl of wheat. And then and there she said Julia said moreover these words viz I find myself sicklie and will now make my last will and do give all my goods to my son Robert Robinson, whom I make sole executor'.[49]

Similarly, William Ingleby in support of his claim that he had inherited 'all the goods and chattels', and 'a lease of Little Haswell', from his mother Isabel Anderson, alleged that the bequest was as compensation for 'she could not do so much for him as she had done for her other son John Ingleby'.[50] The defence of expectation is also evident in causes involving widows. Consider, for example, the challenging of Ralph Lawson's will by his widow and in particular his bequest to his servant Barbary Lasingbye, who 'was not allied nor kindred', of 'half of his goods', and his direction tht 'Barbary Lasingbye should be

executor w(i)th his wife'.[51] Conversely, the challenging of a wife in Court was also indicative of the strength of feelings of entitlement on the part of widows. Thus in the cause following the death of Robert Tweddall, gentleman, Robert Joplyn was to challenge Elianor Tweddall alias Lucias late wife of the deceased for the tuition of her children. The details are recounted in the deposition of Thomas Wanless who,

'asked the said testator to whom he would grant the tuition of his children, he answered to his wife during her widowhood. And again the said Robert asked the said deceased if it were not his pleasure to that in case his wife should marry an unthrift or one that were likely to waste the children's estate that he the said Joplyn should be tutor to them and the testator answered yes'.[52]

The refusal of Elianor Tweddall to surrender the tuition of the children following her remarriage is significant in that it provides a clear indication that expectation not only involved material considerations but also emotionl ties.

The assessment of the emotional ties behind expectation is problematic. It is a problem that is compounded by the lack of consistency of descriptive evidence, as it is important to recall that the business of the Court was geared to an examination of the legal validity of individual wills rather than any evaluation of the motives of the parties contesting causes. In the absence of detailed descriptive commentary, it is possible to approach the subject circumspectly by examining in greater detail the material source of conflict, gleaning examples from individual causes. While the predominance of causes involving inheritance and preferment suggests that expectation was primarily associated with major bequests, there are signs that such causes obscure the

complex nature of expectation, signs which emerge in cause involving smaller bequests, advice to testators and the appointment of executors. Conflict over tokens or small bequests are rare and do not afford sufficient material for generalisations. However the cause following the death of Barbary Elstobb suggests that expectation of recognition was in itself important. Thus Isabel Baxter alias Elstobb was to approach Humphrey Elstobb, joint executor of the will with his brother Ralph.

'And desired him to pay her legacy which was given by the will and testament of Barbary Elstobb deceased whereunto the said Humphrey answered that his brother Ralph was not at home but that if she would be content to take the gown in the allegation mentioned in lieu and discharge of her legacie of 40s. he would undertake to deliver the same whereunto the said Isabel answered that if he would so do she would never trouble them more for her legacy'.[53]

The importance of the expectation of recognition is also evident in cases where kin are excluded from wills and revealed in the apparent concern of advisers. Thus, for example, Robert Thompson, curate of Witton-le-Wear 'persuaded' Thomas Atkinson 'to give something to his friends'.[54] there are also signs of a belief that bequests to kin should be commensurate with the 'ability' of the testator. Consider the advice given to Robert Carbill by John Leake, vicar of Hart

'this exam(ina)te seeing what several trifling gifts he had given by his will he did earnestlie move and persuade that the said testator to bestow ... to his blood and kindred as according to his habilitie'.

It was advice which appears to have been ignored by Robert Carbill whom it was reported stated that 'his kindred had been chargeable to him already'.[55] The topic of justification of

actions shall be discussed below, but for the present it shall suffice to observe that expectation of recognition was of some significance. While it is difficult to assess the importance of recognition as a reflection of affective ties, Anthony Aire's statement that 'I would not like my daughter Nannie to weep after my death and say I left her no token', provides a rare insight into the emotional content of feelings of obligation and expectation on the part of the parent and child.[56]

The importance, then, of emotion in conflict must not be overlooked. Expectation did not merely relate to the inheritance of money or property. For the evidence of testamentary causes suggest that kin expected to be chosen to fulfil specific roles. This is especially clear in disputes surrounding the appointment of executors. It is true that it cannot be assumed that such appointments were totally divorced from material interest, as the position of executor was often, though not invariably, allied to the bequest of the residue of an estate. Nevertheless, it is clear from several causes that recognition through the appointment as executor, a position of trust, was in itself important. Thus in opposing the choice by Thomas Dobson of his brother-in-law Henry Harrison and Agnes Harrison, his niece, as joint executors of the will, Helen Harrison sister of the deceased, was to allege to Dr Colmor

'that she should have been the exec(utor) of the s(ai)d testator his last will and testament and not the said Henry her husband'.[57]

Similarly, in the cause following the death of George Bone, Dorothy Billingham, illegitimate daughter of the deceased's

sister, was to claim the executorship of the will, and to challenge John Bone, Anthony Bone and Constance Bone, nephews and niece of the testator.[58] It was a cause which was echoed in the claim of the illegitimate son of Henry Brafferton that he had been appointed executor of his father's will, following the removal from the position of Henry Brafferton's son-in-law, William Thompson, 'for that the said William Thompson was contentious and quarelling about his goods in his lifetime'.[59] While it is tempting to assume that such causes concern purely personal expectation, it seems more likely, given the social preference for matters concerning family property to be handled by close kin, that the disputes reflected conflict of expectation between strong ties of affection and genealogically close kinship ties.[60]

Conclusion: The Limits of Expectation

Patterns of recognition, then, were clearly shaped by the twin forces of obligation and expectation. Just as recognition was both narrow and genealogically shallow, so expectation was likewise limited in extent. Once again there is strong evidence to suggest that obligations to the nuclear family took precedence. It is revealing that testamentary cause wills do not display atypical patterns of recognition. There is no evidence that we are dealing with a highly individualistic group of testators, who chose to defy social norms with regard to obligations towards kin. On the contrary the recognition patterns are consistent with those of single people and testators in the later stages of the life cycle, groups whose wills were

frequently contested. Wills of those with obligations to young children were rarely disputed. It is an observation which suggests that beyond the confines of the nuclear family obligations were less clearly defined and open to the possibility of broad interpretation and hence controversy. While this is perhaps most clearly visible in the case of the individual testator, similar, if not identical, tensions arose as the original nuclear family was changed through remarriage or more commonly through the process of dissolution as children left home and parental duties were fulfilled. In these circumstances not only did the relationship between parent and child change, but also respective definition of obligations and expectations. Often this found expression in conflict not only between parent and child but also between siblings or brothers-in-law. While there is evidence to suggest that there was a reluctance to bring family disputes into Court, it is clear that expectations were based upon strong and sincere feelings. For many the strength of such emotions led them to enter often protracted and no doubt painful legal disputes. Indeed it is important to emphasise that it is misleading to view familial conflict purely in material terms. For both obligation and expectations were shaped by notions of reciprocity and ties of affection. Relationships formed within the nuclear family were close and often subject to intense emotions. It is to a study of relationships within the nuclear family that we will now turn.

References

Chapter 4 - Conflict, expectation and the recognition of kin

1. Pal. and Dip., Probate MSS. for wills relating to testamentary causes. DR. V, Books nos. 5-12 (1589-1631). Additional Consistory Court depositions are to be found in DR. V depositions, boxes 1633-1665.
2. See above pp. 120 - 168
3. Wrightson and Levine, Terling, 100.
4. Pal. and Dip., Probate MS. Will of Nicholas Hedlie of Tanfield within the parish of Chester-le-Street (1587).
5. Pal. and Dip., Probate MS. Will of Jane Wrightson of Norton (1593).
6. Pal. and Dip., Probate MS. Will of Alice Wilburne of Byers Green within the parish of Auckland St. Andrew (1625). For further details of the circumstances surrounding the making of Alice's will see DR. V, book 11. Wilburne v. Wright, (29 Oct 1625).
7. See above pp. 144 - 148 and 149 - 154
8. See above pp. 135 - 149
9. Pal. and Dip., Probate MSS. Wills and inventories.
10. Bell, 'Social Significance of Kinship:3', p.142
11. See above pp. 149 - 164
12. See above pp. 144 - 148 and 166 - 167
13. Pal. and Dip., Consistory Court Deposition Books. DR. V, Books nos. 5-12 (1589-1631). Also DR. V. depositions, boxes 1633-1665.
14. Pal. and Dip., Consistory Court Act Books. DR. III, Book nos. 4-12.
15. Pal. and Dip., DR. V. Book 12. Dowthwaite v. Dowthwaite. Deposition of Nicholas Cockey, Vicar of Brancepath (24 Apl. 1630).
16. Pal. and Dip., DR. V. Book 12. Jackson v. Cleugh. Cause following death of Robert Gowland, 31 July 1629 and 9 Apl. 1630.
17. Pal. and Dip., DR. V. Book 11. Lewen v. Musgrave, 9 July 1624; DR. V. Book 9. Brough v. Hedworth, 7 Dec. 1607 and 25 Feb. 1607.

18. Pal. and Dip., DR. V. Book 7. Grinwell v. Carr. Deposition of Agnes Arie of Wolsingham, 6 Feb. 1601.
19. Pal. and Dip., DR. V. Book 7. Burdon v. Burdon. Deposition of Adam Holmes, 21 Jan. 1603.
20. Pal. and Dip., DR. V. Book 11. Lewen v. Musgrave. Deposition of John Marley, 9 July 1624.
21. Pal. and Dip., DR. V. Book 10B. Fawcett v. Fawcett. Deposition of Simon Gifford, 21 Jun. 1617.
22. Pal. and Dip., DR. V. Book 12. Blaxton v. Pattenson. Deposition of Thomas Burdon, 28 Apl. 1629.
23. Pal. and Dip., Probate MS. Will of John Shadforth of Murton within the parish of Dalton-le-Dale (1615).
24. Pal. and Dip., DR. V. Book 9. Brough v. Hedworth. Deposition of Anthony Cowper, 7 Dec. 1607.
25. Pal. and Dip., DR. V. Book 11. Arrowsmith v. Arrowsmith. Deposition of John Lodge, 9 Aug. 1623.
26. Pal. and Dip., DR. V. Book 11. Testamentary cause following death of Elizabeth Bell. Deposition of Christopher Chilton, 10 Dec. 1625
27. Pal. and Dip., DR. V. Book 8. Setree v. Thompson. Deposition of Christopher Stannisbie, 14 Mch. 1605.
28. Pal. and Dip., DR. V. Book 10A. Pickering v. Wright. Deposition of John Foreman, 9 Mch. 1615.
29. Pal. and Dip., DR. V. Book 11. Newton v. Dichante. Deposition of Roger Spoone, 16 Nov. 1622.
30. Pal. and Dip., DR. V. Book 11. Adamson v. Adamson. Deposition of John Adamson, 13 June 1623.
31. Pal. and Dip., DR. V. Book 11. Thorpe v. Merrington. Deposition of Thomas Bucke, 20 Feb. 1623. For further examples of conflict between affines see DR. V. Book 8. Testamentary cause following the death of the spinster, Isabel Harperley of Stockton, Jan. 1605. The cause was brought by Thomas Burdon and Kathleen his wife, sister of the deceased against Anthony Dossey, husband of Kathleen's sister, Janet. Also DR. V. Book 11. Testamentary cause following the death of Thomas Russell of Thornton, 28 Nov. 1606. The cause was brought before the Consistory Court by John Gainford, brother-in-law of Thomas Russell against Thomas' brother, Peter Russell.
32. Pal. and Dip., DR. V. Book 10A. Sidgewick v. Watt. Deposition of Christopher Watt, 20 Apl. 1616.

33. Pal. and Dip., DR. V. Deposition Box 1633-1665. Testamentary cause following death of William Cooke of Waldridge. Deposition of John Cooke, 31 Aug. 1633.
34. Pal. and Dip., DR. V. Book 10B. King v. King. Deposition of John Smith, 16 May 1618; DR. V. Book 11. Adamson v. Adamson. Deposition of John Adamson, 13 June 1623.
35. Pal. and Dip., DR. V. Book 7. Pilkington and Pilkington v. Hutton and Pilkington. Deposition of Henry Ewbank, 20 Jly. 1599.
36. Pal. and Dip., DR. V. Book 10B. Woodmas v. Bierley. Deposition of Ellianor Taler, Feb 1616 (manuscript damaged).
37. Pal. and Dip., DR. V. Book 11. Marley v. Maddison. Deposition of Guy Bainbridge, 22 July 1626.
38. Pal. and Dip., DR. V. Book 7. Burn v. Davison alias Ingledene. Deposition of Hugo Little, 17 Oct. 1600.
39. Pal. and Dip., DR. V. Book 8. William Fetherston on behalf of William, Jane, Margaret and Mark Johnson, children of William Johnson, deceased, v. Henry and Isabel Franklin. Deposition of Henry Bailes, 25 Jan. 1605.
40. Pal. and Dip., DR. V. Book 11. Lewen v. Musgrave. Deposition of John Marley, 9 July 1624, and Christopher Forrest, 30 Oct. 1624.
41. Pal. and Dip., DR. V. Book 10B. Kipling v. Kipling. Deposition of Francis Walker, 24 July 1618.
42. Pal. and Dip., DR. V. Book 10B. Fawcett v. Fawcett, 21 June 1617.
43. Pal. and Dip., Probate MS. Will of Leonard Pilkington, DD., Prebend of Durham Cathedral, 1599; DR. V. Book 7. Pilkington and Pilkington v. Hutton and Pilkington, 20 July 1600.
44. Pal. and Dip., DR. V. Book 8. Setree alias Storie v. Thompson. Deposition of Thomas Hodshon, 23 May 1606.
45. Pal. and Dip., DR. V. Book 5. Testamentary cause following death of William Steire. Deposition of James Thorp, 28 Aug. 1590.
46. Pal. and Dip., Probate MS. Will of Anne Collyer of Offerton within the parish of Houghton-le-Spring (1615); DR. V. Book 10A. Testamentary cause following the death of Anne Collyer, esp. the deposition of Henry Dobson, 25 Nov. 1615.
47. Pal. and Dip., Dr. V. Book 9. Tweddall v. Hutchinson. Deposition of Henry Wanless, Vicar of Monkhesledon, 7 Nov. 1607.
48. Pal. and Dip., DR. V. Book 11. Wilburne v. Eltringham. Deposition of Oswald Glover, 29 Oct. 1625.

49. Pal. and Dip., DR. V. Book 6. Robinson v. Robinson. Deposition of John Aire, 16 Mch. 1592.
50. Pal. and Dip., DR. V. Book 10B. Ingleby v. Ingleby. Deposition of William Atkinson, 9 May 1618.
51. Pal. and Dip., DR. V. Book 5. Lawson v. Lasingbye. Deposition of John Lasingbye, 19 Sept. 1590.
52. Pal. and Dip., DR. V. Book 11. Joplyn v. Tweddall alias Luicas. Deposition of Thomas Wanless, Vicar of Monkhesledon, 3 Sept. 1623.
53. Pal. and Dip., DR. V. Book 9. Elstobb and Elstobb v. Baxter alias Elstobb. Deposition of Thomas Colson, 26 Oct. 1610.
54. Pal. and Dip., DR. V. Book 11. Atkinson v. Atkinson. Deposition of Robert Thompson, Curate of Witton-le-Wear, 3 Oct. 1623.
55. Pal. and Dip., Dr. V. Book 10A. Testamentary cause following the death of Robert Carbill. Deposition of John Leake, Vicar of Hart, 13 April 1616.
56. Pal. and Dip., DR. V. Book 11. Wright v. Aire. Deposition of Joanna Mainsforth, 11 May 1621.
57. Pal. and Dip. DR. V. Book 5. Harrison v. Harrison. Deposition of Thomas Harrison, 26 Apl. 1589.
58. Pal. and Dip., DR. V. Book 7. Billingham v. Bone, Bone and Bell. Depositions of 16 Jly. 1602.
59. Pal. and Dip., DR. V. Book 8. Richard Johnson on behalf of Henry Hall v. William Thompson. Deposition of John Archer, 2 Mch. 1604.
60. For the importance of close kin in the handling of property see Wrightson and Levine, Terling, 100.

Chapter 5

Obligation Within the Nuclear Family: Inheritance

A concentration on very close kin emerged as the most distinctive feature of the earlier study of recognition, as evidenced in wills. In each of the three contrasting parishes a similar pattern of kinship recognition emerged, a pattern that varied little with wealth, status or sex, and only in ways that might be anticipated when reference is made to the individual life-cycle stage of individual testators. In short, attention has been primarily focussed upon ties formed within and through the nuclear family.

In assessing the implications of these findings it is necessary to acknowledge the limitations of this preliminary survey of kinship recognition in evaluating the importance and nature of obligation within the nuclear family. The definition of obligation purely in terms of recognition and the quantitative analysis of data in the search for distinctive patterns, while useful in establishing the broad boundaries of the kinship universe, fails to reflect differences in the quality of specific relationships. While it is true that something of the differing quality of, for example, the testators' relationship with the immediate kin and that with more distant relatives can be inferred from contrasting frequencies of recognition, variables in ties of obligation within the nuclear family itself remain obscure.

Thus while it is possible to be critical of the suggestion that a sharp contrast existed between the relatively loose ties of the 'remarkably modern' family of the Durham lowlands, which possessed 'no awareness of the extended family,' and 'the strong family ties in the uplands,' which characterised by 'the persisting cohesiveness of the extended kinship group,' it would be precipitous to assume upon such slender evidence that there was a uniformity in attitudes concerning obligations within the nuclear family.[1] While it is possible to speak with some confidence about the limited significance of extended kinship relations, it is impossible within the context of the previous study to comment, in other than a superficial way, about the ties of obligation between parent and child or siblings. The study of recognition, then, can only be the starting point of the analysis of obligation. Within the context of English society if we are to understand ties of obligation it is necessary to narrow our focus of attention and to examine in greater detail how relationships formed within the nuclear family shaped and defined the boundaries of obligation.

In examining ties of obligation within the nuclear family, the social historian of early modern England is faced with a serious dearth of descriptive material. As Keith Wrightson has stated,

'While we know in some detail the crops that a man grew or the contents of his wife's kitchen and wardrobe, the quality of their relationship with one another or with their children is almost invariably beyond us In the absence of surviving diaries we have few sources that allow us to step beyond the cottage door other than to make an inventory of goods.' [2]

In view, then, of the rarity of explicit references to the quality of relationships within the nuclear family or the nature of obligation, if we are not to be resigned to the silence of the past it is necessary to approach the problem circumspectly. In so far as 'the practical experience of family life does not segregate the emotional and material into separate spheres but is shaped by both at once,' it is possible to view the material provision for the future welfare of a wife and children as a clear expression of obligation.[3] Indeed the study of obligation within the narrower perspective of inheritance has the added advantage of permitting an objective analysis of family relationships through a systematic study of a large corpus of source material.

Obligation Under the Law

As a precursor to any examination of inheritance patterns, it is necessary to assess the possible distortions that may arise from a study of obligation within the context of testamentary evidence and in particular to test the hypothesis that wills may reflect legal requirements rather than personal choice. The hypothesis is, of course, extreme in that it assumes that the law stands aloof and remote from social reality; in practice, it is probable that the law mirrors social conditions and reflects, in general terms at least, conventional notions of obligation and expectation.

In discussing the question of legal obligation on the part of the testator three distinctions need to be drawn: between 'chattels' and 'real estate', between ^{freehold and} 'non-freehold' tenure, and finally between the differing legal obligations towards wives and children. The legal situation concerning chattels was very different from that concerning real estate. By common law, the testator was placed under the legal obligation to bequeath at least one third of his estate, including goods, to his wife: there was, however, no corresponding obligation towards his children.[4] Within County Durham, however, the legal situation was different. As part of the ecclesiastical Province of York, County Durham (like many other places) adhered to a much older custom, a custom which had formed the general law down to the end of the thirteenth century. Under this older ecclesiastical law a husband was placed under the legal obligation to leave at least one half of his goods to his wife if there were no children. If the testator was survived by a wife and children, he could

'dispose by his will of only one third of his personal property, and the right of his wife and children to the other two thirds remained unimpaired, will or no will. Even after 1692, until 1857, when the new Court of Probate was established in the case of intestacy, in the North it was only this third part, the 'dead man's part', that was distributed in accordance with the Statute of Distributions.' [5]

While not impairing the ability of the testator to alienate his goods during his life time, under the Custom of the Province of York a man was bound to leave a substantial part of his 'goods' or 'chattel estate' to his wife and children. In the absence of detailed comparative studies of attitudes towards kinship between the Northern and Southern Counties of England it is impossible to

comment with any confidence upon the significance of the survival of this older law. We can only indulge in tentative speculation. While the survival of the Custom 'not only throughout the Province of York, but in many other Places besides,' including the City of London, it is unlikely that the persistence of the law can be explained simply in terms of a clear dichotomy between North and South. It is possible to echo the words of G. Glover Alexander, who expressed the opinion that 'the long continuance of the Custom was simply due to the fact that the inhabitants of the North were accustomed to it and approved of it,' and cautiously suggest that we may not be dealing with uniform or standard attitudes towards familial obligations.[6]

With regard to real estate a testator was not free from legal obligations. In the case of freehold the testator's widow was not only guaranteed security over land held in her own name but was entitled to one third of her late husband's freehold estate. She had a right to this 'dower' even if she remarried or the couple were divorced (a mensa et thoro) for adultery.[7] In contrast there was no such legal guarantee ensuring the inheritance of children: 'by English Common Law children had no birth right.'[8]

The above rules applied only to those lands held by so-called 'free' tenures such as knights service and free socage, which were directly subject to the supervision of the royal courts. By no means all land in the sixteenth and seventeenth century England, however, was held under such 'free' tenures, customary tenures were also of major importance, with copyhold

accounting for approximately one third of all English land. Originally copyholders were villeins or serfs of a manorial lord and as such enjoyed little security of tenure. Gradually, however, in many areas copyhold became heritable, usually descending at the death to the tenant's oldest son subject to the rights of the surviving widow.

All copyholds were not liable to the widow's right of 'freebench' unless by special custom of the manor it was stated to exist. However it would appear that most manors in England did have such a custom up to the end of the eighteenth century, as Edward P. Thompson has pointed out.[9] The manors within the parishes of Stanhope-in-Weardale, Chester-le-Street and Sedgfield were no exception. It is a custom which is clearly outlined in the customs of the 'Forrester or Foster Court in the parke of Stanhope', a distinct manorial enclave within the larger manor of Wolsingham.

'Item Wee finde and p(re)sent that the Custom of Tenant right used w(i)thin the fforest and Parke of Wardaile is and time out of mind of man hath bene that after the death of any Customary tenant dying seased of a Tenement his Wife by Custom during her Widow's estate is to have her Widow rights of the Tenement and after her death or marriage then the tenement to descende and come to the eldest sonne of the tenant'[10]

Similarly, the manors of Chester-le-Street and Sedgfield, in common with all 'Copyhold Manors of the See of Durham', observed

'a Particular Custom ..., Which is very Important to Widows of Copyholders Dying Seized of his Copyhold Estate, As on such an Event happening, the Widow is entitled to hold the whole of such Copyhold Lands for her Life or Widowhood, as Her Dower or Free Bench, and may be Admitted to Such Copyhold Lands on the Court Rolls of the Manor. This Custom, as may be supposed, though beneficial to the Wife, was exceedingly Inconvenient to the Husband, who Thus almost held his

Lands only for a Life Estate....'[11]

This latter opinion may be regarded as somewhat exaggerated, as it obscures the wide rights of the tenant to mortgage or alienate his copyhold estate during his life. While it is true that copyhold land was not divisible by will, a copyholder was free to sell or grant away his land, or if he wished to surrender it into the hands of the lord 'to the use of his will'. In this he could specify heirs. In practice, then, copyholders enjoyed considerable freedom in matters of inheritance.

What significance, then, can be attached to the apparently limited legal obligation towards children in matters of inheritance? In studying the question of legal obligation on the part of testators, emphasis has been placed upon the freedom of choice of the testator and his ability to alienate his land without legal restriction. Within the context of a comparative study of English society with the more extreme features of traditional peasant societies such observations while valuable in challenging long held and erroneous beliefs about the structure of English society, tend to minimise the importance of personal obligation within the nuclear family itself.[12] The belief that there is a danger of overstating the importance of 'limited obligation' is given support by the fact that there is little evidence to suggest that the disinheritance of children was common.[13] Familial conflict will be examined in a subsequent chapter, but for the moment it will suffice to note that only cases emerge within the wills examined of testators disinheriting children. Thus Elizabeth Greneson stated in her will of 1597

'because my .. sonnes have most unnaturalie behaved themselves towards me and shamefully towards their wyffes, whereby I repute them not worthye to be my execut(o)rs or to have any part of my poor goods'.[14] Similarly, George Lytell, yeoman of Newparke, Stanhope-in-Weardale, ruled that

'whereas Alice Lytell my daughter hath grievously offended me by abusing her bodie in fornication, contrary unto God's com(m)andment and my mynde and her own duty these things considered, moving me to deny to bestow anie good of her'

Even in this extreme case Alice is not totally disinherited, as her father was to relent and 'for pitties cause ... give unto her three ewes and a whye stirke for her child's portion'.[15] In inheritance as in life parents rarely rejected their children, Ralph Josselin, though undoubtedly grieved by the behaviour of his prodigal son, John, tolerated his behaviour until, in October 1674, he promised him a good inheritance if he reformed, but only basic provision if he persisted in his life of debauchery. John did not reform, and on 24 January his father recorded in his diary 'John declared for his disobedience no son'. It is significant, however, that Ralph Josselin continued to hope that he would reform that 'I should yett own him for mine'. Despite extreme provocation Ralph Josselin, like many other parents, never totally rejected his son.[16] Given that testators rarely and only in extreme circumstances sought to sanction their children through disinheritance, the emphasis upon 'limited obligation' may obscure the more important feature of flexibility within the law relating to inheritance, a flexibility which is absent from the formal prescriptions governing the division of the estate in the case of intestacy. Indeed in examining ties of

obligation within the context of inheritance, it may be argued that too much stress has been placed upon the importance of wills and their legal context, while intestacy has been ignored.

In the event of a person dying without leaving a valid will, his chattels were subject, prior to the Inheritance Act of 1857, to the Custom of the Province of York.[17] By this scheme of intestate succession, the widow and children each received a third of the residual estate, as their respective 'widow's' and 'bairn's' parts. Of the remaining third or 'dead man's part', the widow was entitled to a third, while the children received two thirds. If there were no children, then, the widow was entitled to half of her late husband's estate, in addition to half of the remaining 'death's part', while the residue came 'to the next of kindred all equally among them'.[18] Conversely, if an intestate was survived by children alone, then, the children received as equals half of the estate as their children's portion. The remaining half or 'death's part' was distributed equally among them. Under this scheme the representatives of children who had died earlier were entitled to a distributive share of the so-called 'dead man's part', but were excluded from any benefit of the children's portion. In the case of an intestate being survived by neither widow nor children, his estate descended 'to the next of kindred in equal degree of or unto the intestate, and their legal representatives as aforesaid, and in no other manner whatsoever'.[19]

While useful in outlining the main lines of division of an intestate's estate under the Custom of the Province of York, this brief and bold description obscures the more subtle elements of the law, elements which appear to have been designed to ensure equity in the provision for children. Firstly, it is to be observed that the heir at law of an intestate was excluded from any benefit or share in the child's portion of the estate. The legal definition of the heir at law is both narrow and precise, referring to the person, usually the eldest son according to the principle of male primogeniture, who inherited the freehold estate of a person dying intestate, The definition did not extend to those succeeding to copyhold or leasehold property. Thus the eighteenth century northern lawyer Richard Burn LL.D. observed,

'that if the child should have any copyhold land, after his father's death, in this case he is not reputed his father's heir to the effect aforesaid, and so barred from the recovery of a filial portion due by the general custom of the said province.'[20]

Similarly, the succession to leasehold property, which was classified as personalty rather than real estate, did not debar a child from his entitlement to his filial portion under the rules of intestate succession as laid down by the Customs. Although excluded from the child's part, the heir was entitled in common with his siblings to an equal share in the 'dead man's part',

'but if the heir at law hath been advanced by his father, otherwise than by lands or as heir at law, he shall bring such advancement unto hotchpot with his brothers and sisters, otherwise he shall have no distributive share'.[21]

It seems likely that the exclusion of the heir from the benefit of the children's part and the requirement that any previous preferment should be taken into account in determining the

division of the 'dead man's part', had the effect of introducing a degree of equity into the provision made for children. This desire for equity is also clearly visible in the rights of children who had received their entire or part of their child's portion prior to their father's death. Children who had been preferred during their father's life, whether in money, goods, annuities or lands, were excluded from any benefit not only of the death's part but also of the children's part, 'for the same being equal or not much under the rate which should belong to the child by the custom aforesaid, if his father had then died shall stand for a sufficient preferment or advancement, to exclude him from a filial portion'.[22] The belief that the exclusion of preferred children from the inheritance was primarily intended to ensure equity in the provision for children is confirmed when attention is turned to the conditional rights of children, who had been only partially preferred. Thus under the Custom of the Province of York,

'children (exclusive of the heir at law) not advanced to their full proportion of the children's part, shall be admitted to come in for their share of the children's part, bringing therein to their partial advancements into hotchpot: agreeable to what Swinburne acknowledgeth to be the rule of civil law; in conformity also to the custom of the city of London, and to the measures of the statute of distribution (1692), and to the rules observed by the courts of equity in all such like cases.'[23]

It is interesting to note in passing that this solution to the problem of equity in the provision for children was not merely confined to the English legal system, but is echoed, if not paralleled, by the law of inheritance found in the western and Paris-Orlean regions of France by which 'a child who has left the

parental community ... and has been endowed by the father and mother', is either legally compelled under the system of 'forced recall' or given the option to 'restore' what he had already received to the family fund. Only then would they be admitted to an equal share of the inheritance.[24] The subject of the apparently common concern for equity is one to which we will return later, and for the moment it will suffice to raise the question of whether too much emphasis has been placed upon the contrast between English society and European peasant communities.

Real property of a person who died intestate descended to his heir. In the case of freehold the land came to the lineal descendant according to the principles of primogeniture. Male issue was favoured before females, and the eldest son excluded males in the same degree; but in the absence of male descendants, all female in the nearest degree took the land as coparceners. A descendant who had already died was not passed over, but was represented by his or her descendants. In the event of the failure of lineal descendants the land was escheated to the Crown. Until the Inheritance Act of 1833 ancestors and their issue were not admitted to the inheritance.[25]

The situation with regard to copyhold was different. Not subject to common law, the descent of copyhold estate was determined by the customs of individual manors, customs which 'came into force only when a tenant died... without effecting a previous surrender'.[26] Copyholds, then, descended to the customary heir, who might, according to the local custom, be the

eldest son, the youngest son or all the sons. Despite the possibility for great diversity, in the majority of cases customary law favoured male primogeniture. The bishopric manors of Chester-le-Street and Sedgfield were no exception. If a copyholder died having made no alternative arrangements through earlier surrenders, his copyhold estate would descend to the eldest son or failing that his daughters as coheiresses, providing that there was no surviving widow.[27] Similarly, within the upland manor of the Forest or Park of Weardale, the custumal directed that following the death of a tenant and provided that there was no widow

'then the tenement to descende and come to the eldest sonne yf the tenant have any sonne And through defalte of a sonne to the eldest daughter And through defalte of daughters to the next of kine'.[28]

However it is of interest to observe that within this upland manor strict primogeniture was tempered by two important provisos. Firstly, the custom recognised that

'yf the younger brother doe agree w(i)th the elder brother in the life time of the father for all or any part of the tenemente that then the agreem(en)t shall stand in effect to exclude the elder brother who takes the Composition'.[29]

In addition it was recorded

'that any tenant may upon his death bed give his tenement to any of his younger sonnes w(i)th the consent of the eldest and not otherways'.[30]

Within strictly defined limits, then, the tenants of the Forest of Weardale enjoyed a certain degree of flexibility concerning the descent of copyhold land. This movement away from strict primogeniture has been viewed as evidence of the existence of strong kinship bonds within the Durham uplands, as compared to

the lowlands where manorial customs were characterised by an inflexible adherence to male primogeniture and it is argued to relatively weak kinship ties. Thus Mervyn James, while acknowledging that 'partible inheritance was not the rule, during the sixteenth century or later in Teesdale and Weardale, as it was further south in Swaledale, Garsdale, and Dentdale, and on the border in Redesdale', states that

'the custom of the Forest of Weardale made provision for it as an alternative to primogeniture, for under this custom a younger son might succeed to the family holding or part of it; and the family farm could also be let as a whole or in part to 'undersettlers', or subtenants. The way was open therefore for the land to be divided amongst the sons if there were enough of it, and also for the association of the family with the farm as undersettlers.'[31]

This interpretation has also found favour with Joan Thirsk, who noted that in many upland areas 'the family often exerted a stronger influence than the manorial lord'. Writing of the northern fells, and in particular the areas of partible inheritance, there recurs the theme of the importance of the family as a co-operative in the working of the land.

'the family was, and is, the working unit, all joining in the running of the farm, all accepted without question the fact that the family holding would provide for them all.'[32]

However it must be stressed that such interpretations are highly deductive. In the absence of detailed research, caution is necessary in assuming that a study of manorial customs in isolation permits the social historian to identify fundamental 'lines of demarcation in the foundations of family life'. [33] Indeed in the light of recent research, which has laid stress upon the importance of the 'isolated nuclear family' within an

essentially 'flexible and permissive' kinship system, some doubt must be cast upon the belief that there was a sharp contrast between upland and lowland communities. Moreover given that tenants within the lowland manors of Chester-le-Street and Sedgfield, and within the upland manor of the Forest of Weardale were at liberty in practice, if not according to the letter of manorial custom, to sell, mortgage, and to surrender copyhold property in any direction, it is important not to overstate the restrictive aspects of manorial custom or to exaggerate the contrast between customs.[34] While it is true that the greater availability of land within the Durham uplands may have permitted a greater degree of flexibility in inheritance strategies, a flexibility which may be reflected in the customs of the Forest of Weardale, it cannot be automatically assumed that we are dealing with radically different social systems or even attitudes towards kinship.

A clear contrast, then, emerges between the limited restrictions placed upon testators and the rigid prescriptions governing the division and descent of an estate in the case of intestacy: in short, will-making provided the opportunity for flexibility in inheritance, a flexibility denied in the case of intestacy. Despite the possibility of greater freedom of action in inheritance, few people in the late sixteenth and seventeenth centuries left formal wills. In part this was due to poverty, 'the really poor did not make them'.[35] For the many who struggled to provide for wife and children during life, there could have been few resources available at death. The poverty

factor, however, does not provide a full explanation. As Margaret Spufford has observed for the Cambridgeshire village of Willingham,

'altogether only a maximum of 45 per cent of tenants who were in Willingham in 1575, made a will during the next quarter century. To make a will was, therefore, less normal in village society in the sixteenth and seventeenth century, than not to make a will.'[36]

Intestacy, then, appears to have extended far beyond the poorer members of society. In part this may be due, as Ralph Houlbrooke has observed, to the 'widespread tendency to leave the final settlement of the individual's affairs till shortly before death, whether through inertia, superstition or fear of losing control over children', which 'militated against the orderly transmission of property'.[37] Despite the strenuous exhortations of the Church and the minimal legal formalities surrounding will-making, procrastination and sudden death must have resulted in many dying intestate.[38] In the light of such observations it would be naive to assume that the failure to draw up a will was invariably the result of a conscious decision. Nevertheless as the fact that will-making was far from universal suggests that many were prepared to give at least tacit approval of the rigid legal prescriptions governing intestacy and to forfeit the right of the greater legal freedom afforded to testators. As such intestacy may be viewed as an alternative inheritance strategy. As a prelude to any examination of the range of inheritance strategies as revealed in wills, it is necessary to establish which groups in society chose the flexibility of will-making and which groups accepted the alternative of intestacy.

Who made Wills?

Many historians, and most recently David Cressy, have suggested that wills were 'socially selective', with a bias towards the upper social classes.[39] It is a view, however, that has been recently challenged by Margaret Spufford, who in her study of the Cambridge village of Willingham has observed that 'although all groups in the village produced wills, at the end of the sixteenth century it was 'the poor' groups that produced most wills'.[40] This interesting finding carries with it the implicit suggestion that factors other than wealth may have played an important part in the decision to make a formal will. Unfortunately, however, any attempt to establish the nature of the will-making population within the context of the present study must be necessarily crude. If a definitive answer is to be given it is essential to compare variables such as wealth and life-cycle distributions of the will-making population with similar categories within the general population. In the absence of such data it is impossible to produce any figures which could demonstrate either view conclusively, nevertheless it is possible to pass some comment in this interesting debate and to suggest that wealth may not have been the most important factor in the decision to leave a formal will.

As in the previous study of kinship recognition attention has been focussed upon the evidence of wills and inventories for the period 1580-1699. Again the wills and inventories have been drawn from the original three contrasting parishes: the upland parish of Stanhope-in-Weardale with its largely pastoral economy

supplemented by lead mining, the extensive pastoral and arable parish of Sedgfield within the Durham lowland plateau, and the geographically and economically diversified parish of Chester-le-Street with its mixed agriculture and nascent coal mining industry. For the initial examination of the wealth distribution of the will-making population within the three parishes, four hundred and forty six inventories were paired with wills.[41] The results are in Table 5.1.

Broad similarities emerge between the wealth distributions of will-makers within the three parishes. In all three cases the highest percentage of testators were recorded as having wealth under £50, while a clear majority of testators (between 56.26 percent and 70 percent) had wealth below £100. In comparison the two upper wealth categories reveal significantly lower percentages (between 15 percent and 31.25 percent). This contrast is most marked within the parish of Chester-le-Street where only 15 percent of testators had wealth in excess of £150, while the vast majority, over 70 percent had wealth below £100. In assessing the significance of these observations, it is important to stress that it would be dangerous to assume from such slender evidence of the apparent tendency for will-makers to be found in the lower wealth categories that the decision to leave a formal will was totally unrelated to wealth. Such an extreme hypothesis cannot be discounted, in the absence of comparative data for the wealth structure of the population within the three parishes. It is not clear, for example, whether the poor within each parish left wills, or whether, as in

Table 5.1

Comparative wealth distributions of the will making population of the parishes of Chester-le-Street, Sedgefield and Stanhope-in-Weardale, 1580-1699

Wealth	Chester-le-Street		Sedgefield		Stanhope-in-Weardale	
	Count	Percentage	Count	Percentage	Count	Percentage
Over £200	16	10%	24	21%	18	10%
£150 - £200	8	5%	11	10%	14	8%
£100 - £150	24	15%	14	13%	22	13%
£50 - £100	36	22%	21	19%	40	23%
Under £50	76	48%	42	37%	80	46%
	160	100%	112	100%	174	100%

Terling, this was a 'highly unusual step for persons of their social position'.[42] For the present, then, it is only possible to note that there is little evidence to suggest that will-making was limited to the wealthiest members of society or in turn to infer that wealth was the sole determinant in the decision to draw up a formal will.

Given that there appears to be considerable doubt about the importance of wealth in the decision to leave a will, it is necessary to assess the possible influence of familial responsibilities or obligation. On the basis of the internal evidence of the wills, testators were placed in four life-cycle groups, which correspond to periods of differing responsibility to the nuclear family. Group I - representing married testators without children; Group II - those testators whose children were all unmarried; Group III - those testators whose children were in part married and in part unmarried; and finally, Group IV, which represents the final stage of the developmental cycle, with the dissolution of the original nuclear family as all children marry and establish independent households. A fifth category has been included to represent those testators with neither responsibility to a surviving spouse or children. Largely consisting of unmarried persons, this latter group has been included in the study in order to assess the possible importance of shifts in obligation following marriage and the foundation of independent nuclear households. The results of the analysis of the will-making population by life-cycle are presented in Table 5.2.

Table 5.2

Comparative life cycle distributions of the will making population of the parishes of Chester-le-Street, Sedgefield and Stanhope-in-Wearsdale, 1580-1699

Life cycle stage	Chester-le-Street		Sedgefield		Stanhope-in-Wearsdale	
	Count	Percentage	Count	Percentage	Count	Percentage
I	26	13%	14	11%	12	6%
II	79	40%	37	29%	71	36%
III	30	15%	37	29%	45	23%
IV	26	13%	14	11%	26	13%
Single people and widows without children	36	19%	27	20%	42	22%
	197	100%	129	100%	196	100%

The most striking feature to emerge from this comparative study is the broad similarity in the life-cycle distributions of the three parishes. Thus it is of interest to note that the percentage of single testators was consistently around 20 percent in each parish, while the vast majority, approximately 80 percent of testators, had either responsibilities to a wife and/or children. Of this 80 percent, the majority of between 84 percent (Chester-le-Street) and 92 percent (Stanhope-in-Weardale) left children. It is true, however, that there are differences in the percentage of testators at specific stages of the life-cycle within each parish. For example, 40 percent of testators within the parish of Chester-le-Street were at stage II of the life-cycle, as compared with the lower figure of 29 percent within the parish of Sedgfield. While not wishing to ignore the possible significance of such differences, which may reflect contrasting age or life-cycle distributions within the general population of the three parishes, such variations should not be allowed to obscure important similarities. Of particular interest are the percentages of testators at stage II and III of the life-cycle, that is to say those testators who were survived by unmarried children. If these categories are considered together, it is clear that a close correspondence emerges in the figures for the three parishes, with between 55 percent (Chester-le-Street) and 59 percent (Stanhope-in-Weardale) of testators leaving unmarried children. In contrast only between 11 percent (Sedgfield) and 13 percent (Stanhope-in-Weardale) were at stage IV of the life-cycle, having seen their children marry. While such observations appear to suggest that obligation

to members of the nuclear family, and in particular to unmarried children, may have been an important factor in the decision to leave a formal will, they cannot be regarded as hard evidence of the importance of the life-cycle in the will-making decision. Once again it is necessary to sound a note of caution: in the absence of data for the life-cycle distributions of the entire populations of the parishes, it is impossible to establish whether such observations are fortuitous. However given the fact that demographic studies suggest that life expectancy 'was not unduly short' and in turn that many parents lived to witness the marriage of their children, the tendency for testators to be at stage II and III of their life-cycle implies that family obligations may indeed have been significant.[43] It is a view which finds support if attention is turned to a combined study of the life-cycle and wealth distributions within the three parishes.

Independently, the analysis of the wealth and life-cycle distributions appear to be of limited value. However if studied in conjunction, distinct patterns emerge which underline the importance of familial obligation. The results are presented in Tables 5.3, 5.4 and 5.5 and Figures 5.1 and 5.2, reveal that the wealth structure of the will-making population reflects, and is in part determined by, changes in the life-cycle itself. The relationship is most clearly visible at the lower end of the wealth scale. For example, within the parish of Sedgefield it can be observed that the percentage of testators with wealth under £50 fluctuates throughout the life-cycle. Thus the

Table 53

Comparative analysis of wealth and life cycle distributions of the parish of Chester-le-Street, 1580-1699

Wealth categories	I		II		III		IV		Single people and widows without children	
Over £200	2	9%	7	10%	3	12%	1	6%	1	9%
£150 - £200	1	4%	5	7%	1	4%	-	-	1	9%
£100 - £150	3	14%	12	17%	6	24%	2	12%	1	9%
£50 - £100	2	9%	20	29%	2	8%	6	35%	7	33%
Under £50	14	64%	26	37%	13	52%	8	47%	11	52%
	22	100%	70	100%	25	100%	17	100%	21	100%

Table 5.4

Comparative analysis of wealth and life cycle distributions of the parish of Sedgfield, 1580-1699

Wealth categories	I		II		III		IV		Single people and widows without children	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Over £200	2	15%	9	26%	5	18%	3	23%	2	11%
£150 - £200	-	-	7	20%	2	7%	-	-	3	17%
£100 - £150	2	15%	5	14%	4	14%	2	15%	-	-
£50 - £100	4	31%	7	20%	6	21%	2	15%	3	17%
Under £50	5	39%	7	20%	11	40%	6	47%	10	53%
	13	100%	35	100%	28	100%	13	100%	18	100%

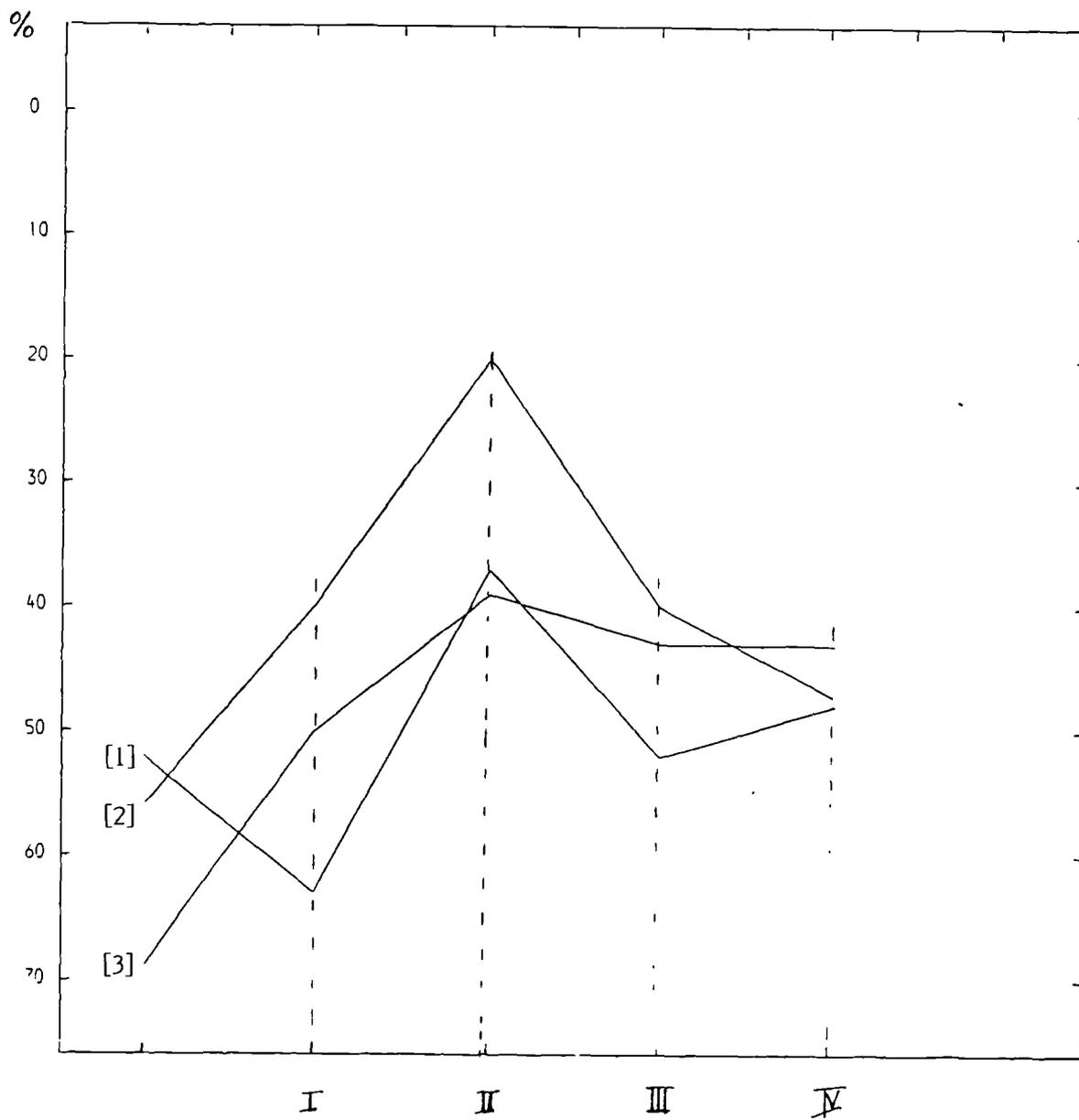
Table 55

Comparative analysis of wealth and life cycle distributions of the parish of Stanhope-in-Weardale, 1580-1699

Wealth categories	I		II		III		IV		Single people and widows without children	
Over £200	3	25%	6	10%	3	7%	3	13%	2	6%
£150 - £200	-	-	8	12%	4	10%	1	5%	1	3%
£100 - £150	3	25%	13	20%	5	13%	4	17%	1	3%
£50 - £100	-	-	12	19%	10	26%	5	22%	7	19%
Under £50	6	50%	25	39%	17	44%	10	43%	25	69%
	12	100%	64	100%	39	100%	23	100%	36	100%

Figure 5.1

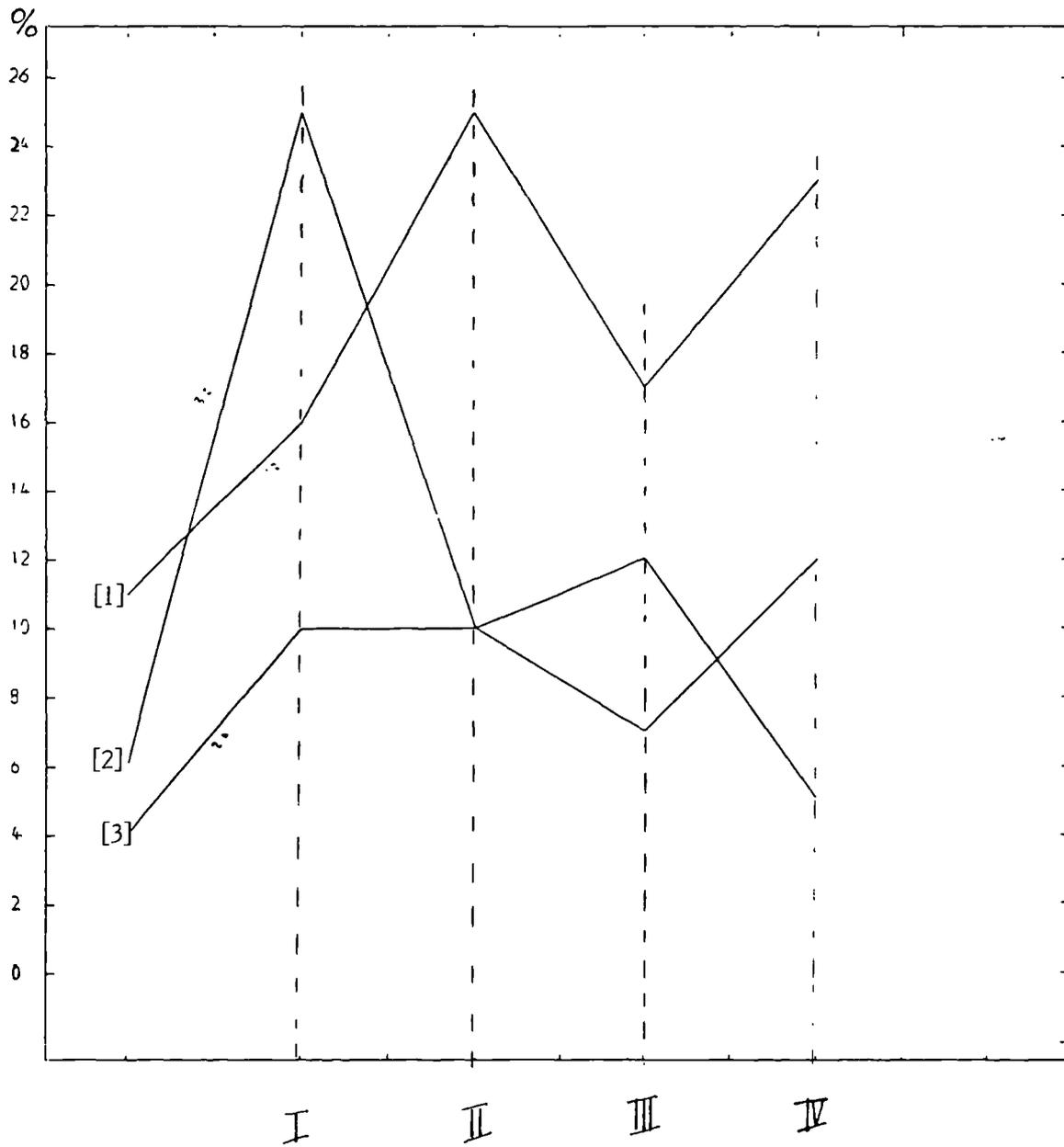
Proportion of testators with wealth below £50 broken down by life cycle, 1580-1699



- [1] Chester-le-Street
- [2] Sedgefield
- [3] Stanhope-in-Weardale

Figure 5.2

Proportion of testators with wealth over £200 broken down by life cycle, 1580-1699



- [1] Sedgefield
- [2] Stanhope-in-Weardale
- [3] Chester-le-Street

percentage of testators drops from a peak of approximately 56 percent (those without obligations to either wife or children) to 20 percent by the second stage of the life-cycle. In contrast, the latter stages of the developmental cycle are characterised by a rise in the percentage of testators with wealth below £50. At the third stage of the life-cycle, at the point where some of the children marry and establish independent nuclear households, a rise in the percentage of testators can be detected from 20 percent to 39 percent. By the final stage of the life-cycle the percentage has risen to 46 percent, as the original family unit is dissolved with the marriage of the remaining children and their departure from the parental home. Such observations suggest that the wealth distribution of the will-making population, especially at the lower end of the wealth scale, was determined by changing obligations within the life-cycle itself (cf figure 5.1). Thus there is a clear progression from the single state to the formation of the nuclear family through to its final dissolution, with the attendant accumulation of resources prior to marriage and the reallocation of wealth in the form of pre-mortem inheritance and marriage portions in the latter stages of the life-cycle. This confirms the view that 'the marriage of children was not dependent upon inheritance.' [44] While it is true that in the highest wealth category (testators with wealth over £200) the percentage of testators at each stage of the life-cycle appears more stable (cf figure 5.2) and the wide variation in the pattern of fluctuation between parishes suggests that the relationship between wealth and life-cycle is more tenuous, in view of the greater resources

available to this group, the weakening of the relationship is perhaps understandable. Thus while wealth may have been a significant factor in the decision to leave a formal will, especially among the more prosperous members of society, it does not contradict the view that family responsibility was important in will-making. Indeed given the fact that between 53 percent (Chester-le-Street) and 71 percent (Stanhope-in-Weardale) of testators with wealth in excess of £200 left unmarried children, one is tempted to conclude that the obligation to provide for children, and especially children who were as yet unpreferred, was a key factor in the decision to make a will for both the wealthy and the less prosperous members of society.

In the light of the comparative study of wealth and life-cycle distributions, the significance of the high percentage of testators at the second and third stages of the life-cycle becomes increasingly clear. The apparent desire of the majority of testators to provide for children, and particularly unmarried children, can be viewed as part of the gradual transmission of wealth from parents to children, a process which is clearly visible in the dynamic of the life-cycle itself, as resources are gathered in the early stages in preparation for the later preferment of children. The subject of inheritance during the life time of parents will be discussed later, but for the moment it will suffice to note that there is little evidence to suggest that the marriage or departure from the parental home of children was dependent upon inheritance or the retirement of parents. Indeed as Alan Macfarlane observed in the case of the diarist

Ralph Josselin,

'retirement can, in one sense be dated from the wedding of his first child Jane, in 1670, when he was fifty-five. At that time he began to break up his estate amongst his children Retirement, nevertheless, was a gradual process'.[45]

Will-making, then, must not be viewed as an isolated event, but must be placed within the wider perspective of the gradual fulfilment of obligation towards children during the life-cycle. In assessing the significance of such findings it is important to stress the limitations of the analysis of the will-making population. While this preliminary survey is important in suggesting that the majority of testators may have been motivated by the desire to provide for unmarried children, it can only provide a partial answer to the question of why testators chose to leave formal wills. If we are to understand why testators, especially those at the second and third stages of the life-cycle, desired the legal flexibility of a formal will as opposed to the more rigid formula for the division of the estate in the case of intestacy, it is necessary to direct attention towards a study of the actual inheritance strategies adopted by individual testators.

Obligation and Choice: Inheritance Strategies

A cursory examination of the actual decisions made by testators and recorded in their wills reveals a wide and apparently amorphous variety of inheritance strategies. In isolation it is tempting to infer from this initial survey that the apparent lack of rigidity in inheritance customs within the parishes of Stanhope-in-Weardale, Chester-le-Street and

Sedgefield, reflects the importance of individual choice: will-making and the legal flexibility it afforded permitted such expressions of individualism. While superficially attractive, such a simplistic conclusion must be treated with scepticism. In the light of the earlier findings which suggested that will-making must be viewed within the context of the life-cycle of the nuclear family and the gradual fulfilment of obligations, an alternative and arguably more persuasive hypothesis can be put forward, that the greater legal flexibility enjoyed by testators permitted the fulfilment of clearly defined obligations towards members of the nuclear family. It is to the testing of this second hypothesis that attention will now be turned.

In order to test the proposition that inheritance strategies were determined by clearly defined obligations rather than arbitrary personal choice, it is necessary to extend the analysis and to focus attention upon the range of options available to individuals in matters of inheritance. Attention again has been focussed upon the evidence of the numerous wills, which permit a systematic analysis of the provision made for both widows and children.[46] Valuable as this source is, however, it is important to recognise that the evidence of wills presents a number of interpretative problems, problems which dictate the form of the approach adopted. Firstly, there is the problem of the omission of detail, a problem acknowledged by both Margaret Spufford and Alan Macfarlane.[47] The effect of omission is clearly illustrated by the will of Richard Hutchinson, yeoman of Sedgefield, which makes no reference to an earlier transfer of

land, a transfer of land which is recorded in the manorial court book of Sedgefield for 22 March 1671. By this earlier transfer Richard Hutchinson demised his interest in part of a messuage and two bovates of land to his son Richard, while retaining a life interest in the property for himself and his wife. In the later will of 1673 Richard Hutchinson was to leave to his son Richard, in common with his daughters, ten shillings and to his son John a stott: there was no record of the previous transfer of copyhold estate. 'All the rest of (his) houses, leases, lands, tenements and goods, 'were to pass to his wife Elizabeth, 'hers for ever'. Of the previous transfer there is silence.[48] There is no simple solution to the problem of omission. While every attempt has been made to limit the possible distortion of isolated testamentary evidence by referring to the surviving manorial records for the manor of Chester Deanery and for the manors of Chester-le-Street and Sedgefield, this has only met with limited success.[49] In the absence of detailed family reconstitution studies it has proved extremely difficult both to identify and trace testators with any degree of accuracy, in all but a few cases.

In addition to the problems of the omission of detail, the social historian is faced with the reticence of testators: only occasionally are we given any insight into the emotional content of relationships and only rarely are the motives behind specific decisions revealed. While it is true that in the absence of direct statements it is difficult to distinguish between obligation and choice, it seems likely that decisions based

solely upon personal choice would reveal a more random and scattered pattern in inheritance strategies than those influenced purely by social convention. The search for distinct patterns, however, cannot take place in isolation. Will-making was not an isolated event but part of the gradual process of inheritance. The marriage of children and especially sons was not dependent upon inheritance and it is evident that family property was transmitted during the life-cycle as children reached majority or were married.[50] This is clearly visible in the detailed instructions to the executors of wills, which in many cases specified when legacies were to be paid or transferred to children. Thus in his will of 1679 John Rutter, yeoman of Chester-le-Street directed that his daughters Ann and Francis should receive £5 at the age of twenty-four and a further £5 at twenty-eight, while his son John was to receive two separate bequests of £5 at the age of twenty-one and twenty-five respectively.[51] Such delays in the payment of bequests to children was rare, the vast majority of children inheriting at the age of twenty-one or marriage. A typical example of the obligation to prefer children as they reached the age of majority can be found in the will of the yeoman, James Wheatley, who directed 'that Scysilye my wife shall have the tuicon and government of my son Will(ia)m and his porcon until he shall accomplish the full age of XXI, be married or otherwise lawfully demand the same'.[52] It is of interest to note the payment of legacies to children in many cases coincided with the ending of the period of guardianship during the minority of children, as they 'come of age to do for themselves'.[53] While the Halmote

Court records give no details of the age of inheritance, a few cases record the transfer of property to sons at marriage. Prior to their marriage, George Owen, merchant, and Maria Hodgson, spinster, were to hold considerable property and land within the manor of Chester-le-Street by the surrender of George's father, John Owen. The three copyhold surrenders were to be 'held in trust for the s(ai)d John Owen and his Sequels until the intended marriage between the s(ai)d George and Mary take effect'.^[54] In so far, then, as there is considerable evidence to suggest that will-making must be seen as part of the continuum of inheritance, it is necessary to place the provision made for both widows and children firmly within the context not only of the economic resources available but also the life-cycle and the demographic fortunes of the nuclear family.

Provision for Widows: The Strategies

By his will of 1591 Richard Anderson of Chester-le-Street was to 'com(m)and yt Margaret Anderson my wife shall have my dwelling house for her natural life and end her bones in the same'. The will in itself is not remarkable; its interest lies in the fact that it clearly illustrates the strong sense of obligation to provide a secure and, if possible, independent future for widows on the part of male testators.^[55] It is an obligation that is evident throughout the will-making population without reference to social status or economic standing. While it is true that the extent to which testators could fulfil such obligations was dependent in part upon the economic resources available, the sense of obligation remained strong. Consider,

for example, the will of William Marley, yeoman of Hedley Hall, who sought to guarantee the future welfare of his wife;

'whereas I have no estate neither in lease nor in freehold to make and give satisfaction to my wife w(hi)ch my love and kind respect might otherwise move me to bestow, I have therefore entreated my son whereunto he hath given kind consent ... that after my decease he will yearly pay or cause to be paid to my wife Grace Marley £5 10s. paid quarterly ... and likewise two stone of wool e(ve)rie year during her life to make her such necessaries as shalbe needful for her'.[56]

It is important, however, not to exaggerate the importance of wealth in determining the strategies adopted. Indeed the aggregative analysis of the provision made for widows by wealth alone reveals no patterns and as Keith Wrightson and David Levine observed for Terling 'wealth seems to have been of less overall significance than family-cycle and demography'.[57] In the light of this finding it is of interest to note that William Marley had drawn up his will at the fourth and final stage of the life-cycle, having seen the marriage of his children and the transfer of land and property to the younger generation.[58] The influence of wealth, then, in determining inheritance strategies appears to be directly related to the life-cycle, suggesting that the life-cycle may have been the dominant variable in determining the provision made for widows.

Of the male testators who were survived by widows, between 14 percent (Stanhope-in-Weardale) and 22 percent (Chester-le-Street) were at the first stage of the life-cycle, leaving no children. In such cases it was normal for widows to receive the entire inheritance, if the bequest was in the form of personal property. Thus William Wilson of Sedgefield in his will

of 1625 was to state, 'I will give it all to my wife if it weare never soe much', and 'being asked if he would give anything to any of his friends he answered noe'.^[59] The total exclusion of close kin from wills was rare, but the example serves to illustrate the shift in ties of obligation at marriage from the original nuclear family to a spouse, through ties of love and affection. It is an observation supported by the brief but poignant will of Anthony Lambert, who, while he lay dying in the Spring of 1615/16, directed that Katherine Fletcher should be the sole beneficiary, receiving 'all his goods and debts whatsoev(er) dewe unto him'. Had he lived Anthony Lambert 'should have m(ar)ied Katherine Fletcher, spinster', and 'for that purpose he had taken a house to dwell in at Whittynaide'.^[60] In discussing the question of the changing focus of obligation at marriage it is important to stress that this is most clearly visible in the case of first marriage, the situation with regard to remarriage is more complex. Prior to his death in 1640, Robert Lyddell a wealthy yeoman of Ravensworth had 'intended by the Grace of God to have made (his) law and married wiffe,' Anne Atkinson of Carre Hill. By his will of 4 May 1640 he bequeathed to Anne Atkinson sixteen pasture gates, while bequeathing the greater part of his estate to his four children. Of greater interest are the smaller bequests not only to his sister and his brother's children, but to the children of his brother-in-law, Anthony Dodds. Clearly, then, kinship ties were maintained through Robert Lyddell's previous marriage. In the absence of further examples it is difficult to assess the significance of Robert Lyddell's will, but it is possible to suggest that in certain cases remarriage

may result in an expansion rather than contraction of the kinship universe.[61]

As in the case of personal property, real estate was occasionally granted to widows unconditionally. Thus Thomas Scott bequeathed^{to} Grace in addition to 'all (his) goods moveable and unmoveable', a cavil of land within the manor of Chester-le-Street.[62] Similarly, Anne Nattris, by the will of her husband Cuthbert received 'all goods, grounds and groves of what ever they be aswell as moveable, my debts being paid'. There were no conditions attached to either bequest.[63] More commonly, however, widows received a life interest only in house and land. In addition to 'all ... goods moveable and unmoveable', Cuthbert Fetherstonhaugh's widow received 'the occupation of the house ... and the lands and appurtenances thereunto belonging', during her life.[64] Likewise Robert Clarke, blacksmith of Great Lumley by his will of 1691/92 left to his wife Mary 'all (his) houses, leases, lands, tenements and goods what soev(er) for the term of her life'.[65] As in the majority of cases, Robert Clarke gave no directions as to the future ownership of the property following the death of his wife. Presumably it was accepted that after securing the future of their widows that the land would pass to more distant kin. In a number of instances, however, testators specified to whom the land was to pass following the death of their widows. Thus Robert Robinson by the will (1606) of his uncle, Lancelot Robinson of Stanhope-in-Weardale was to inherit a tenement in Auckland St. Helen following the death of his aunt Elizabeth

Robinson.[66]

The provision made for widows at the initial stage of the life-cycle is similar, though not identical to the strategy adopted at the fourth and final stage of the life-cycle. With regard to personal property there was a tendency for widows to receive part or the residue of their late husband's estate rather than the entire moveable estate. Thus John Emerson of Cockclose within the parish of Chester-le-Street directed

'that my ... stock of beasts and cattle and my other goods, chattels and personal estate to be divided into three equal parts ... And that my wife Anne Emerson shall have one full and equal third part thereof according to the law'.

The remaining two thirds of John Emerson's moveable estate was to pass to his grandchildren.[67] It was rare, then, for widows to receive the entire inheritance of personal property. In the majority of cases widows received the residue of goods and chattels, following bequests to married children and occasionally grandchildren. Conditions were seldom attached to the bequest of personal property.

In contrast legacies of real estate were rarely unconditional. Thus in addition to the remaining years of the lease of a farmhold in Urpeth, Rychert Lawes by his will of 1588 bequeathed to his wife farms in Pelton during her 'widow head'. Following his widow's marriage or death the farms in Pelton were to pass to his daughter Jennet and her husband Robert Ponnshon.[68] The example is isolated and there is little evidence to suggest that the possibility of remarriage concerned testators in the final stage of the life-cycle. As in the

initial stage of the life-cycle widows usually received a life interest in house and lands. John Brack of Chester Loaning gave 'unto (his) loving wife Isabel all (his) lands and tenements ... for and during the term of her life'.[69] It was unusual, however, for widows to receive the entire inheritance. In the majority of cases a third part only of moveable property was to be left to widows. Typically, Ralph Maddison of Birtley left to his wife a

'dwelling house in Birtley aforesaid and yard or p(ar)cell of ground. Also all that my close and parcell of enclosed ground commonly called the Lairds and also all that my close or parcell of enclosed meadow ground called Tofthill with their appurtenances in Birtley unto my wife Barbara Maddison for the third dower and widowright'.[70]

This emphasis upon the 'widow's third part' or dower is a common theme in the wills in the latter stages of the life-cycle. In leaving 'all messuages, tenements or farmhold with appurtenances called Eweshurst in Lints Green and all other lands, tenements and hereditments', to his married son, John Emerson directed that his wife's 'third and dower' was excluded from this bequest.[71] Such examples appear to support Margaret Spufford's assertion that 'the amount of dower received by a daughter on her marriage was strongly related to the provision of a husband later made for his wife'.[72] From the point of view of this study, however, it would be premature to state that a wife's dowry was directly related to the later provision made for widows in the majority of cases. Indeed in describing the provision made for widows at the last stage of the life-cycle it is important to note that the few testators who were to secure the future of their widows through bequests of land were drawn from the wealthier elements of

society. Four out of five testators had inventories valued in excess of one hundred pounds. For many at the final stage of the life-cycle, having seen the marriage and preferment of their children, land and houses were no longer available to secure the future of their widows.

In the absence of house or land, a few testators made alternative arrangements to ensure the material security of their widows. Occasionally, testators outlined very precise maintenance arrangements. Recall again the example of William Marley of Hedley Hall, who having 'no estate neither in lease nor in freehold to make and give satisfaction to (his) wife ... Grace Marley', requested that his son should pay to his mother an annuity of five pounds ten shillings 'paid quarterly' and 'likewise two stone of wooll ev(er)ie yeare during her life to make her necessaries as shalbe needful for her'.^[73] Although in a few cases testators suggested that their widows might go and live with a married child, it is clear as Keith Wrightson and David Levine have observed that 'such arrangements were clearly viewed with suspicions'.^[74] It is revealing that John Walton of Plawsworth in his will of 1616 required that his son Robert Walton should 'allow (his) wife Alice to have the house wherein I nowe dwell in at Plawsworth ... till another there can be compently p(ro)vided for her life if she so long do keep for my wife'.^[75] As in Terling, however, 'alternatives were always provided for in the event of ... cohabitation proving fragile or disagreeable'.^[76] Thus Thomas Smyth, yeoman of Sedgely in his bequest to his wife an oxgang of fyne land and a cottage during

her life ensured that his widow had the means to ensure an independent and materially secure future, although she was to live, and perhaps find emotional security, with her married son Thomas. The possibility of his wife desiring an independent future is acknowledged in Thomas Smyth's direction

'that my son Thomas Smythe shall plough and manure the sayd oxgang for my wife with all kind of husbandry lead home the hay and corne growing and receiving in and upon p(ro)mise my wife fynding the seed to sowe the same and shall lead every year three wayne loads of coales into her house during her life natural if my wife shal think good to dep(ar)te and go from him unto the sayd house belonging to the sayd cottage'.[77]

In other cases the independent future of widows was secured by annuities in the event of a widow desiring to leave the home of a child. Yeoman George Collingwood of Boltsburn in his will of 1650 in the alternative arrangements made for his widow, foresaw the possibility of disagreement

'I give to my wife if my son and she cannot agree to keep house together to pay her out of my land three pounds, six shillings and eight pence during her life'.[78]

Similarly, Robert Wilkinson of Layton, Sedgefield parish, stipulated

'that my wife shall dwell and remaine with my sonne John Wilkinson and Jayne Wilkinson my daughter for and during three years next after my death. And that my son John Wilkinson shall have the use of my wife's third part during that tyme. And if at the ende of the sayd three years she my said wife shal dislike to dwell w(i)th my said sonne my will is that she shall give him half a years warning and that he shall paye unto her the said xvii att her dep(ar)ture from him'.

The interest of the example lies not only in the fact that it illustrates the alternative provision made for widows, but that the testator specified the minimum length of time that his widow should remain with his son. While it is difficult to make any

objective assessment of motive without having access to greater detail, a clue may be found in the fact that his widow was to 'dwell and remain' with her unmarried younger son and daughter. In the absence of a detailed reconstitution study it is difficult to establish the age of these children, but one may suspect that they were approaching an age at which under normal circumstances they would be expected to marry or inherit. In advocating that his wife should remain within the household for at least three years, it seems likely that Robert Wilkinson desired to maintain the original nuclear family unit until the children were established. Following the marriage or preferment of her children, Ann Wilkinson if she so chose was free 'to dep(ar)t'. [79] The subject of the maintenance of the nuclear family unit will be discussed in greater depth later, and for the moment it will suffice to observe that testators within all three parishes recognised 'the possibility of domestic tension between the generations' and a clear obligation to provide for an independent and economically secure future for their widows. [80] It was an aspiration little influenced by social status or wealth.

In discussing the obligation towards widows it is important not merely to view the provision made in the final stage of the life-cycle in terms of isolated decisions, as the strategies adopted must be seen within the context of the gradual process of inheritance and retirement. Indeed, when placed within this wider perspective, it is clear that the provision made mirrors in certain respects the arrangements made in the case of retirement.

Although as Margaret Spufford has observed 'much more is known about the provision made for widows than about the way in which their aged husbands were catered for after they became incapable of farming the family holding', evidence exists to suggest that widowers, like widows, only occasionally were to reside with or be maintained by a married son.[81] The example of the yeoman Richard Chypchase of Sedgefield is rare. By his will of 1601, Richard Chypchase having 'before this tyme assigneth and sett ov(er) unto (his) son Nichollesse Chypchase' his interest in land and property in Sedgefield, directed that his son should 'provide and gyve unto me meate, drink and apparell, landring, lodging and all other necessaries for a man of my years and calling for and during my life natural'.[82] Richard Chypchase was to be maintained by his son for seven years, prior to his death in 1608. Given that testators who had established their sons on the land or in some other occupation, and had preferred their daughters in marriage rarely left wills, the retirement to the house of a son may have been more common than this solitary example suggests. However it should not be assumed automatically that the absence of such wills, obscures a large number of men who retired to the hearths of their sons, as there is evidence to suggest that the residence with a married child marked the final stage of the gradual process of retirement, when a man was no longer able to continue an active and independent farming life. Indeed the desire for independence in retirement is clearly illustrated in the will (1685) of Ralph Ord of Sedgefield, who bequeathed to his 'son Mark Ord the new house except the Kitchen and chamber over w(hi)ch I reserve for my natural life and the

life of my loving wife and then to my son Mark to have it with all the land belonging to it'.[83]

Even when parents were to retire to the house of a son, a degree of independence was guaranteed: it was only when old or infirm that independence was surrendered. Though less explicit, numerous entries in the manorial court records of Chester Deanery, Chester-le-Street and Sedgefield suggests that a degree of independence or control over land was desirable. Thus in March 1608 Thomas Punshon tenant of Chester Deanery surrendered to his son and heir apparent William Punshon his interest in a messuage and ten acres of land in Waldridge. Significantly, however, William Punshon immediately

'demised all and singular premises into the hands of the Lord to the use and behoof of the afores(ai)d Thomas to hold to the s(ai)d Thomas Punshon ... during his natural life and after his death if the aforesaid Elianor Punshon now wife of the afores(ai)d Thomas survives then Elianor Punshon to have one house called Brewhouse and the moiety of one acre of land ... in Waldridge'.[84]

Similarly , the Halmote Court Book of Chester-le-Street in an entry dated 16 May 1639 records the surrender of six acres in the Southfield, five acres in Bolden Crook and pasture for four beasts in Holme Hill by John Watson to his son and heir apparent. The surrender was then immediately demised into the hands of the manorial lord and reserved for the use of John Watson during his life.[85] In other cases the transfer of land from father to son was conditional upon the payment of annuities. Thus on the 8 July 1669 Richard Richardson was to receive his father, Nicholas Richardson's interest in a tenement and pasture called Leazards and one close within the episcopal manor of Sedgefield, providing

that Richard Richardson did 'well and truly pay to Nicholas Richardson ... yearly during his natural life £16'. If Richard Richardson failed to honour this agreement his father was to re-enter the property.[86] Similarly, in surrendering his interest in a house, garth and half an acre of land called Barras Loaning within the manor of Sedgefield to his son Richard, George Carleton sought to secure the future of his wife. Thus following the transfer it was 'agreed that the said Richard Carleton and his assigns shall provide a convenient house for Ann Carleton his mother during her natural life or otherwise pay her £5. quarterly during her life'.[87] Although details of specific arrangements may vary, there can be detected a common theme in the desire for independence and economic security in the final stage of the life-cycle and the gradual process of retirement.

By contrast at the second and third stages of the life-cycle, the provision made for widows was more complex, inextricably linked to the future preferment of children. In a few cases widows, as in the initial stage of the life-cycle, received the entire inheritance of houses and lands. By his will of 1679 John Rutter bequeathed to his 'loving wife Ann Rutter all my estate real and personal'.[88] It was rare, however, for such bequests to be made unconditionally. Usually it was stated that widows should enjoy a life interest only. Thus Francis Gray of Fishburn within the parish of Sedgefield, following the death of her husband, John, in 1677, inherited a life interest in his estate: only after her death was the land to pass to their sons, William and Robert.[89] There are clear signs, however, that such

examples obscure the relationship between the provision made for widows and the preferment of children, in that they exaggerate the extent to which widows exercised control over landed property. As Margaret Spufford has stated

'It seems likely ... that the widow in Chippenham must usually have had considerable rights in the holding, and that she may frequently have had a legal interest after her son's majority. In practice, the widow must frequently and willingly have relinquished the management of the holding when her son came of age, whether or not she legally retained a share in it.' [90]

It is an observation which is to a certain extent reflected within the manors of Chester Deanery , Chester-le-Street and Sedgefield, in which women were often to have an interest in property and land. There were several routes through which a woman could acquire such an interest. Most obviously a woman could inherit copyhold as daughter and heiress of her mother or, more commonly, father. Thus, for example, 'Elianor Cleugh now wife of John Cleugh' fell heir to her father's interest in a house and garth within the manor of Chester-le-Street.[91] Occasionally, as in the case of Elizabeth Sperke, formerly Elstobb, who inherited her mother's interest in the moiety of the third part of a messuage and one bovate of land within the manor of Sedgefield, wives surrendered the property immediately and re-enter the property with their husbands.[92]

This practice, however, may have been more common than this relatively rare example suggests, especially within the upland parish of Stanhope-in-Weardale where upon marriage a female customary tenant apparently surrendered her customary rights in the tenement to her husband. Details of this custom and the

subsequent sale by husbands of customary tenements inherited by their wives is recorded in part of an undated document located within the Weardale Chest. Thus when

'an inheritre beinge a customary tenant w(i)thin the sayd p(ar)ishe haithe married her selfe w(i)th a man, all that whole staite of inheritance, w(hi)ch consisted onely in her selfe before the sayd marriage, is p(re)sentlye upon that marriage transverted And contened in her sayd husband by force and according to the usage of the sayd custom. And thereby haithe he full power to forfeit his tenant right of the same. And maye allsoe at his owne pleasure w(i)th or w(i)thout consente of his sayd wife demisse sell or put away the same w(hi)ch haithe ... bene holden as good and accordinge to the usage of the sayd custome.'

Despite the emphasis upon the husband's rights over such customary property, it is interesting to note that in any future decision to sell the land he was at least required to consult his wife.

'Nowe concerning, the wife her consente to such sayles mayd by her husbände of anye customar ye lande as com(m)eth to them as in the rights of his sayd wife: That is holden by oppynion of the customar ye tennante to be a thinge nesesar ye for all customar ye tennants makeinge sayle of any customarie tenement, to make there wives acquainted w(i)th the sayd sayle and the goodwill of the sayde wife is in freindlye manner to be desired'[93]

In assessing the significance of this custom, it is perhaps unwise to exaggerate the contrast between upland and lowland manors. Indeed it seems likely that the development of such a custom owes more to the erosion of the Bishop's control over the manorial property within the parish of Stanhope-in-Weardale rather than to radically different social attitudes towards women's property rights between upland and lowland communities. In the majority of cases of inheritance within the manors of Sedgfield and Chester-le-Street, where tenant right had not been

subject to such radical change, married heiresses appear to have retained a full interest in customary holdings.

In addition to inheritance women often obtained an interest in property through their husbands or future husbands. One of the nicest examples occurs in 1691 when Martin Hixon senior was to surrender considerable copyhold property and land within the manor of Sedgefield to his son Martin and Anna Hopper, spinster, 'who he intends to marry'. In addition Anna Hopper acquired an interest in sixty-two acres and thirty-six 'lying in South-Moor' Sedgefield through the surrender by her future husband, Martin Hixon junior.[94] Similarly, in 1661 Richard Robinson, copyhold tenant of the manor of Chester-le-Street, surrendered his interest in six acres, pasture for one horse, a cottage and a messuage with garth, only to re-enter the property at once with his wife, Isabel.[95] The majority of cases, however, do not involve such complicated transactions, with husband and wife merely to enter holdings jointly. A typical example is that of John Baity and his wife, Elizabeth, who in June 1675 acquired interest on one half of a house recently built on the lord's waste within the manor of Chester Deanery by surrender of John Owen junior.[96]

In spite of the fact that many widows had some interest in land, it is significant that relatively few examples emerge within the manorial court records of widows surrendering their interest in copyhold tenures to their children. The example of the widowed Ann Gibson is rare. She was to surrender on 2 May 1646 her interest in four acres of copyhold land within the manor

of Chester-le-Street to her son Roger. Twenty eight days later her son William entered into one acre of copyhold in Chester by surrender of his mother. It is unclear if Ann Gibson retained any property or land, but the Commonwealth Survey (1647) of leaseholds and copyholds within Chester-le-Street manor suggests that she did not. In view of this it is of interest to note that both surrenders were conditional, dependent on the proviso that William and Roger should permit their mother 'to use' and 'to have' the land 'during her natural life': Ann Gibson, widow, was to retain a legal interest in her sons' copyhold.[97] The reasons for the absence of surrenders from widowed mothers to their children are not immediately apparent, but tentatively one may suggest that the joint holding of copyhold property may reflect a general desire to ensure the future independence and security for widows and to define clearly the provision to be made for wives in the event of widowhood.

This desire to define clearly the provision for widows was important, in that it was rare at the second and third stages of the life-cycle for a widow to receive her late husband's entire real estate. Decisions were not made in isolation, without reference to the welfare of the nuclear family. Indeed the tendency within the manors of Chester Deanery and Chester-le-Street for families to enter copyhold tenures suggests that the future of widow and children were closely identified. Typically, Thomas Lawes, his wife Anne and their son Charles at the manorial court of Chester Deanery (13 Feb. 1639) entered into a messuage and garth by surrender of Arthur Smith.[98]

Similar examples are also found within the halmote court books of the manor of Chester-le-Street. One of the nicest examples is that of Michael Askell, who in 1639 inherited as heir to his father, Leonard Askell, interest in a messuage, orchard and garden. Nineteen years later Michael Askell surrendered this copyhold property, only to re-enter immediately with his wife, Jane, and two sons, Leonard and William.[99] In discussing the significance of such examples, it is of interest to note that the admittances, without exception, relate to housing rather than to agricultural land, reinforcing the belief that there was a desire to ensure the maintenance and security of the nuclear family. This motive may have also influenced those testators who were to make joint bequests to a widow and child of house and land. Thus Thomas Haddock of North Ends within the Chapelry of Tanfield directed that the lease of his farmhold should pass jointly to wife and son.[100] Likewise, yeoman Christopher Hickson of High Embleton within the parish of Sedgfield left his 'houses, land and the residue' of his estate to his wife and son in common.[101] Such joint bequests, however, are rare. In the majority of cases it was usual for the division of real estate between widow and children to be clearly defined, with a widow normally receiving a life interest in part or the residue of the real estate. Typically, Augustine Hixon of Morden within the parish of Sedgfield was to leave to his wife 'all my housing and two p(ar)ts of my lands during her life, the remaining third of the land passing to his son, William.[102] Similarly, Elizabeth Maddison, widow of the parish of Chester-le-Street, enjoyed half of her late husband's lease of a farmhold during her life. Only

after her death was the entire lease of the farmhold to come to her son, Richard, and his heirs.[103] Even in cases where the bequest of real estate was made directly to a son, it was the normal practice for testators to make such bequests subject to the proviso that their widows should enjoy a life interest in part of the property. Although Simon Lackinbye of Swainston, by his father's will of 1608, inherited a lease in a farmhold and cottage, it is significant in that not only was his entry into the property delayed until 3 May 1614 but also that his mother was to 'enjoy the moiety of the said farmhold during her natural life'.[104]

While there appears to be no rigid rule as to the form division should take, in a number of cases testators specified that their wives should receive a third part of houses and land. Undoubtedly in certain instances this decision was influenced, if not determined, by the customs of the manorial court. Thus Richard Gybson of Sedgelyield by his will of 1597 bequeathed to his wife half his goods and chattels 'over and besides fyne due unto her by the Custom of the Court'.[105] In other cases it is clear that testators in providing for their widows were to mirror common law. One of the clearest examples of the emphasis upon the 'widow's third' is that of Elizabeth Pearson, the 'beloved wife' of Richard Pearson of Hagg, Chester-le-Street, who died in 1632. By her late husband's will she received

'the third p(ar)t of all my goods and p(er)sonall estate according as the laws requested and lykewise a third p(ar)t of my lands in full lieu and satisfaccon of her third's dower and widowe right of all my goods and estate whatsoever'.[106]

Though less explicit similar consideration appear to have influenced the decision of William Welsh of Lumley to bequeath to his wife, Janet, a tenement and four cattle 'in consideration of her p(ar)t'. [107]

The previous examination, while useful in providing a general impression of the provision made for widows at the second and third stages of the life-cycle, obscures the extent to which the decisions of testators ^{were} pragmatic and responsive to changing relationships within the nuclear family. Two points within the life-cycle can be identified as being important in the decision to re-define property holding within the nuclear family: the majority or marriage of a child and the re-marriage of a widow. With regard to the former, it is clear that in the event of the marriage of a daughter and heiress or at the majority of a son the provision made for widows was occasionally subject to change. Consider, for example, the will (1609) of Ralph Fetherstonhawghe, who in addition to directing that the lease of a tenement should be renewed in his daughter Phillice's name, ordered that

'my wife shall enjoy the comoditye of the same lease and grounds during such tyme as my said daughter shalbe unmarried and if she happen to marrye then my will is that ther be soe much of my tenement bestowed on her as to the discretion of John Fatherstonhawge esq(uire) son of Ludwell, Willaim Stobbes and Xtopher Harrison shalbe thought meet and convenient for her to have'. [108]

More commonly, however, changes in the provision made for widows was associated with the majority of sons at the age of twenty one. A representative example is that of yeoman John Harrison of Stotfieldburn within the parish of Stanhope-in-Weardale. By his will of 5 March 1698/99 he bequeathed

'to my wife the land and stock till my son George come to age and then he must enter the one halfe of the land ... for the other halfe my wife is to have (it) during her life'.[109]

Similarly, Ralph Fetherston of Burnhope, Stanhope-in-Weardale in his will of December 1668 re-defined property holding following the majority of his son Ralph;

'I give and bequeath unto (my wife) all my lease in Burnehoope ... until my son Ralph be one and twenty years of age then aft(e)r shee shall have all the Houses and the two uppermost E(l)lers during her natural life and Ralph after he come to the age of one and twenty shall have the lowest Ele'.

In discussing this issue it is important to distinguish between delayed bequests of houses and land to children and the provision made specifically for widows. Indeed it is significant that Ralph Fetherston bequeathed to his wife 'all my lease in Burnhoope for bringing up my children'.[110] The obligation on the part of widows will be discussed later. For the moment it will suffice to observe that the bequest of an entire holding to a widow until a son reached the age of twenty-one must be viewed as part of a broader strategy to ensure the welfare of the nuclear family, a strategy which is evident in, if not typical of, the parish of Stanhope-in-Weardale.

The re-definition of bequests to widows also occurred in the event of re-marriage. Consider, for example, Margaret Walton, who by her late husband's will (1603) inherited with her daughter a lease of ground at Hartburne 'except itt happin my wife Margerthe Walton do marie and if she marie my will is thatt shee have the third p(ar)t and my daughter two p(ar)ts'.[111] In the event of re-marriage, then, there appears to be a growing

emphasis upon widowright as defined by the law. The clearest expression of this occurs in the will of yeoman Anthony Stephenson of Hedley within the parish of Chester-le-Street, who directed that his wife Anne should receive

'all the whole p(ro)fits and comodities of all my Lande w(hi)ch I have in possession at (the) tyme of my death (Coatfield onlie excepted) for the term of eight years ... for and towards the vertu(ous) education and bringeinge upp of my children, if she shall keep herselfe my wife so longe and if she marrie then this gift to be voide and she to stand to what the lawe will impose upon her for my lande'.[112]

In certain instances widows were to surrender all interest in their late husband's real estate following their re-marriage. Occasionally, as in the case of Cuthbert Emerson who was to leave to his wife the greater part of his customary lands at Lingyridge during her widowhood, this may reflect manorial custom.[113] In other cases the influence is unclear. Consider, for example, the will (1586) of Nicholas Procter, husbandman of Plawsworth within the parish of Chester-le-Street, who was to

'give the lease of my tenement to my wife and children to occupy together during the expiraccon of the said lease, p(ro)vided always she contynew my wife so long or else to be excluded from any benefit'.[114]

In the light of such examples it is tempting to assume, as Margaret Spufford has cautiously stated, that 'sometimes the feelings of the dead husband seems to lie behind this cessation'.[115] It is a conclusion which receives some support from the Consistory Court deposition (28 May 1625) of the Vicar of Coniscliffe in the testamentary cause following the death of William Richardson of Upper Coniscliffe. Thus he related to the court how he had refused to write the will of William Richardson because he believed that the testator's bequest of a close and

garth to his wife 'so long as she kept herself a widow and continue as his wife' was made with the 'intent thereby to restrain her from marrying'. [116] The evidence of wills, however, suggests that such emotional responses were rare. Indeed in so far as testators recognised and appear to have accepted the possibility of the re-marriage of their widows, it may be argued that testators felt relieved of the obligation to provide for their widows' maintenance following their re-marriage. While superficially attractive, two observations suggest that this hypothesis is too simplistic. Firstly, it is important to stress that such conditional bequests of houses and land to widows were exclusively associated with the second and third stages of the life-cycle. Such an observation leads to the conclusion that testators in making such conditional bequests sought to protect the interests of unmarried children. Certainly there is evidence to suggest that the bequest of houses and land to widows was often related to the provision for unmarried children. Recall again the example of Anne Stephenson, who, by her late husband's will, received all his land 'for and towards the vertu(ous) education and bringing up of my children'. The precise relationship between the provision made for the widow and that made for children remains unclear, and was only to be defined in the event of re-marriage. If she remarried 'this gift was to be void' and Anne Stephenson was to receive 'what the law will impose upon her'. [117] Similarly, George Chilton, husbandman of Chester-le-Street was to leave to his wife a cavil of desmesne land 'for her and my children during the lease'. As in the previous example this bequest was conditional upon her continued

widowhood; 'if she marry again before my lease expires she shall have but a third p(ar)t only'.[118] Both testators felt the need to define property holding within the nuclear family and to secure the rights of their children. Perhaps they sought to avoid the 'decay' of their children's estate, as was alleged in the Consistory Court cause following the marriage of Isabel Johnson, widow of William Johnson, to Henry Franklin of the parish of Kello. Although extreme the case serves to illustrate the possible conflict of interest. Thus it was alleged

'that the said Henry Franklin and Isabel his wife before and since their marriage together have wasted their own goods but have also wasted and consumed the goods and portions of the said children whereby their estate is decayed ...'.[119]

Such fears may also have influenced John Lawes of the parish of Chester-le-Street, who in his will of 1588 was directed

'that my wife shall have my children and theyre portions and their land and the bringing up of them during her widow head and no longer. And at her marieng, then I will my brothers Andrews Lawes and Rauffe Lawes shall have my childringe and their portions and the bringing up of them till they come to xxi yere of age'.[120]

There emerges, then, in the event of re-marriage a desire to define the provision made for children. In view of the concern displayed for the security of children, one final question remains to be answered: why should conditional bequests to widows be primarily associated with the parish of Chester-le-Street, and to a lesser extent with the parish of Stanhope-in-Weardale? It is significant that only one conditional bequest of land occurs within the Sedgefield wills. Thus Samuel Walker of Swainston directed in his will of 1665 that, in addition to the residue of his estate, his wife should

receive his land in Trimdon until his son was twenty one,

'if Ann my wife remains soe long unmarried and if she happen to marry before that time my will is that the profits and issues of said land be and inure to my s(ai)d son Pater from and immediately after the time of the s(ai)d marriage or to his tutor and guardian'.[121]

Although this will shares characteristics of wills drawn from the parishes of Chester-le-Street and Stanhope-in-Weardale, within the Sedgefield wills it stands alone. For the vast majority of testators within the parish of Sedgefield, as in Terling, 'the possibility of the re-marriage of their widows does not seem to have been something that disturbed them'.[122] It would be naive, however, to assume that the absence of conditional bequests indicates any lack of concern on the part of testators for the security of their children, the very contrast between the parishes suggests that this theory must be discounted. If we are to understand why testators made conditional bequests it is necessary to place them within the context of the contrasting inheritance strategies within the three parishes. When placed within this wider perspective, it is revealing to note that there is a tendency within the Sedgefield wills for the provision for widows and the preferment of children to be clearly defined. Consider, for example, the case of yeoman Anthony Gregson of Sedgefield. By his will of 1622 Anthony Gregson directed that his wife should receive a life interest in the third part of his 'lands in Sedgefield of his Ma(jes)tie in fee farme', where the other two thirds were to be 'for and towards the education and mainteynance of John Grey (his) son till he accomplish the age of xviii years and then to accompt to (his) sayd sonne for all the mean profits thereof'.[123] Free from conditions, the provision

for wife and child is immediately defined. By contrast within the parishes of Chester-le-Street and Stanhope-in-Weardale certain testators left their entire estate of houses and land to their widows for the maintenance and security of their children, thus blurring the distinction between the provision made for widows and that made for children. Only in the event of the re-marriage of a widow were the details of provision precisely defined. Within the broader study of inheritance strategies within the life-cycle, the importance of such differences should not be exaggerated. There can be detected within the wills of those at the second and third stages of the life-cycle a common strategy, a pragmatic strategy which not only sought to provide for widow and children but to be responsive to possible changes in family circumstances and thus to define property holding within the nuclear family.

As in the case of real estate, bequests of goods and chattels to widows at the second and third stages of the life-cycle were inextricably linked to the future preferment of children and relationships within the nuclear family. In contrast to the first and final stages of the life-cycle it was rare for bequests to be made in isolation without reference to the provision for children. Anthony Chapman's bequest to his wife of all his 'goods moveable and unmoveable to use and dispose of at her own will and pleasure as she thinks fitting', although typical in the initial stage of the life-cycle, was unusual for a testator who left unmarried children.[124] In the case of personal property it was normal for male testators to pass all or

the residue of their moveable estate to their widows and children in common. For example, Thomas Haddocke of Pelton left his goods and chattels to his wife and four children 'to dispose (of) my goods to the glorie of God and their commodities'. [125] There are many such examples. With regard to the division of personal property between widows and children, a handful of testators were to be guided by the law of the Northern Province. Thus Ralph Teasdale by his will of 1623 directed that his wife Anne should receive the

'third p(ar)t of all goods and redie money w(hi)ch is three score pounds whereof twenty pounds as (her) third part ... and the other fortie pounds in redie money to be divided equally among my children that is to say John Teasdale, Wilyam Teasdale, Ann Teasdale and to the child my wife is now with'. [126]

Similarly, Richard Reede, gentleman of Great Lumley, in bequeathing his goods and chattels to his wife and children, added the rider that his goods should be divided 'as the lawe requires'. [127] This emphasis upon the legal division of moveable estate can also be found in the will of Thomas Chapman of Frosterley, who in addition to his direction that his wife should 'have maintenance for meat and drink on my lyvinge during her natural life', left to his wife the portion of goods 'dewe to her by the lawe'. [128]

The importance of the law as a guide to testators should not be exaggerated; there was no rigid adherence to the example of legal prescriptions. In the majority of cases the decisions of testators appear to be more pragmatic owing more to family circumstances than to rigid legal formulae. This is clearly illustrated in the will (1662) of the yeoman John Craven of

Pictree within the parish of Chester-le-Street:

'I give and bequeath all my worldly goods to my beloved wife Ann Craven and to my daughter Catherin Craven ... and for the household goods that are within the house my will is that my wife do keep and enjoy those goods that I had with (her) when we were married and that my daughter Catherin Craven shall have and enjoy the goods that were her mother's for that household stuff they shall either know their own...'.[129]

In all probability John Craven sought to avoid the possibility of future conflict between step-mother and step-daughter. In the majority of wills, however, the residue of personal estate was left to widow and children in common: no direction was given as to the form any division should take. While it is tempting merely to view this as part and parcel of the laconic nature of wills, it seems probable that such joint bequests reflect the pragmatic aspect of inheritance decisions and the desire to channel resources into the household in order to maintain the original nuclear family. There can be little doubt that such practical considerations influenced Ralph Ord, yeoman of Sedgfield, who ordered in his will of 1685

'that the plough gear and waine gear should remain in the possession of my wife and three sons to be jointly used among them and if it have any need of reparations it is to be repaired by them that have the profit of them'.

Only after the death of his widow was the plough and waine gear to be divided equally among his sons.[130]

This wish to maintain the nuclear family is often explicitly stated in the wills. Robert Cuthbert of Ravensworth, for example, by his will of 1582 directed that his wife and four sons should 'be found on (his) farmhold'.[131] Similarly, yeoman Christopher Hickson of Embleton within the parish of Sedgfield

willed 'that my three daughters ... continue w(i)th their mother and their brother John ...'.[132] Of course in so far as the nuclear family was to be a source of support for children during their minorities or 'till they be able to do for themselves', it was not intended that the family should remain together indefinitely.[133] Indeed this was recognised by several testators who were to suggest that the family should remain together for a minimum period at least. Widow Isabel Wilde of Kibblesworth in her will of 1612 desired 'that Anthony, Ralph, and Elizabeth my children shalbe brought up upon my farmhold for the space of six years after my departure', while Robert Robson of Urpeth required that 'all my children ... agree and abide together during the time of my lease of the farm I now live on at Urpeth'.[134] Practical considerations also reveal the testators' concern for the future maintenance of the nuclear family. Although somewhat unusual Robert Emerson of Ludwells bequest to his 'sarvand John Em(er)son' of 'the one half of Blacklodge so much as belongeth to me so long as he ys good to my cheldar and doth remaine about the house', reflects the common concern for the welfare of the family. Only when John Emerson was to 'go away and marry' was his share of Blacklodge to pass to Robert Emerson's wife and four children.[135] More commonly, however, the family appears to have been self-supporting with the widow having authority within the household. While Roland Galilee of Lintzgreen in leaving his son Nicholas a 'little lease of Southfield and ten thraves of oates if he continue to dwell with his mother to spend them in the house', expected his son to contribute to the family economy, it is clear that Roland Galilee

intended that authority within the house should fall to his widow, Jennat, as 'head and governor'.[136] Similarly, William Greeve of Bradbury within the parish of Sedgfield in his will of 1679 was to 'order and give both my said children Robert and Ann Greeve to be very duetyful to my s(ai)d wife and to be advised by her soe farr as may tend to their respective goods and as the law of God com(m)ands.[137]

With the position of authority within the household came the responsibility of completing the process of educating and 'putting forth' of children: the principal legacy to the widow. Although it is true that some testators appointed tutors and guardians, this should not be allowed to obscure the important role of widows in completing the upbringing of children. Indeed, it is significant to note that the appointment of tutors and guardians outwith the nuclear family often occurred in cases where the testator left no widow.[138] It appears that many shared the view of William Cotsforth of Blackclough within the parish of Stanhope-in-Weardale. Survived by three children all under the age of majority, William Cotsforth in his will of 1661 ordered that his wife, Mary, should

'have the tuition of them till they attain these yeares, and if it shall please God that shee die in the meantime then I doe appoint my brother John Cotsforth of Jollybody and my brother Arthur Emerson of Shorthorns to be guardians for them'.[139]

In those instances where a widow did survive, it is clear that the appointment was in many cases associated with specific family and economic circumstances. Unlike the selection of godparents, there is little evidence to suggest that the choice of tutors and

guardians 'was used to strengthen friendship, reinforce kinship and encourage the goodwill of actual or prospective patrons or employers'.[140] It is of interest to note, therefore, that testators who chose to appoint tutors and guardians were often drawn from the more prosperous elements in society, with the majority having wealth in excess of one hundred pounds.[141] It is an observation which suggests that the role of tutor and guardian was specifically concerned with ensuring the economic security of children, rather than with social prestige or the emotional needs of the child.

This impression is strengthened when attention is turned to the evidence of both wills and legal treatises of the period. Thus the sixteenth century jurist, Henry Swinburne, while referring in general terms to the tutor's role in ensuring that the child 'bee honestlie and vertouslie brought up', was to become much more specific in describing the tutors economic function in ensuring the material wellbeing and protecting the inheritance of his charge. Thus the tutor was required 'to provide for him meate, drink, cloth, lodging, and other necessaries, according to the child's estate or condition and abilitie'. Furthermore, while the tutor 'maie alienate and sell such goodes belonging to the pupill, as cannot be kept untill he come to lawfull age ... other goods which maie be convenientlie kept, and especiallie goods immoveable, the tutor maie not sell or alienate'. The role of tutor and guardian as outlined by Henry Swinburne was primarily economic.[142] Henry Swinburne's concern for the current and future material welfare of the child

is echoed in the will (1632) of the wealthy yeoman Richard Pearson of Hagg within the parish of Chester-le-Street:

'And whereas my said sonne Thomas is of very tender yeares and not able to governe himself or his estate I doe hereby make and appoint my good neighbours and friends Mr. William Knaresbroughe of Tywsele gent(leman) and Rauffe Cooke of Pelton yeom(an) tutors and gardyans to my s(ai)d sonne desyring them both as my trust is in them, that they will see my s(ai)d sonne ... brought upp according to his ability and means and that they will be ayding and assisting unto him in anything that may concern himself or his estate'.

While it is true that William Knaresbroughe and Rauffe Cooke appear to have been entrusted with the upbringing of the young Thomas Pearson, the phrase 'according to his ability and means' suggests that they were to be primarily concerned with the material welfare of the child, advising him on matters relating to 'his estate' rather than providing emotional support and direction. Such an interpretation of the limited brief of tutors and guardians is supported by Richard Pearson's later instruction that

'Elizabeth my wife shall have the education and bringing up of my s(ai)d son ... and that in lieu thereof she shall have £3 6s 8d paid or allowed unto her ... of my s(ai)d son's estate'

Only if Elizabeth remarried was the education of Thomas to be placed in the hands of the appointed tutors and guardians.[143] A similar emphasis upon the protection of the economic interests of children can be detected in the will (1619) of the yeoman John Johnson of Greenhead within the parish of Stanhope-in-Weardale, who directed that his brothers, Henry and Ralph

'immediately after my death shall enter upon all my goods and chattels as well as moveable and unmoveable excepting such as shalbe due unto my wife by the law and the same to be set forth until he come to lawful years to chuse his own tutor ... Any my will is also

(that) my said sonne and my said bretheren to pay for his school wages'.

It is clear from this extract that Henry and Ralph Johnson were required to fulfil an essentially economic role. Moreover, although Ralph Johnson was to be allowed 'to chuse his own tutor' when he reached 'lawful years', it is significant that his mother was 'to have the keeping of him in the meantime'.^[144] Unfortunately, few testators were to define the role of tutor and guardian so clearly, but the impression gained from the more explicit wills is that their role was to offer advice and to protect the economic interests of the child. Thus Samuel Walker of Swainston within the parish of Sedgfield in his will of 1665 sought to protect the interests of his young son and daughter by appointing George Ovington as tutor and guardian. His role was to 'agitate from time to time during their severall and respective minorities of them ... shall be interested or concerned in'.^[145] Similarly, Anthony Wall of Coves within the parish of Stanhope-in-Weardale in his will of 1694 requested that his brother should be 'ayding' to his daughter.^[146] Such limitation in the role of tutor or guardian is revealing, suggesting that there existed a strong preference that the 'tuiton' of children should continue within the nuclear household.

Occasionally, as in the will of Robert Clerk of Great Lumley within the parish of Chester-le-Street, a testator would direct that his wife and eldest son should share the task of caring for children, yet in the vast majority of cases responsibility for

the education, emotional and economic support of children was to be placed solely and firmly in the hands of widows.[147] Thus John Cloase of Sedgefield left the residue of his estate to his wife 'that she may be a good and natural mother to my children', while in a similar vein the yeoman Robert Fawden of the neighbouring village of Bradbury in his will of 1667 hoped that his wife would 'be a loving master and director and counsellor' to their children.[148] Such sentiments are common and find expression not only in such explicit statements but also implicitly in the form of bequests to widow and children. Consider, for example, the detailed will (1614) of Anthony Stephenson of Hedley within the chapelry of Lamesley, who ordered that his wife, Anne, should receive

'all the whole p(ro)fitts and comodities of all my lande w(hi)ch I have in possession at (the) tyme of my death (Coatefield onlie excepted) for the term of 8 y(ea)rs ... for and towards the vertuous educacon and bringeing upp of my children'.[149]

Though less detailed a similar desire to secure the material welfare of children within the nuclear family influenced Thomas Mayer of Plawsworth in his decision to leave his farm solely to his wife 'to bring up my children withall'.[150] Widows, however, were not merely required to secure the immediate welfare of children, as they were also to be responsible for the 'tuition' and 'putting forth' of children: in short, preparing them for an independent future. Central to the future independence of children was the provision of economic resources, resources which were often placed for safe keeping in the hands of widows until the children reached the age of majority. Typically, John Gibson of The Loaning within the parish of Stanhope-in-Weardale willed

'that the governance of all the said children and their portions should be committed to his said wife for their better education until such tyme as they shall come to lawful age to receive the said portions and legacies'.[151]

In the light of such evidence we may speculate that the placing of children's portions in the hands of widows may have served to reinforce the authority of the widow within the nuclear family. It should be emphasised, however, that the widow's role as tutor involved more than that 'she chastice them, when they deserved to be corrected, (for to have the tuition of children is a greater thinge and extendeth further then to have a care of them onlie)'.[152] Indeed in a few wills there are signs that widows were expected to direct the future of children. Thus by his will of 1599 Roland Emerson of Stanhope put his wife 'in trust to bring up my children and as they come to aige to marry them as God shall permit'.[153] Similarly, the shopkeeper Robert Webster of Chester-le-Street bequeathed to his wife, Sarah,

'all the rest of my goods and chattels, wares and debts, in consideration of what she brought with her and for the payment of my debts and for the bringing up of my children as far as she shall be able and to put my two sons to sure trades or employments as she shall think fit, so leaving my wife as sole executor'.[154]

Such examples, however, are rare and may reveal more about parental aspirations for children than the role of widows in directing the lives of children.

Conclusion: The Principal Bequest

The desire, then, to ensure the future security of widows was strong at all levels of society. While wealth certainly increased the number of options available, it was not the main

determinant of the strategies adopted. For the life cycle stage above all else determined the route taken to secure both the material welfare and independence of widows. This was perhaps simplest at the initial stage of the life cycle, when widows frequently inherited a life interest in land in addition to the residue of personal property. Economic independence was implicit in such arrangements. Similarly, at the final stage of the life cycle there exists an emphasis upon the continued independence of the widow. For while occasionally widows were to dwell with a married child, it is significant that alternative arrangements were often made in case of conflict. Independence was clearly valued. In this respect clear parallels can be drawn with the gradual process of retirement, in which parents frequently retained an interest in land. At the second and third stages of the life cycle, however, the provision made for widows was inextricably linked to the future of the nuclear family. As such the strategies adopted were pragmatic and responsive to changing relationships within the nuclear family, especially as the result of the remarriage of a widow or the reaching of the age of majority of a child. In both instances the division of real estate was clearly defined with widows usually receiving a life interest in a third of the land. Prior to this division, however, it is clear that both land and personal property were to be used to maintain the integrity of the nuclear family and to complete the upbringing of the children. While wills laid down guidelines, it was the widows duty to ensure that children were 'put forth' and inheritance strategies executed. This was the principal bequest to widows.

Provision for Children: The Strategies

From the preceeding analysis it is clear that in many cases (approximately half) bequests to children were not expected to be of immediate effect but were delayed until children reached majority. Indeed, as Keith Wrightson and David Levine have observed, 'frequently the ultimate outcome would be rather different from that laid down by the testator as a result of the early deaths of some of the children' and the resultant redistribution of portions.[155] In that testators were acutely aware of their children's mortality, it is important that any study of the provision made for children should examine both the allocation of portions and the arrangements made for the redistribution of portions in the event of the premature death of children. Only then can we approach an understanding of the factors influencing the decisions of testators in matters of inheritance.

A preliminary examination of inheritance patterns as revealed in the wills suggests that the behaviour of individual testators cannot be explained in terms of a single variable, whether wealth, life-cycle or demographic fortunes of the nuclear family. In the search for distinct patterns within the will-making population, however, it is clear that demographic fortunes and, to a lesser extent, life-cycle, were of greater significance than wealth, which appears to have only broadened the options available to the testator rather than influencing practice or aspirations.

The allocation of portions was, of course, simplest and least complicated where the testator was survived by a single child.[156] In such cases it was usual for the child or occasionally, if a married daughter, son-in-law to receive the entire inheritance, excepting the widow's portion. Typically, Richard Pearson of Hagg within the parish of Chester-le-Street following the bequest to his wife, Elizabeth, of

'the third p(ar)t of all my goods and p(er)sonall estate according as the lawe requested and lykewise a third p(ar)t of my lands in full lieu and satisfaccon of her thirds dower and widowe right of all my goods and estate whatsoever',

left 'all the rest of my goods and chattels real and p(er)sonall... unto my only sonne Thomas Pearson'.[157]

Similarly, the wealthy yeoman John Johnson of Greenhead within the parish of Stanhope-in-Weardale in his will of 1619 bequeathed to his son, Thomas, 'all my goods and chattels as well moveable and unmoveable excepting such as shalbe due unto my wife by the law and the same to be sett forth until he come to lawful years'.[158]

This wish that the whole estate should pass to an only child is not only found in the wills of the wealthy. The brief but poignant will of William Younge of Sedgefield bears testimony to this fact. Thus by his will of September 1613 William Younge was to

'bequeath unto my sonne Ralph Younge if he return to Sedgefield any time w(i)thin the space and time of seaven yeeres next all my goods whatsoever'.

Only if his son failed to return were William Younge's goods to be given to the poor. An inventory taken a few days later (9

September 1613) valued his goods at £15 19s. 8d.[159] Just as wealth appears to have been of limited significance in the provision made for the single child, so the sex of the child seems to have had little bearing on the form of bequests. The will (1679) of Anthony Sampson of Pelaw within the parish of Chester-le-Street is rare, in that he directed that following the death of his wife, his only daughter, Anne, should receive an annuity of twenty shillings paid out of his real estate. The real estate itself was to be passed to Anthony Sampson's brother, Ralph, and following his death to descend to his son and 'to the heires male of his body lawfully begotten'.[160] Normally, however, no distinction in the form of bequest appears to have been made on the grounds of sex: daughters, like sons, usually received the entire inheritance whether in real estate or personal property. Typically, Christopher Walton of Hartburn within the parish of Stanhope-in-Weardale in his will of 1603 bequeathed to his only child, Jane, not only 'twenty ewes and lambs, two kyne and one quie', but also, in common with his wife, a lease of ground at Hartburn, 'except itt happen that my wife Margerthe Walton do marie and if she marie my will is thatt she shall have the third part and my daughter two parts'.[161]

Where a testator had no sons, but was survived by two or more daughters a variety of strategies emerge.[162] In the majority of cases the provision for daughters involved bequests of cash or goods, bequests which, as in the Essex village of Terling, reflect 'a fairly equal division among entirely married or unmarried daughters'.[163] Thus Henry Saunders of Lamesley

within the parish of Chester-le-Street left to his two unmarried daughters, Elizabeth and Mary, ten pounds each.[164] A similar desire for equity in bequests can be detected at the final stage of the life-cycle. Having seen the marriages of his four daughters, John Sheele of Hartburn within the Weardale Chapel of St. John, willed that each should receive the sum of four pounds ten shillings.[165] Even in cases where cash was not involved, there appears a concern that daughters should receive fairly equal portions. Consider, for example, the will (1615) of William Smith of West Morden within the parish of Sedgefield, who wished to bequeath to his three unmarried daughters, in addition to a share in the residue of his estate with his widow, certain stock. Thus his eldest daughter, Agnes, inherited two ewes with lambs, his second daughter, Meryall, received a cow called 'Lovelie' and his youngest daughter, Alice, a cow and a lamb. Although the survival of an inventory of Thomas Smith's estate suggests that in theory it is possible to translate these bequests into comparable cash sums, in practice the breakdown of the stock by type of animal and their young makes it impossible to establish the value of individual animals.[166] Nevertheless the impression gained from the will is one of equity, if not total equality.

This concern for equity is especially clear at the third stage of the life-cycle, where testators were survived by both married and unmarried daughters. One of the clearest expressions of this desire for equity is to be found in the will (1630) of the yeoman Cuthbert Wheatley the Elder of Kibblesworth within the

parish of Chester-le-Street, who bequeathed the residue of his moveable and immoveable estate to his wife 'conditionally that my s(ai)d wife ... doe make my daughter Katherine Wheatley equal in her child's porcon as I have already given and bestowed upon the rest of my daughters at their sev(er)al marriages'. [167] Though less explicitly stated, a similar concern for equity can be detected in the provision that John Lee of Sunderland within the parish of Stanhope-in-Weardale made for his six daughters. His unmarried daughters Elizabeth, Francis, Alice, Mary and Isabel received by their father's will portions of twenty pounds each. In addition John Lee directed that if his daughters

'marry w(i)th the consent of John Lee of Walnut, Tho(ma)s Dawson of Spenseycroft, Roland Emerson and Cuthb(er)t Atkinson of Rookshope and Rob(er)t Brum(m)well of the same and Francis Lee my loving wife, or any thre of them or shall attaine and come unto the age of twenty fower years and remaine unmarried then my will is and I doe give upon condition foresaid unto every one of my said daughters viz Elizabeth, Francis, Alice, Mary and Isabel the sum of twenty pounds a peice ...'.

Presumably, his eldest daughter, Margaret, had earlier secured her father's approval for her marriage to Nicholas Brummwell, as John Lee recalls in his will that Margaret 'hath had and received in mony and goods to the value of fortie pounds'. It is of interest to note, however, that, John Lee was anxious to ensure that Margaret and Nicholas Brummwell should make no further claim upon his estate with regard to Margaret's filial portion. Thus he ordered that

'If she the said Margaret together with her husband shal release and disclaim all title of filial porcon after my decease, then upo(n) that condicon and not otherwise I doe give and bequeath unto my Grandchild John Brummwell the somme of twenty pounds to be paid partlie when he shalbe put to an apprentice and partlie

when he shall attain the age of twenty and one years after the said Francis Lee shall marry or depart this life'.[168]

The desire for equity appears to have been a powerful force in shaping the provision made for daughters.

In the few cases where land and houses were involved, no single clearly defined strategy emerges. In some instances testators chose to leave their real estate to their eldest daughter or, if married, sometimes to her husband, while others favoured partible inheritance. One of the clearest illustrations of partible inheritance is to be found in the will (1684) of the yeoman John Elwood of Stanhope-in-Weardale, who left his house and garth jointly to his three sons-in-law, while his three daughters each received equal shares in his stock and household goods.[169] The practice of partible inheritance was mirrored in the customs of the manors of Sedgfield, Chester-le-Street, Chester Deanery and the Forest and Park of Weardale. A representative example of the joint inheritance of copyhold estate by daughters is that of Elizabeth Shakelock, the widow Jane Clerke and Ann Clerke, who as daughters and coheiresses of the late Charles Porter inherited their father's interest in considerable copyhold property, land and grazing rights within the manor of Chester-le-Street by surrenders dated 12 May 1681.[170] Similarly, following the death of John Parkinson, his widow and two daughters entered the manorial court of Sedgfield (5 April 1681) to lay claim to John Parkinson's interest in certain copyhold estate. Thus Mary Parkinson claimed a life interest in a house and garth in Sedgfield as 'widow and relict'

of John Parkinson, while her daughters, Maria wife of Humphrey Porter and Mary wife of Richard Porter each acquired a half share in the property as daughters and coheireses. As a postscript it is interesting to observe that at the same court the widow Mary Parkinson and her daughter, Maria, surrendered their interest in the house and garth to Richard and Mary Porter.[171] Even in cases of partible inheritance there may have been a tendency where possible to avoid dividing real estate.

Contrast the above examples of partible inheritance with the will (1675) of Edward Brady of Stanhope-in-Weardale, who bequeathed to his son-in-law, Thomas Tinby, a house and garth within Stanhope. In addition his eldest daughter, Ann Tinby, and her children received half of her father's 'debts, bonds and bills'. The remaining half was to be passed to his daughter, Alis Stobs, and 'her childrne or child according to the last agreement made between me and George Stobs', her husband. Unfortunately, the will gives no clue as to the details of this agreement or whether it influenced Edward Brady's decision to leave his house and land to his eldest daughter's husband.[172] In assessing the significance of the contrast in inheritance patterns, it is important to emphasise that the examples cited above illustrate the range of variation in strategies rather than discrete alternatives. For the majority of testators the desire to secure equity in the provision for daughters dictated that a much more flexible and pragmatic approach should be adopted, an approach in which the distinction between primogeniture and partible inheritance was inevitably blurred.

Something of the flexibility and pragmatism of inheritance is captured in the will (1609) of the husbandman John Cloase of Sedgfield, who directed that following the death of his wife, his son-in-law, William Barker, and his daughter, Alis, should each inherit an oxgang of land. The bequests, however, were not unconditional. Attached to the bequest of William Barker was the proviso that he should pay twelve pounds to three of John Cloase's daughters; namely Margaret, Ann and Francis 'for the mending of their portions'. Likewise, Alis was required to pay four pounds to her sisters. Such obligations clearly had the effect of equalising what at first sight appear to be unequal bequests. This desire for equity is also evident in John Cloase's bequest of cash portions. Thus his four unmarried daughters each received four pounds. While his married daughter, Elizabeth Barker, also received four pounds, it is significant that her father recorded the fact that 'her husband hath received w(i)th her already five marks'. Only one mark remained unpaid.[173]

The interest in the will lies not only in its highlighting of the complexities of provision but also in its suggestion that land and houses, like goods and cash, were regarded as resources with which to achieve equity. The example of Martin Lawes of Kibblesworth within the parish of Chester-le-Street will serve to endorse this belief. In his will of 1662 William Lawes stated that following the death of his wife, his daughter, Isabel, should inherit a house and close with two rigs of land, while his daughters Jane, Catherine and Ellianor, were to receive 'all

my other lands and grounds lying in the townfields of Kibblesworth'. With regard to his goods Martin Lawes willed that his daughter, Isabel, should receive 'so much of my personal estate as the other of my daughters have p(ro)portionally had'. Although his instruction that 'if any of my daughters or their heirs so sell or let their p(ar)ts that they shall tender it ... to their sisters before any others', suggests that Martin Lawes wished to retain the land within the family, there are clear signs that in the case of provision for daughters, testators were prepared to see their real estate divided: the desire for equity appears to have been given higher priority than the desire to maintain a viable farming unit.[174]

By contrast the maintenance of a viable farming unit was to assume a far greater importance in determining the form of bequests in cases where a testator was survived by an only son and a daughter or daughters.[175] In such instances it was the usual practice for the son to inherit the land and houses, while daughters received portions of goods or cash. Thus while George Chilton of Chester-le-Street in his will of 1609 left to his three children Philip, Alice and Isabel ten pounds each 'put forth for the most advantage', it is significant that his lease of land within the manor of Chester-le-Street was eventually to descend to Philip. Although initially George Chilton's wife held the 'whole cavill of desmesne in Chester for the maintenance of her and my children during the lease, if she continue so long a widow', following expiration of the lease, a new lease was to be 'taken out onlie in my son Philip's name'.[176]

It would be misleading, however, to assume on the basis of the above example that the tendency towards male primogeniture was determined purely by manorial custom, as the descent of both customary tenures and freehold to sons appears to have been the normal social practice. A clue to the extent of the practice is given in the will (1597) of William Stobbes of Westgate within the parish of Stanhope-in-Weardale, who left to his daughters, Margaret and Jane, two fothers of lead and forty shillings respectively, while bequeathing to his son, William, 'my farmhold according to the custom of the country'.^[177] Although few wills are so explicit, it is clear that similar considerations influenced Arthur Fetherstonhalgh of Newlandsyde in his decision to leave to his son, Francis, 'the title of my farmhould after his mother's death', in addition to twenty pounds and 'a brazen mortar'. His two daughters, in contrast, received certain household goods and, in common with their mother, the residue of the estate as well as twenty pounds each.^[178] Similarly, Samuel Walker of Swainston within the parish of Sedgfield bequeathed to his son, Peter, in addition to sixty pounds in cash, 'all my land in Trimdon' when he reached the age of twenty one. His daughter, Ellen, at the age of twenty one or when she married was to receive a sizeable portion of one hundred and sixty pounds.^[179]

Although occasionally testators left additional land to a daughter or daughters, it is important to stress that such cases were not only a departure from the norm but also that they rarely involved the bequest of heritable real estate. Consider, for example, the will (1617) of the widow Francis Scott of

Chester-le-Street, who having bequeathed a lease of 'the Maynes within Chester' to her son, directed that her daughter, Isabel, should have the use of a cow gate in winter and summer during the term of the lease.[180] A greater degree of equality in bequests is to be found in the will (1609) of William Emerson of Low Horsely within the parish of Stanhope-in-Weardale, who left to his son and daughter jointly four beastgates 'w(hi)ch I have of Ralph Trotter for 6 years yet to come'.[181] Again it is important to emphasise that the bequest involved short term leasehold property. In assessing the significance of such examples it is possible to suggest that testators were willing in certain circumstances to hive off or divide smaller, negligible holdings. It is a point to which we will return later, but for the moment it will suffice to note that the above examples are rare. Even wealthy testators appear to have preferred to pass their real estate intact to a son, while providing their daughter or daughters with often large cash portions. Recall again the example of the wealthy yeoman Samuel Walker, who left his land to his son, while bequeathing to his daughter a portion of one hundred and sixty pounds.[182] Similarly, John Wall of West Hare Hope within the parish of Stanhope-in-Weardale willed that his daughter should receive one hundred and twenty pounds as her child's portion, while his land in Hilton descended to his son, John.[183]

Despite the differing form of bequests, it would be wrong to assume that testators favoured sons rather than daughters in matters of provision. Indeed there is only one example of a

testator apparently favouring a son over a daughter in inheritance. The example is that of John Harrison of Stotfieldburn within the parish of Stanhope-in-Weardale, who having willed that half of his land and stock should pass to his son, George, when he reached majority, specified that his wife should 'peay to my daughter what she is able'.^[184] No other evidence emerges to suggest that the provision for sons was given greater priority. On the contrary the wills reveal a strong desire for equity in the treatment of children. This is clearly expressed in the will (1590) of John Bearpark of Sedgefield, who while directing that following the death of his mother, his son, Christopher, should fall heir to 'the lease of a house in Durham held of the Dean and Chapter', stressed that Christopher's 'parte at the deviding of my goods shalbe the lesse'.^[185]

This desire for equity can also be observed in the arrangements made for the payment of portions to daughters. In several instances the payment of portions was to be made directly out of real estate. Thus John Johnson of Sedgefield in his will of 1591 ordered that his four daughters Ann, Sara, Damaris and Hester should

'have and enjoy when they shall come to be married the reversion and commodities of my farmhould and tenement in Butterwick during space and tyme of two hole years ev(ery) one of them to be their dowrie and to marie them w(i)th all'.

Only after eight years, then, was the farmhold and tenement to pass to John Johnson's wife and presumably, though this is not stated in the will, to his young son, Samuel, who was to be 'well and sufficiently maintayne(d) ... at the univers(ity) and other

schoolers'.[186] In similar vein Thomas Wall of Frosterley within the parish of Stanhope-in-Weardale made the conditional bequest to his son, George, of the

'lease of Hallcroft for 2 years to come he paying to (his) sisters for there part accordingly to the rate that I gave for it, the whole valewe equally divided amongst them'.[187]

In yet other cases a son receiving land was required to pay cash legacies to a sister or sisters over a period of years. This practice is clearly visible in the conditions attached to William Taylor's bequest

'to my only son William Taylor all my land and all my goods and chattels, he paying my daughter Elizabeth Taylor the just sum of £150 to be paid at her marriage or when she come to one and twenty years of age'.[188]

Of course in the absence of any evidence as to the value of the land it is impossible to establish whether the children were in fact being treated equally. Nevertheless the choice of the phrase 'the just sum' is of interest in that it implies that there existed at least a notional sense of equity in the provision made for children, a sense of equity which can also be detected in the will (1680) of Christopher Hickson of High Embleton within the parish of Sedgefield. Thus Christopher Hickson directed that his three daughters should each receive one hundred pounds at the age of twenty four. Responsibility for the payment of these sizeable portions was placed in the hands of Christopher Hickson's son, John, who in common with his mother was to inherit houses, lands and the residue of his late father's estate. The burden of repayment was somewhat reduced by the fact that John was not required to pay the portions immediately but by instalments of twelve pounds a year to each of his sisters 'until

the portions be made up'. In the meantime Christopher Hickson ordered that his daughters should 'continue with their mother and brother John and to have all the necessaries according to equitie'.[189] Despite such concessions in the payment of portions, there can be little doubt that the burden on the estate of the inheriting son was considerable. It seems likely, then, as Keith Wrightson and David Levine have stressed, that 'this practice may have had the effect of equalizing what appear to be unequal inheritances at first sight'.[190]

In the above description of the provision made for children attention was focussed upon those wills which involved the bequest of real estate and as a consequence it primarily referred to families at the second stage of the life-cycle. Although this may be a somewhat fortuitous finding, there are signs that in the latter stages of the life-cycle land and houses were less frequently available, as wills increasingly became concerned with the bequest of goods and cash, which suggests that children had been preferred earlier in the process of gradual parental retirement.[191] In those wills where all or some of the children had already received their portions there can be detected again a striking concern for equity. At the final stage of the life-cycle there was a fairly equal division of the residual cash and goods as legacies to children. Thus Richard Walker of Morden within the parish of Sedgefield willed that his son Robert should receive a cow and a foal, while his three daughters each received a cow. All bequests were made 'over and above' their filial portions.[192]

Although at the third stage of the life cycle the apparent imbalance in bequests suggests that the desire for equity was weaker, the distinction drawn by testators between married children, who had been preferred earlier and were to receive token legacies, and unmarried children, who were to inherit larger sums reveals that equity remained a central concern. This distinction finds clear expression in the will (1679) of John Rutter of Chester-le-Street, who directed that his unmarried daughters, Anne and Francis, should each receive five pounds at the age of twenty four and a further five pounds at the age of twenty eight. Similarly, his son, John, was to receive ten pounds paid in two parts at the age of twenty one and twenty five, and a further sum 'to put him into a trade when he is fit for one'. In contrast to the above bequests John Rutter's married daughter, Mary Hall, received a legacy of six shillings and eight pence.[193] A similar distinction between married and unmarried children was drawn by Emanuel Southgate of Braike Leazes within the parish of Sedgfield. Thus in his will of 1671 Emanuel Southgate left to his married son and two sons-in-law five shillings each 'as a token', while bequeathing to his unmarried daughter, Ann, twenty pounds and a third of the residue of his estate following the death of her mother. The remaining two thirds of the estate passing to Emanuel Southgate's grandchildren.[194]

This apparent desire for equity was not merely a result of the pressure upon resources: it is a feature of inheritance which can be detected throughout the social and economic

hierarchy. Consider, for example, the will (1622) of the gentleman Martin Halleyman of Lumley Castle within the parish of Chester-le-Street, who while bequeathing his leases and interest in leases to his son, observed that he had already paid to his married daughters, Mary Blaxton and Margaret Flarbutte 'and their husbands their full filial portions.' It was only out of 'love and goodwill' that Mary Blaxton received ten pounds, a silver bowl and three silver spoons.[195] The above example, while underlining the importance of equity in the provision made for children, it is also important in reminding us that we are not dealing with strict equality. Clearly ties of love and affection within the nuclear family led to the formation of special relationships between parent and individual child. Nevertheless it must be stressed that the desire for equity is the dominant and recurrent theme in the provision made for children, a theme to which we will inevitably return.

In cases where a testator was survived by two or more sons, with or without daughters, the problem of the allocation of resources was more complex and characterised by greater diversity of approaches.[196] If land and houses were involved, occasionally testators would favour partible inheritance. One of the clearest examples of this rare practice occurs in the will (1585) of Wygzard Wilde of Kibblesworth within the parish of Chester-le-Street. In a codicil made two or three days before his death, Wygzard Wilde willed that his two sons, Robert and Ralph, should inherit equally half of his farmhold, the remaining half passing to the brothers following the death or marriage of

their mother. It is of interest to note, however, that Wyzgard Wilde did not totally depart from the norm: partible inheritance of land did not extend to his daughters, who received bequests of certain stock and household goods.[197] Such an example, however, is extremely rare. In the vast majority of cases it was the normal practice, within all three parishes, for real estate to be passed to the eldest son, while the other children received goods or more commonly, by the seventeenth century, cash.[198] This pattern of inheritance is clearly visible in the provision that William Snaith of Chester-le-Street made for his children. In his will of 1665 William Snaith was 'to give and bequeath to my eldest son, Robert Snaith, after he come to the lawful age the half cavil in the demaines in Chester,' in addition to 'the closes in new brig fields with the benefit of the way leaves.' In contrast to the bequest of land to his eldest son, William Snaith left to his younger son, Cuthbert and daughter Elizabeth fifty pounds each.[199] Similarly, the yeoman William Cotsforth of Blackclough within the parish of Stanhope-in-Weardale bequeathed to his younger son, Thomas, and his daughter, Elizabeth, cash portions of eighty and forty pounds respectively. The land, as in the previous example, descended to the eldest son. Thus John Cotsforth at the age of twenty-four fell heir to the Westerfield and a house within the Forest and Park of Weardale and the remaining term of a lease held of Cuthbert Emerson of Burnhope. In addition following the death of his mother, John was to receive further manorial estate lying at Blackclough, paying to his younger brother, Thomas, forty pounds.[200] There was to be no division of the land, an interesting fact when it is borne in

mind that the manorial custom of the Forest and Park of Weardale gave tenants the option of sub-dividing land between sons, providing that the consent of the eldest son was secured.[201] Moreover, although both examples of primogeniture have dealt primarily with the descent of customary estate, it should not be assumed that the practice of male primogeniture was influenced solely by manorial custom.

Manorial custom, like the laws governing inheritance, created opportunities as well as constraints, which shaped the form of individual choice but did not altogether determine it. Indeed despite the apparent rigidity of customs with the regard to the descent of copyhold following the death of a tenant, it is important to recall that tenants had the right not only to rent, mortgage or alienate their interest in copyhold, but also, as a result, to transfer their holdings to younger children during their life time. Given this freedom of action it is significant that relatively few cases of parents passing copyhold property to younger sons can be traced within the manorial court books. One of the few examples to emerge is that of Richard Haswell, a tenant within the manor of Chester-le-Street, who surrendered (3 Apl. 1655) his interest in the moiety of a parcel of land called Desle and three acres, three roods and ten perches of land in the Westfield to his younger son, Robert. Like many other tenants, who surrendered their interest in copyhold to children, Richard Haswell and his wife, Katherine, retained a life interest in the property.[202] Similarly, Ann Punshon at the manorial court of Chester-le-Street (15 Oct. 1655) surrendered to her younger son,

Ralph, her interest in a tenement in Chester, though, as in the previous case, she retained an interest in the property during her life.[203] Unfortunately, such clear examples are rare and it remains impossible to determine the precise number of tenants surrendering copyhold property to younger children, as the distinction between 'son and heir apparent' and 'younger son' is not consistently recorded in the manorial records. It is dangerous, therefore, to be too dogmatic.

Indeed there is evidence, albeit slender, to suggest that the passing of customary estate to younger children may have been slightly more common than the above discussion would imply, as younger sons received land not only from parents but also from siblings. Consider, for example, the case of Peter Simpson, son and heir of Roger Simpson, who, entering the manorial court of Chester-le-Street (Apl. 1662), acquired interest in copyhold land by surrender of his widowed mother. At the same court Peter Simpson immediately surrendered to his younger brother, Thomas, his interest in a cottage and garth within Chester, in addition to four acres and two roods in Kelsheets and half of the pasture for one horse in Burn Green. As in so many cases of inheritance during the life time of parents, Thomas and Peter Simpson immediately demised the above surrenders to their mother, thus guaranteeing her a life interest in the property.[204] Similarly, the Commonwealth Survey of the manor of Chester-le-Street (1647) records the earlier transfers (22 Nov. 1646) by Roger Robinson of copyhold land to Robert and Thomas Robinson, his younger brothers.[205] Although such examples in the main were confined

to the large manor of Chester-le-Street, it is of interest to observe that parallels can be found in the wills of Sedgefield and Stanhope-in-Weardale. Among the few existing examples that of Christopher Wall of Peakfield within the parish of Stanhope-in-Weardale is typical. In his will of 1682, Christopher Wall ordered that his son Arthur should pass to his younger son, Robert, when he reached the age of twenty-one all the lands on the north side of the Wear as well as land within the township of Frosterley. If Arthur refused to surrender the land, Robert was to receive four hundred and fifty pounds.[206]

Ralph Gibson of Earnwell within the parish of Stanhope-in-Weardale in his will of 1670 also directed that his eldest son should 'passe a good estate of my messuage or tenement called Hauckwell head ... unto Cuthbert Gibson my younger son'.[207] Likewise Richard Reed of Morden within the parish of Sedgefield while bequeathing a messuage and land in Morden to his second son, Nicholas, noted that the property was currently in the possession of his eldest son, Richard.[208] Such examples suggest that retirement or death may in certain instances have involved not only the passing of real estate to the eldest son, but also the later allocation of a house or land to younger sons.

While there can be little doubt that such practice softened the harshness of strict primogeniture, it would be misleading to view them as indicative of the existence of partible inheritance. Firstly, it is important to stress that there is no evidence to suggest that the main holding was divided. On the contrary it appears that bequests to younger sons involved extra

accumulations of houses and land. It is a point to which we will return later, but for the moment let us re-examine the provision that Richard Reed made for his second son, Nicholas. Of particular interest is the fact that Richard Reed's bequest to his younger son, Nicholas, of a messuage and land in Morden had been 'lately purchased of John Harrison'. Furthermore, Nicholas inherited additional land in Morden, land which had also been recently purchased by his father.[209] For the majority of testators, however, retirement meant the transfer of real estate to the eldest son: by the latter stages of the life-cycle houses and land were seldom available for younger children. Thus the yeoman Rychard Chypchase of Sedgefield by his will of 1601 required that his son, Nicholas, should provide him with 'meate, drink and apparell, landring, lodging and all other things necessarie for a man of my years and calling for and during my life naturall'. Previously Rychard Chypchase had 'assigned and sett ov(er) unto my son Nicholesse Chypchase his exec(utor)s and assigns all my whole interest and title and tearm of years w(hi)ch i have yet to come in a tenement in Sedgefield'. His daughters, Allison and Isabel, and his son, Robert, received cash portions.[210]

In the majority of cases, then, the options open to testators in matters of inheritance were relatively narrow, restricted by the availability of resources. Although occasionally a testator of modest wealth would provide houses and land for some or all of his sons, such examples are rare. One of the few examples to emerge is that of Christopher Heighington of

Morden within the parish of Sedgefield, whose inventory valued his estate at £30 3s. 4d. By his will Christopher Heighington bequeathed to his eldest son, John, the tenement and half oxgang of land 'where I now dwell', John paying to his younger brother, Ambrose, five pounds. Similarly, his second son, Robert, received a tenement and half oxgang of land, again paying to Ambrose five pounds. In addition to the ten pounds payment from his elder brothers, Ambrose inherited from his father a cottage. The only child not to receive real estate was Christopher Heighington's daughter, who received a cash portion of ten pounds; as in so many cases daughters rarely inherited land.[211]

In the vast majority of cases, however, the provision of real estate for some or all sons was associated with wealth. This relationship is clearly visible if an examination is made of the type of provision made for children and the wealth of testators, as revealed in inventories. Consider, for example, the will (1662) of the yeoman John Clarke, who bequeathed to

'my son Peter when he shall be at lawful years all these my houses and lands in Great Lumley in the County of Durham with their appurtenances thereto belonging and a little shop which I lately bought called Low Kelshis in Chester abovesaid.'

His second son, John, also received real estate, inheriting from his father 'the rest of my lands in Chester aforesaid with the houses thereto belonging', following the death of his mother. Within two years of his entrance to this property, John was to pay to his sister, Jane, the sum of fifty pounds. John Clarke's inventory valued his estate at £123 5s. 3.5d.[212] Similarly, the wealthy yeoman Richard Fawden of Bradbury within the parish of Sedgefield, succeeded in providing four of his five sons with

a house or land. Thus Richard Fawden's eldest son and second son inherited copyhold land, while his third son received leasehold land held of the Bishop of Durham in Middleham. Although his fourth son also inherited real estate in the form of a freehold house with garth and certain land in Bishop Auckland, it is significant that his father appears not to have expected farming to be his son's main occupation, as he was also to leave him ten pounds 'to bind him an apprentice'. Richard Fawden's youngest son, Christopher, in common with his sisters, Katherin and Ann, received a cash portion and the residue of his father's estate. With such extensive provision being made for children in the form of real estate as well as cash and goods, it is perhaps of little surprise to learn that an inventory of Richard Fawden's moveable property totalled £281 7s. 3d.[213] While wealth undoubtedly broadened the options available to testators, it would be dangerous to assume that we are dealing with radically different inheritance strategies.

In order to test this hypothesis a detailed examination has been made of the will (1617) of Robert Clerk of Great Lumley within the parish of Chester-le-Street, who bequeathed either land or house to six of his eight sons. Unfortunately, there is no surviving inventory which would permit the estimation of Robert Clerk's wealth, but it is clear from the type and extent of the provision that Robert Clerk must have been a man of considerable wealth. For ease of reference the main details of this lengthy will have been tabulated (cf. table 5.6).

Table 5.6

Details of the will of Robert Clerke, yeoman of Great Lumley within the parish of Chester-le-Street (20 Aug. 1617)

	Land/House	Location	Type of Tenure	Sub-Let	Cash
Eldest son/ Robert	tenement & farmhold	Great Lumley	freehold	-	-
Rauffe	messuage, land and rents	Witton Gilbert	leasehold/96 years	-	-
George	-	-	-	-	£60
Richard	messuage & tenement	Great Lumley	leasehold/96 years	now in occupation of Thomas Clerke	£40
Henry	cottage & garth	Witton Gilbert	leasehold/96 years	now in tenure of Robert Hopper	£40
William	house & garth with appts.	Great Lumley	leasehold/96 years	-	£40
Thomas	messuage, tenement, meadow & pasture	Great Lumley	leasehold/96 years	now in occupation of Richard Taylor	£40
Christopher	-	-	-	-	£60

The interest of this remarkable testament lies not only in the extent of the provision made for children, but also in the common features of inheritance strategies that it displays. Firstly, it is clear from the will that the freehold and farmhold in Great Lumley where Robert Clerk did 'now dwell' was to pass intact to his eldest son: there was to be no division of the family's main holding. It is revealing that the bequests of real estate to younger sons appear to have involved additional accumulations of houses and land, property which was frequently geographically distant from the mainholding and often sublet. Thus Richard Clerk appears to have acquired land not only within his own village of Great Lumley, but also within Witton Gilbert, a village in the neighbouring parish. Moreover in three out of five instances the property was sublet. Secondly, it is of interest to observe that the eldest son, Robert, was charged with the payment of cash portions to his younger brothers,

'and the better to inable him to paie and p(er)forme the said legacies ... I have left unto him all my frehold tenement in Gt. Lumley wherein I now dwell'.

Moreover in order to ensure that the portions were paid, Robert Clerk was to

'give and devise two p(ar)ts of my said tenement and farmehold wherein I now dwell with lands, meadows, pastures and appurtenances to my trustie friends Richard Clerke of Chester and Thomas Smythe of Waldridge to hold to them and their Assigns for 21 years after my death upon trust'.

If his son, Robert, fulfilled the terms of the will he was to receive the 'p(ro)fits and issues thereof', if he failed, then, the trustees were to 'raise or levy the s(ai)d sommes out of the lands.[214] Such obligations in all probability 'had the effect

of equalising what appear to be unequal inheritances at first sight'.[215]

This desire for equity is also evident in the bequests given to the younger sons. Observe, for example, the bequest of larger cash portions of sixty pounds to George and Christopher Clerk, the sons who were not to inherit real estate. In the absence of direct statements, it is difficult to establish the guiding principles governing such inheritance strategies, yet there appears to have been a clear desire both to retain the mainholding intact and a wish to ensure at least a notional sense of equity in the provision for children. In reconciling these two apparently conflicting aims, the testator's options in the choice of inheritance strategies were narrow. Although wealth undoubtedly broadened the available options by permitting the purchase of additional land, faced with the task of providing for eight sons it is significant that Richard Clerk found it necessary to place a considerable financial burden on the shoulders of his eldest son, in order to achieve the twin aims of retaining the mainholding intact and securing equity in the provision for his children.[216]

Equity in the provision for children was not, however, merely the prerogative of the more affluent members of society, as there can be detected throughout the wills the common objective of seeking to prefer children in a fairly equal manner. Although the wills in all three parishes reveal a strong tendency towards male primogeniture, as in the Cambridgeshire villages studies by Margaret Spufford

'the provision made by fathers in their wills in the form of fragments of land and of cash sums for younger sons, and of dowries for daughters, as well as maintenance of widows, all came out of the future profits of the main holding. They did not come out of the savings, if any, of the testators. They therefore amounted to a very considerable burden on the main holding and the inheriting son. For this reason, the distinction between unigeniture on the one hand, and partible inheritance on the other, is a very blurred one.' [217]

There are clear signs, then, that within the context of English society it is unproductive to examine the provision made for children within the rigid and sterile framework of inheritance systems, whether primogeniture, unigeniture or partible inheritance. In any study of the cultural imperatives governing inheritance patterns it is necessary to adopt an alternative approach, an approach which examines not only the material provision made for children but also the obligations attached to bequests. Only then can we advance to a study of the much more challenging questions surrounding the motives behind testator's actions.

Primogeniture: The Conditional Bequest

While testators frequently favoured primogeniture, it would be misleading to view this simply in terms of the favouring of the eldest son or the economic rationale of maintaining a viable farming unit. It is too simplistic. For the bequest of land to the eldest son often entailed obligations to both parents and children. Such bequests were rarely unconditional.

Occasionally, in the case of retirement, a testator in return for the surrender of his landed estate would be maintained by the inheriting son. Recall again the earlier example of Rychard Chypchase of Sedgefield, who having passed both his real and personal estate to his son, Nicholesse, directed in his will of 1601 that his son

'should provide and gyve unto me meate, drink and apparrell, landring, lodging and all other things necessarie for a man of my years and calling for and during my life natural.'

Rychard Chypchase died seven years later in 1608.[218] A similar example of provision in retirement is to be found in the will (1698/99) of George Harrison of Stotfieldburn within the parish of Stanhope-in-Weardale, who ordered that 'my eldest son, John, shall have the whole farm of Stotfieldburn paying me £70 and giving me my table or £5 a year'.[219] In practical terms this meant that the bequest of the entire estate of houses and land to a son was frequently delayed, in so far as parents often retained a life interest in part or, occasionally, all of the property. Thus while John Watson son and heir apparent of John Watson, at the Halmote Court of Chester-le-Street (16 May 1639) acquired the copyhold tenure of six acres in the Southfield, five acres in Bolden Crook and pasture for four beasts in Holme Hill by the surrender of his father, it is significant that John Watson the younger immediately demised the property to his father for the term of his life.[220] Likewise, Richard Wright the elder and his wife, Ann, surrendered on 21 April 1657 their interest in a messuage and garth, 62 acres, 3 roods and 23 perches of land in Hauxleyfield and a close within the manor of Sedgefield to their

son and heir apparent. The surrender, however, was not absolute, in the sense that Richard Wright retained a life interest in this copyhold estate, while following his death his wife's interest was secured 'for so long as she shall continue a widow'. Such examples can be easily duplicated. Just as testators sought independence in retirement, so they sought to provide an independent future for their widows.[221]

Responsibility for the material welfare of widows was rarely placed on the shoulders of the inheriting son. The example of William Marley of Hedley within the parish of Chester-le-Street is untypical. Following the death of his father, William eldest son of William Marley, was to

'yearly pay or cause to be paid to (his mother) Grace Marley £5 10s. paid quarterley ... and likewise two stone of wooll ev(er)ie year during her life to make her such necessaries as shalbe needful for her'.

It is significant, however, that William Marley recalled in his will that he had earlier 'intreated' his son to make this provision for his wife, 'whereto he hath given kinde consent'. The arrangement was voluntary.[222] The future welfare of widows, then, was seldom the direct responsibility of the eldest son, but was often secured by the bequest of all or part of a late husband's real estate to a wife for her life or during her widowhood. As a consequence, even if primogeniture was practiced, it was rare for the eldest son to receive the entire estate of land and houses immediately: the acquisition of full rights in the property was frequently delayed. This picture is no doubt exaggerated. While many widows may have retained a life interest in their late husband's real estate, in practice many

'must frequently and willingly have relinquished the management of the holding when her son came of age, whether or not she legally retained a share in it'.[223] There is little evidence, however, to suggest that testators made any alternative provision through savings. Therefore it must be assumed that the provision for widows placed a certain burden on the main holding and the inheriting son.

The main and most direct burden on the estate of the inheriting son was the provision for siblings. Occasionally, this involved the eldest son surrendering part of the land for a fixed period or, much less frequently, during life. For example, John Lawes of Kibblesworth within the parish of Chester-le-Street specified in his will of 1588 that his eldest son, George, should inherit a tenement and land, while his second son, Martin, was to receive twelve roods of land during his life. Following Martin's death the land was to revert to his elder brother, George, and his heirs. Only in default was the land to remain to Martin and his heirs.[224] In another case land was transferred for a much shorter period. Thus Lancelot Walton of Frosterley within the parish of Stanhope-in-Weardale in his will of 1641 ordered that his younger son, Lancelot, should have his house and grounds for a year after his death and 'then to yield them to my eldest son, George.'[225] Although such examples of what appears to be a modified form of primogeniture are rare, it is important to stress that they should not be viewed as isolated or unique inheritance practices, but rather as pragmatic to the provision for younger children. It is a conclusion which is given support

if attention is turned to a slightly different variant of provision, a variant which is clearly illustrated in the will (1583) of Edward Ponnshon of Waldridge. Thus he bequeathed the lease of his farmhold in Waldridge to his son, Thomas, upon condition that Edward, his younger son, received half of the profits of the farmhold for three years.[226] Similarly, the yeoman John Elstobb of Hogshouse within the parish of Sedgefield did not depart from the normal practice of primogeniture, giving his entire estate of land and houses in Morden to his eldest son, John. It is significant, however, that his younger son, Thomas, in addition to all his fathers money, was to receive 'all p(ro)fits of this year of land at Morden until May Day next.' Although John and Thomas also received a further twenty pounds each, the bequests required that they 'take care of their sister, Mary' during her life.[227] Despite the broad variations in forms of inheritance, then, it is important to place these examples within the general context of pragmatic approaches to the problem of providing for children.

The most common approach to the provision for younger children was to attach to the bequest of real estate the condition that the inheriting son should be directly responsible for the payment of cash portions or dowries to younger siblings. One of the clearest examples of this practice is found in the will (1660) of William Reed of Great Lumley, who was to

'give to my son Richard Reed all my lands and household goods belonging to me upon condition if he shall pay my debts and legatees as followeth to my 2 younger sonnes John Reed and Ralph Reed each of them tenn pounds to help put them to trades.....'

His two unmarried daughters received in addition to twenty nobles 'all the household stuff..... only the bed in the forehouse must stand where it doth,' while his married daughters each received 'twenty shillings for a Remembrance.' [228] A similar obligation to pay cash portions to younger siblings was the condition of the bequest of the 'holl tytle and interest to my farmhold' by William Emerson of Brotherlee within the parish of Stanhope-in-Weardale to his eldest son, William. Thus William was required to pay to his younger brothers Robert, Edward and Thomas the sums of £3 6s. 8d. after four years, £5 after five years and £6 8s. 4d. after six years respectively. [229]

Although examples are more difficult to trace within the relatively prosperous parish of Sedgfield, a similar strategy for the provision for younger children can be observed in the will of the yeoman Augustine Hixon of Morden, who willed that his son, William, inherit a third of his lands upon the condition that he paid twenty pounds to his three brothers and a further thirty pounds to his sister. As in the previous case the economic burden on William was somewhat mitigated by the payment of portions over a period of time. In seeking to establish why Augustine Hixon chose to follow this particular strategy, it is of interest to note that he was a man of modest wealth: a later inventory appraised his goods at sixty-three pounds.

Furthermore, it is clear from the inventory that Augustine Hixon had no savings to secure the immediate payment of portions to his younger children. [230] Such an observation suggests that the obligation placed on the shoulders of the inheriting son is another example of a pragmatic approach to the problem of

providing for children equitably, a pragmatic approach born out of economic necessity.

Many testators within the three Durham parishes, like their counterparts in the Cambridgeshire villages studied by Margaret Spufford could seldom provide for their children directly through savings or through the accumulation of real estate.[231] Economic realities, then, dictated that an alternative strategy by which the burden of provision for younger children fell upon the future profits of the main holding and the inheriting son must be adopted. In light of this observation it is possible to view the contrasting incidence of this strategy between the parishes of Chester-le-Street and Stanhope-in-Weardale on the one hand and Sedgfield on the other as a reflection of the differing wealth patterns of testators.[232] Again dogmatism must be avoided and a cautionary note is sounded in the will of Christopher Hixon of High Embleton within the parish of Sedgfield, whose inventory was valued at £115 17s.. While leaving his houses, lands and the residue of his goods to his wife and son, John, Christopher Hixon specified that his three daughters should receive one hundred pounds each. In order to ensure the payment of these sizeable portions, John was instructed to pay twelve pounds per annum until the 'portions be paid up.' [233] Perhaps the adoption of such a strategy by even the moderately wealthy is not surprising when it is borne in mind that the accumulation of land with which to prefer children was not without risk. The risk of debt is clearly recorded in the will (1608) of John Lackinbye of Swainston within the parish of Sedgfield. Thus he directed that

'whereas I have drawn my self indebted to div(er)se p(er)sons in sev(er)all great som(m)es of money conc(er)ning the p(ur)chasing of my lands and hereditaments in Norton,' the profits from his land or goods should be used to settle these debts.[234] Though less explicit as to how debts were accumulated, Robert Farrow's will (1622) serves to illustrate the problem of fulfilling obligations towards children in the face of mounting debts, a problem made more acute in the case of Robert Farrow because he was to be survived by nine children.

'And as touching my temporall estait I doe conceive and doe hearbye acknowledge and confesse that I stand indebted p(ar)tely for my late father Rob(er)te ffarowe deceased and in p(ar)te for my selfe, sundrye som(m)s of Monye unto sundrie p(er)sons too valewe of all my goods or therabouts, and therefore I haveing received from the Lord a blessings of manie children, and findinge my selfe bounde to geve unto everye of them a competent respecte towards their maintenanne and education, w(hi)ch I cannot otherwayse doe then forth of my lands, tenem(en)ts and hereditam(en)ts in ffishburne in the countye of Durh(a)m unto everie of my younger children the som(m)e of threscore pounds, for and in full paim(en)te and satisfaction of all and everie their and everie of their filial or childs p(ar)te and portions and other righte w(hi)ch might or could fall or become due unto them by and after my death.'

His debts were to be paid 'soe farr forth as my goods will extend..... and yfe my goods (duely appraised) doe not serve to pay and discharge all my debts, then I will and herebye appoint my said son Rob(er)te ffarow shall pay and discharge the residue of the same forth of my lands in ffishburne aforesaid.' An approximation of the scale of his debts can be found in a later inventory, which valued his goods at £179.[235] While the accumulation of land during the testator's life-time may have been an investment with which to secure the future of children,

if death intervened, the testator risked bequeathing to his wife and children a considerable economic burden. For many, then, the acquisition of additional real estate was impossible, for others the risks may have been too high.

The very wealthy, however, were in a more fortunate position in that they were able to guarantee immediate payment of portions to younger children out of land or occasionally goods. One of the more fortunate in this respect was the gentleman Christopher Wardell of Fishburn within the parish of Sedgefield, who by his will of 1686 bequeathed to his younger son one hundred pounds plus interest and an annuity of ten pounds, while his two daughters in addition to the household goods, each received one hundred pounds with interest. The sums were to be 'received out of lands in my possession of tenants.'^[236] Similarly, the gentleman Richard Reed of the neighbouring village of Morden in his will of 1680/81 left to his daughters, Isabel and Jane, portions of three hundred pounds each, which sums were to be paid out of his goods, goods which were to be valued in excess of six hundred pounds.^[237] Such avenues of provision were not available to the majority of testators.

While there can be little doubt that wealth broadened the options available to testators, it would be dangerous to assume that we are dealing with radically differing aspirations for children. Of course, at the level of the individual clear differences emerge in the type of provision made. Consider, for example, the provision made by William Reed of Great Lumley within the parish of Chester-le-Street, a man of modest wealth

whose goods were valued at £24 10s.. In his will of 1672 he willed that his eldest son, Richard, should inherit his land, while his younger sons, John and Ralph, each received ten pounds 'to help put them to trades.' His four daughters also received cash sums.[238] Compare this provision with that made by the gentleman Charles Elstobb of Foxton within the parish of Sedgefield, who had both landed wealth and access to patronage with which to prefer his children. Although the will is not clear on the point, it appears that Charles Estobb's eldest son, John, had previously inherited real estate. His younger sons, Ralph and Edward, received land in Bolam and Auckland St. Ellen or alternatively cash sums of three and two hundred pounds respectively, if the land was surrendered to their elder brother, John. In contrast his son, Charles, received an annuity of thirty-two pounds until a year after he 'shall be made fellow of the College of Peterhouse in Cambridge.' Although his daughter, Mary, had already been 'sufficiently p(re)ferred and advanced' and only received twenty shillings as a 'remembrance,' it is of interest to observe that her husband, Thomas Wright, by arrangement with his father-in-law inherited half the profits of the lucrative Office of Clerk or Prothonotary of the Court of Pleas at Durham during his life. Following Thomas Wright's death the tenure of this legal office was to descend to Charles Elstobb's eldest son.[239] While the access to such resources clearly influenced the opportunities available for the expression of parental aspirations, it is important that the contrasts in the details of provision should not distract attention from the common desire on the part of testators to 'set forth' their

children in an approximately equal manner.

The Desire for Equity

The examination of the material provision for children and the obligations attached to bequests of land gives the impression of a strong desire to secure equity, an impression which is brought into sharper focus if attention is turned to the wills of those at the latter stages of the life-cycle. Rarely involving the bequest of land, which in all probability had previously been transferred to the younger generation, wills of those at the final stage of the life-cycle have the advantage of permitting a direct comparison of the bequests of cash or goods to each child, a comparison which suggests that equity remained an important consideration. Thus Henry Cowly of Layton within the parish of Sedgefield willed that his married sons, John and Roger, and his son-in-law, Francis Liddell, should each receive ten shillings twelve months after his death.[240] Similarly, the widow Isabel Emerson of Rookshopeside within the parish of Stanhope-in-Weardale by her will of 1615, in addition to leaving small bequests to her grandchildren, directed that the residue of her estate should be divided equally among her children.[241] Although several examples emerge of apparently unequal bequests, upon closer examination it is clear that such cases frequently involved the completion of the payments of children's portions. Rowland Emerson of Low Bishopley, for instance, willed that his son, George, son-in-law George Emerson, and daughter-in-law, Margaret Emerson, with her children should receive six pounds, twenty shillings and a lamb respectively 'in full satisfaction'

of their 'child's part and portion.' The residue of his estate was to pass to his son-in-law, John Mowbray.[242] Likewise, the widow Margaret Smith of Sedgfield, having left small bequests to her grandchildren, willed that her younger son, John, should receive the arrears in his annuity.[243]

Even in cases where bequests were made to grandchildren rather than directly to children, there are signs that these bequests were related to the earlier payment of children's portions. Consider, for example, the will (1679) of Elizabeth Wall of Snapegate within the parish of Stanhope-in-Weardale, who in common with other testators bequeathed certain cash and stock to grandchildren. Of more interest, however, are the bequests made to her son Thomas Wall's children, who each received the relatively small sum of twelve pence 'seeing he (Thomas Wall) had from me when he married his full part.'[244] Of course, while it is possible to suggest that such bequests may have had the effect of equalising children's portions, this cannot be proven in the absence of detailed information about the arrangements for the earlier provision of children.

More information about the preferment of children is available in the wills of those testators at the third stage of the life-cycle, information which strongly suggests that testators strive to achieve equity. This is clearly visible in the will (1662) of Thomas Smith of Sedgfield, who bequeathed to his youngest son, John, two hundred pounds 'for his portion,' while leaving 'thirtie pounds as a legacy to my children that are maryed and there children.'[245] A similar concern for equity is

displayed in the will (1675) of Ann Robinson of Brotherlee within the parish of Stanhope-in-Weardale. Contrast, then, the bequests to her eldest son, George, and younger son, John, of twenty shillings and ten shillings respectively, 'as a token of love' and 'in full of (their) p(ar)te and portion,' with the portions of sixty pounds left to her daughters, Elizabeth and Thomasin. The distinction is clear.[246] Perhaps the most explicit expression of this desire for equity, however, is to be found in the will (1606) of the widow Allison C(h)arter of Fishburn within the parish of Sedgfield, who stated that

'my wyll is that my three sons Wyllm, Dionesse and George Chart(e)r shall have and enjoy all such goods and chattels as theyre and ev(e)rie one of them have claimed or had th'use and possession of in my lyfe frely and (i)thout any allowance in their filial pocons theyrefore, as also that they and ev(er)ye one of them shall in lew of theyre fyllial and executors porcons and legacy owed by theyre father's wyll have so mutche allowed fourth or my goods and chattels as wyll make them and ev(er)ye of them as matches in valew as I have payd to eyther of my children w(hi)ch are maryed: viz Rob(er)t Chart(e)r and to Allison the wyfe of Ralph Davyson'.

The residue of her estate was to be divided equally among her five children. The interest of her will lies not only in the fact that a clear distinction emerges between the provision made for unmarried children and the bequests to married children, but also in that it reveals that Allison C(h)arter, in common with many other widows, was to feel a deep concern for equity in the provision made for children.[247] Indeed, while it is true that widows are increasingly represented in the wills of those at the latter stages of the life-cycle, it would be misleading to view this as being indicative of a 'feminine inclination of old ladies to apportion their remaining kerchiefs fairly amongst their

favourite daughters and granddaughters'. [248] A closer examination of the wills of widows suggests that such stereotypes should be abandoned. The wills of widows mirror those of male testators in their concern for equity.

The apparent strength of this common cultural imperative is further underlined when attention is turned to the provision made for the reallocation of resources in the event of changes within the nuclear family through the birth and death of children. Some of the most poignant wills of the period are those of testators who made provision for an unborn child. Although these testators seldom lived to witness the birth of their child, the wills display a touching concern for the future welfare of the child and for equity. Perhaps the clearest expression of this desire for equity is to be found in the will (1679) of the yeoman John Smith of Bainsley Loaning within the Chapelry of Lamesley. Following his instruction that his goods and chattels should 'be sold to the best advantage, either all wholly together or by parts', John Smith willed that part of the proceeds of the sale should

'be equally divided among my children, my wife being shares and having a like and proper part with them .. and my wife Margaret Smith she being with child, which if it please God she be safely delivered, shall have a part according to the discretion of these my executors and failing any of them the childrens part to be equally divided amongst the surviving children'.

Furthermore, having made additional bequests to his brother and sister, John Smith concluded that the

'rest of my goods and chattels real and personal, moveable and immoveable, my debts which I owe, legacies and funeral expenses first being discharged, I give and bequeath the same unto my children viz John, Thomas,

Elianor and (my wife) Margaret Smith with the child in her womb as aforesaid, to be equally divided among them ... share and share alike'.[249]

Although much briefer, there can be little doubt that the will (1623) of Raphe Teasdale of Swingburne within the parish of Stanhope-in-Weardale, who willed that forty pounds should 'be divided equally among my children that is to say John Teasdale, Wilyam Teasdale, Anne Teasdale and to the child my wife is now with', reflects similar sentiments.[250] Likewise, the yeoman James White of Morden within the parish of Sedgefield specified in his will (1625) that his daughter, Elizabeth, and the child 'w(hi)ch my wife is w(i)th' should each receive thirty pounds.[251] Such examples, however, are rare, few testators appear to have been in the distressing position of facing death in the knowledge that their wife was carrying a child.

More commonly, the concern on the part of testators for equity was reflected not only in the bequests made to children but in the provision made for the redistribution of portions in the event of a child's death. Although infant and child mortality in late sixteenth and seventeenth century England appears to have been relatively low in relation to many other European countries during the same period, it is clear that many children did not survive the rigours of childhood. The demographers Wrigley and Schofield have estimated that in pre-industrial England 34 percent of all deaths would have been of children under ten years of age and only 7 percent of those adults aged eighty and over, as compared with figures of 2 percent and 49 percent for respective groups within a model

population of contemporary England. This bleak projection has been confirmed by their study of the records of eight parishes for the period 1580-1649, which revealed that approximately a quarter of children failed to reach their tenth birthday, with the highest mortality being in the first year of life.[252] While for the modern observer such are invaluable in throwing the extent of child mortality into sharp focus, for parents of the early modern period the tragic impact of the death of children upon the nuclear family must have been all too familiar. All, like the diarist Henry Newcombe, must have recognised 'the sad things that befall parents about children'.[253] Something of the harshness of the early modern demographic regime is reflected in the wills of the period, as testators aware of their children's mortality often made alternative arrangements for the reallocation of portions in the event of a child's death.

As in the previous study of inheritance, it is clear that in the case of houses and land testators continued to favour the principle of male primogeniture in the event of the death of the inheriting son. Only occasionally, as in the case of Anthony Maddison of the parish of Chester-le-Street, did a testator specify that if his eldest son died the real estate should be divided among the surviving sons. Thus by his will of 1587 Anthony Maddison willed that his eldest son and his heirs should inherit immediately half of his leasehold farm and following his wife's death the entire lease. Should Richard die without heirs, however, the lease was to be passed to his two younger brothers.[254] In similar vein, George Harle of Chester

bequeathed the six year lease of a farm at Rydon and his interest in land at Elspers to his eldest son, Ralph. If Ralph died within six years, however, the farmhold at Rydon was to descend to his brother William, while his brother, Thomas, was to inherit the interest in the land at Elspers.[255] Even in this rare case it is significant that, unlike the previous isolated example, the bequest and subsequent proviso involved two separate pieces of land. More commonly testators directed that if the inheriting son died before reaching the age of majority, marriage or without heirs that real estate should descend in order of seniority to younger sons and in default to daughters. A representative example is that of Ralph Fetherston of Burnhope within the parish of Stanhope-in-Weardale, who having willed that his eldest son, Ralph, should inherit the lease of his farmhold at the age of twenty one, added that if Ralph died the lease should descend to his second son, George, and in default to his youngest son, John. Fearing the worst, he concluded that 'if they all die' his wife would inherit 'all the said premises during her natural life and after her to my next of kin'.[256] Few were quite so fatalistic. The majority were like Bryane Gibson who instructed that if his eldest son, Robert, died the property should come to his younger son, Richard, and in default to his four daughters 'by lyke ordinarye descente'.[257]

While testators invariably directed that real estate should descend to sons by order of seniority, the descent of houses and land to daughters was not so strictly defined with a variety of strategies being adopted. Occasionally, testators confined the

descent of land to sons. Thus Isabel Wilde, late wife of Robert Wilde, in her will of 1612 specified that in the event of her eldest son, Ralph, dying without male heirs his inheritance of land should be passed to his brother, Anthony, and his 'heirs male'. In default the land was to be inherited by her youngest son, Robert, and 'his heirs general'. No alternative provision, then, was made for the descent of the land to Isabel Wilde's daughter, Elizabeth.[258] Similarly, the yeoman William Taylor of Kibblesworth within the parish of Chester-le-Street directed that if his only son, William, died his nephew rather than his daughter, Elizabeth, should inherit his land in addition to his goods and chattels. It is of interest to observe, however, that under this alternative strategy William Taylor's nephew inherited not only real and personal estate but also obligation to pay to his cousin, Elizabeth, the sum of one hundred and fifty pounds 'at her marriage or when she come to one and twenty years of age'.[259] Given the limited nature of the evidence available it is difficult to establish with any confidence the significance of such examples. Tentatively, however, it is possible to suggest that they are indicative of a more diversified approach to the descent of real estate to daughters, a diversity that is illustrated by the will of Henry Keare of Worthy within the parish of Chester-le-Street. Thus Henry Keare stated that in the event of his son, John, dying without heirs his farmhold should descend to his 'heirs female', viz in the first instance to his daughter, Elizabeth, for her life and finally to his youngest daughter, Sissell, and her heirs. Yet even amid such diversity it is significant that the strategy of dividing real property

among daughters is notable for its absence.[260]

It should not be assumed, however, in the light of the above observations that in rejecting partible inheritance in the reallocation of real estates, the desire for equity was abandoned totally. Indeed it seems likely that such a desire influenced the widow Ann Dawson of Lingrigg within the parish of Stanhope-in-Weardale in her decision to instruct that 'if Thomas my eldest son die without heirs of his body ... and that the said William inherit the lands and tenements belonging to his brother then his portion shall come to his three sisters'. Once again the now familiar notional sense of equity is in evidence.[261] Nevertheless it is important to acknowledge that the desire to ensure equity is less well developed in the arrangements made for reallocation of houses and land. The apparent conflict observed in the earlier study of the provision made for children between the aim of securing equity on the one hand and the reluctance to divide houses and land is less acute. Having achieved a degree of equity in provision, the wish to retain real estate intact appears to have been given greater priority.

The continuing importance of equity, however, is most clearly defined in the case of the reallocations of the more easily devisable resources of cash and goods. It was not uncommon for testators to leave instructions that if a child died, his or her portion should be divided among the surviving children. Typically, the weaver Richard Atkinson of Great Lumley within the parish of Chester-le-Street bequeathed to each of his

three sons the sum of ten pounds to be paid before their respective marriages. If, however, any of his sons died their portion was to be divided equally among the surviving children.[262] Similar provisions are recorded in the will (1692) of Arthur Harrison of Shittlehopeburn within the parish of Stanhope-in-Weardale. Following the bequests of sixty pounds to his son, Thomas, and forty pounds each to his three daughters, Arthur Harrison added the familiar proviso that in the event of any of his children dying, the surviving children should benefit equally from the division of their portion.[263]

Such examples, however, should not be allowed to obscure the element of pragmatism in decisions relating to the redistribution of portions, a pragmatism which is clearly illustrated in the will (1687) of the widow Elizabeth Forster of Lambton Staithes, who left to her youngest son, Matthew, one hundred and forty pounds beside ninety pounds left to him by his father. Her youngest daughter, Margaret, and eldest daughter, Elizabeth, received one hundred and twenty pounds and one hundred and fifty pounds respectively, in addition to the earlier bequest of eighty pounds each by their late father. If either Matthew or Margaret died before they reached the age of twenty one, their portion was to be divided between the survivor and Katherine. Although Elizabeth Forster's eldest son inherited the residue of the estate, it is significant that he received neither cash nor share in the reallocation of portions of his siblings in the event of their death. In all probability he had been preferred earlier. In determining the arrangements for the possible redistribution

of portions, then, Elizabeth Forster's concern appears to have been directed towards the provision for her younger children who remained as yet unpreferred.[264] Similarly, the gentleman Robert Marley of Pictree within the parish of Chester-le-Street instructed that his eldest son, Ralph, to pay to William and Robert, two of his younger brothers, sixty pounds each and to his three sisters Margaret, Susanna and Ann forty pounds each. Should any of these younger children die, their portion was to be divided equally among the survivors. Robert Marley's eldest son, Ralph, and second son, Thomas, who inherited land were excluded from any benefit of this possible reallocation.[265] The concern of testators, however, was not merely confined to the burden placed on the shoulders of the inheriting son in the form of obligation to child portions and dowries. Indeed there is evidence to suggest that some testators saw the possibility of the tragic death of a child as an opportunity to reduce this burden. Thus John Reede of Lumley having secured the consent of his eldest son, Richard, to 'well and truly pay or cause to be paid out of my land in Lumley unto my other four children..... the just sum of £40', specified that if any of his younger children died the benefit of their portion should come to Richard or his assigns.[266] Likewise, the gentleman George Wardell of East Edmondsley, willed that his eldest son, George, should inherit 'all lands, tenements and messuages, closes and hereditaments and appurtenances called Edmondsley now in my possession and my tenants. And all the close with appurtenances called Oxclose situated near my other lands,' upon condition that he paid to his younger brother, William, and two sisters,

Elizabeth and Anne, one hundred pounds each when they reached the age of twenty-one. In the event of any of his younger siblings dying before reaching the age of majority, George was freed from this obligation.[267] Siblings, however, did not invariably benefit from the reallocation of portions. Consider, for example, the rare and poignant will (1647) of Henry Saunders of Lamesley, who in determining arrangements for the possible reallocation of portions drew a clear distinction between the children of different marriages. Thus having bequeathed to his daughter, Elizabeth, 'which I had by my first wife' and to his daughter, Mary, 'which I had by my last wife' ten pounds each, Henry Saunders directed that if his youngest daughter died before reaching the age of majority her portion should be given to her mother, adding

'And my will is that if it please God that my eldest daughter Elizabeth die before ^{she} come to perfect years then her grandfather Martin Lawes or her grandmother Ellianor Lawes or the next kindred to her mother to have the portion.'

In arriving at this decision Henry Saunders was clearly aware of the feelings of wider kin.[268] In discussing, then, the strategies for the redistribution of portions in the event of a child's death it is important to stress that we are not dealing with a single dogmatic and inflexible approach. Indeed strict equity was often overridden in favour of more pragmatic solutions, solutions which were responsive to the needs not only of younger children but to the reduction of the economic burden on the inheriting son, and even, upon occasion, to the sensibilities of wider kin. Despite such pragmatism the desire for equity continued to be an important guiding principle.

Even though testators displayed a clear preference in favour of male primogeniture, it is obviously 'crude and erroneous' to define the inheritance strategies in terms of a 'primogeniture system.' [269] There was no blind adherence to the principle of male primogeniture. Rather the preference for male primogeniture appears to be borne out of the practical necessity of maintaining the farmhold as a viable farming unit: any pressure to divide the family holding was resisted. If additional land was available it was usually passed to younger sons and not to the eldest. Wealth was important in broadening the options available to the testator, it did not influence aspirations for children as testators sought 'to maximise the opportunities of as many children as possible.' [270] Amid the variety of pragmatic approaches to the problem of inheritance there can be detected the single overriding concern for equity in the provision of children. It is a feature present not only in the equitable distribution of money and goods, but in the distinction drawn between children who had already received their child's portion and received smaller legacies, and those younger children as yet unpreferred who were to inherit their children's portions at the age of majority or marriage. Indeed while it is tempting to assume that the inheritance of land favoured the eldest son, it is important to recall that in the absence of savings the inheriting son was frequently required to pay cash legacies to younger siblings. Although this burden was often eased through the staggered payment of such legacies over a number of years, there can be little doubt that the obligation to siblings constituted a considerable drain upon the future profits of the

mainholding. While a few children were undoubtedly advantaged by the practice of primogeniture, as Keith Wrightson and David Levine have observed 'the inheritance strategies of many fathers may have operated in such a way as to set their children forth fairly equally into a competitive world where they would be expected to stand on their own feet.' [271]

Conclusion: Available Options

While both common and ecclesiastical law came over the centuries to concede considerable freedom to testators, the relatively narrow band of inheritance strategies adopted suggests that the acquisition of testamentary freedom does not reflect a common desire for individual expression in matters of inheritance. Moreover in the light of the general concern for equity in the provision for children there is little evidence to suggest that testators sought the flexibility of will-making in order to extend parental authority over children either by threat of punishment through exclusion from the inheritance or promise of reward. In that inheritance was rarely delayed beyond majority or marriage, it is clear that few wished to maintain control over their children indefinitely. Nor is there any evidence to suggest that testators desired to depart radically from the customary norms of inheritance. Indeed it is of interest to note that the twin concerns of testators to avoid the division of the main holding, while ensuring that the provision for children was fairly equal is paralleled in the law relating to intestacy with its emphasis upon male primogeniture and equity.

Given the apparently close correspondence between inheritance practices as revealed in wills and the possible alternative division of an estate in the case of intestacy, the question of why testators, particularly those at the second and third stages of the life-cycle, desired the relative legal freedom that will-making afforded remains to be answered. A clue may be found in the twin objectives of preserving a viable farm holding and securing equity in the provision for children, and the attempt to resolve the conflict between these contradictory aims. It was a contradiction at the centre of a continuing ideological debate of the period, which clearly recognised the injustice of preferring one member of a sibling group all of whom were in other respects equally deserving.[272] Although this literary debate was almost exclusively concerned with the upper classes, it is clear that similar tensions existed further down the social scale. Similar concerns are recorded by Margaret Spufford in her study of the small holders of Cambridgeshire, as well as Cecil Howell for the Midlands.[273] Nor was the conflict of objectives purely confined to England, as Cole and Wolf's report of the dilemma facing an estate manager within the southern Tyrol reveals.

'He would like to see every daughter well married and every son with land enough to support a family. Then too, he would like to see the holding that he has maintained against the world for a lifetime remain essentially intact to provide a material basis for perpetuation of the family line. However, the meagre resources at his disposal are, more often than not, insufficient to fulfil both these goals. He must balance his desires to perpetuate his name against the future of his children.'[274]

Although the emphasis upon the identification of the family name

with the land appears somewhat alien within the English context, the conflict of aims is all too familiar.

It was a problem recognised in the law covering intestacy, which sought to resolve the conflict in aims by favouring the practice of male primogeniture and the descent of freehold property to the eldest son, while excluding him as heir at law, from any claim to the 'bairn's part of the chattels,' though under the late Statute of Distribution of 1692 the inheriting son was entitled with his siblings to share in the so-called 'dead man's part.' [275] It seems likely that this partial exclusion of the heir from the right to inherit goods and chattels represents a crude attempt to avoid favouring the eldest son and to achieve a degree of equity in the provision for children. In practical terms this meant that in the case of intestacy the heir to the land had only very limited rights to the household goods and, more importantly, to the livestock and farm implements necessary to continue farming. The inadequacy of this solution is sufficiently described by Pollock and Maitland in their exhaustive study of 'The History of the English Law.'

'To a student of economic history a system of inheritance which studiously separates the chattels from the land may seem but little suited to an age in which agriculture was almost the process of productive wealth. The heir, it any seem, is destined to inherit bare acres, while, capital which has made them fertile goes to others.' [276]

While the practice of primogeniture coupled with the virtual exclusion of the heir from the inheritance of goods and chattels may have served to promote equity in the provision for children, the prospect of maintaining the unity of a viable farm holding

was seriously undermined.

In contrast will-making provided the opportunity for a more subtle and pragmatic approach to resolving the contradiction between aims. While there was no departure from the practice of male primogeniture, testators preferred to compensate younger children with cash portions rather than divide their moveable estate. Although it is true that daughters often inherited household goods, it is significant that bequests of animals and farm implements to younger children were of limited importance. Usually the eldest son received not only real estate but also livestock and farm equipment: in short, there was a clear desire that the eldest son should inherit a viable farm holding. The importance of this strategy is underlined when it is borne in mind that the inheriting son was not infrequently responsible for the payment of cash portions to younger siblings. In that few had savings with which to provide cash portions for younger children, many testators were forced to place the burden of the provision for younger members of the family upon the shoulders of the inheriting son and the future profits of the main holding.

Such a solution, however, was not without serious long term consequences. Although, as Margaret Spufford has observed, 'the effect varied according to the economy and the farming practices of the parish concerned,' in those cases where agriculture was the main source of income such inheritance practices and the resultant financial drain served to weaken the smaller farmhold.[277] Nevertheless, in the short term the solution must have appeared attractive to many testators, in that it avoided

any division of the main holding, while ensuring equity in the provision for children. Will-making and the legal freedom it afforded, then, permitted the testator the flexibility necessary to fulfil clearly defined familial obligations. The conflict of objectives, was, albeit temporarily, resolved.

References

Chapter 5 - Obligation within the Nuclear Family:
Inheritance

1. James, Civil Society, 19-25.
2. Wrightson and Levine, Terling, 94.
3. Medick and Sabeau, 'Interest and Emotion', 11.
4. G. Glover Alexander, 'The Custom of the Province of York. (A Chapter in the History of Wills and Intestacies)', Thoresby Society (1923-1927), vol. 28, 417-430.
5. ibid, 419.
6. ibid, 430.
7. Pollock and Maitland, English Law, vol. ii, 419.
8. Macfarlane, Origins, 83.
9. E.P. Thompson, 'The Grid of Inheritance: a Comment'. In Family and Inheritance, edited by Goody et al, 354.
10. Pal. and Dip., Weardale Chest 44. 'Copy of Presentments concerning the custom of the Forest of Weardale', 26 May 1601, ff 1-2.
11. R. Jackson, The Lanchester Common Act (Consett, 1887), 6.
12. Macfarlane, Origins, 85.
13. No example can be found in the wills of the absolute disinheritance of a child.
14. Pal. and Dip., Probate MS. Will of Elizabeth Greneson of Chester-le-Street (1597).
15. Pal. and Dip., Probate MS. Will of George Lytell of Newparke within the parish of Stanhope-in-Weardale (1587).
- 16.A. Macfarlane (ed.), 'The Diary of Ralph Josselin, 1616-1683', British Academy, Records of Social and Economic History, new series, vol. 3 (1976), 580, 582 and 638. For further examples of the continuing support of parents see R. Parkinson (ed.). 'The Life of Adam Martindale, Written by Himself', Chetham Society, old series, vol. 4 (1845), 213, and Parkinson (ed.), 'Henry Newcombe', Chetham Society, vol. 2, 248. The rarity of disinheritance is also observed by D. Hey, An English Rural Community. Myddle under the Tudors and Stuarts (Leicester, 1974), 214-215.
17. For a brief description of the Custom of York as they related

to intestacy see ^{G.}Glover Alexander, 'Custom of the Province of York', 419 and 427. More detailed accounts of the Custom are contained in the appendix of 'Testamenta Leodiensia', edited by G.D. Lumb, Thoresby Society, vol. 19 (1911-1913), 351-354, and R. Burn LL.D. Ecclesiastical Law (London, 1763), vol. ii, 746-762 (Durham Cathedral Chapter Library G IV 4-5).

18. Lumb, 'Testamenta Leodiensia', 353.

19. Burn, Ecclesiastical Law, vol. ii, 705.

20. ibid, vol. ii, 755.

21. ibid, vol. ii, 758.

22. ibid, vol. ii, 757.

23. ibid, vol. ii, 758.

24. E. Le Roy Ladurie, 'Family Structures and Inheritance Customs in Sixteenth Century France'. In Family and Inheritance, edited by Goody et al, 52-61.

25 O. Hood Phillips and A.H. Hudson, A First Book of English Law, 7th. edition (London, 1977), 305-306; Pollock and Maitland, English Law, vol. ii, 260-313.

26. Thompson, 'Grid of Inheritance', 352.

27. Jackson, Lanchester Common Act, 6.

28. Pal. and Dip., Weardale Chest 44, 'Copy of Presentments concerning the custom of the Forest of Weardale', 26 May 1601, f2.

29. ibid, f2.

30. ibid, ff 3-4.

31. James, Civil Society, 25.

32. J. Thirsk, 'Industries in the Countryside'. In Essays in the Economic and Social History of Tudor and Stuart England, edited by F.J. Fisher (Cambridge, 1961), 83.

33. Le Roy Ladurie, 'Family Structures and Inheritance Customs', 37.

34. For the ability of tenants within the Forest of Weardale to let or sell tenements see Pal. and Dip., Weardale Chest 44, 'Copy of Presentment concerning the custom of the Forest of Weardale', 26 May 1601, f3. The customary rights of the Bishopric tenants in this respect are outlined in Jackson, 'Lanchester Common Act', 7.

35. Spufford, Contrasting Communities, 114.

36. M. Spufford, 'Peasant Inheritance Customs and Land Distribution in Cambridgeshire from the Sixteenth to the Eighteenth Centuries'. In Family and Inheritance, edited by Goody et al, 172-173.
37. Houlbrooke, English Family, 232.
38. For the exhortation of the Church see 'Rubric in the Order for the Sick'. In The Book of Common Prayer. The minimal formalities surrounding willmaking are stressed by Henry Swinburne in A Brief Treatise of Testaments and Last Wills, folios 6-7v.
39. David Cressy, Literacy and the Social Order (Cambridge, 1980), 105-108.
40. Spufford, 'Peasant Inheritance Customs', 171. For other estimates of the proportion of the population leaving wills see R.T. Vann, 'Wills and Family in an English Town: Banbury, 1550-1800', Jnl. Fam. Hist. 4, 1979, 352; P. Slack, 'Mortality Crisis and Epidemic Disease in England, 1485-1610'. In Health, Medicine and Mortality in the Sixteenth Century, edited by C. Webster (Cambridge, 1979), 12.
41. Pal. and Dip., Probate MSS. Wills and inventories relating to the parishes of Chester-le-Street, Sedgfield and Stanhope-in-Weardale for the period 1580-1699.
42. Wrightson and Levine, Terling, 97.
43. ibid, 58.
44. ibid, 96. Also Hey, Myddle, 204-205; see Howell, 'Peasant Inheritance Customs in the Midlands, 1200-1700'. In Family and Inheritance, edited by Goody et al, 145.
45. Macfarlane, Family Life of Ralph Josselin, 118-119.
46. Pal. and Dip., Probate MSS. Wills and inventories relating to the parishes of Chester-le-Street, Sedgfield and Stanhope-in-Weardale for the period 1580-1699.
47. Spufford, 'Peasant Inheritance Customs', 165; Macfarlane, 'Family Life of Ralph Josselin', 64-67.
48. Pal. and Dip., Probate MS. Will of Richard Huchesson of Sedgfield (1673); Halmote Court, Book no. 85, Demise of 22 Mch. 1671, f1409.
49. Pal. and Dip., Halmote Court. Books 35-91 (1580-1701); Chester Deanery, Box 1, Books A (1560-1674) and B (1674-1721).
50. Wrightson and Levine, Terling, 65; Hey, Myddle, 204-205; Howell, 'Peasant Inheritance Customs', 145.

51. Pal. and Dip., Probate MS. Will of John Rutter of Chester-le-Street (1679).
52. Pal. and Dip., Probate MS. Will of James Wheatley of Sedgefield (1608).
53. Pal. and Dip., Probate MS. Will of Francis Bucke of Streatyeate within the parish of Chester-le-Street (1670).
54. Pal. and Dip., Halmote Court. Book no. 91. Surrender of 20 Apl. 1694, f1553v. For a further example see the surrender of copyhold land within Sedgefield township by Martin Hixson sen. to his son Martin Hixson jnr. and Anna Hopper spinster. Halmote Court. Book no. 91. Surrender of 31 Oct. 1691, f1351.
55. Pal. and Dip., Probate MS. Will of Richard Anderson of Pelton within the parish of Chester-le-Street (1591).
56. Pal. and Dip., Probate MS. William Marley of Hedley Hall within the parish of Chester-le-Street (1623).
57. Wrightson and Levine, Terling, 97.
58. Pal. and Dip., Probate MS. Will of William Marley of Hedley Hall within the parish of Chester-le-Street (1623).
59. Pal. and Dip., Probate MS. Will of William Wilson of Sedgefield (1625).
60. Pal. and Dip., Probate MS. Will of Anthony Lambert of Tanfield within the parish of Chester-le-Street (1616).
61. Pal. and Dip., Probate Ms. Will of Robert Lyddell of Ravensworth within the parish of Chester-le-Street (1640).
62. Pal. and Dip., Probate MS. Will of Thomas Scott of Chester-le-Street (1585).
63. Pal. and Dip., Probate MS. Will of Cuthbert Nattis of Wearhead within the parish of Stanhope-in-Weardale (1620).
64. Pal. and Dip., Probate Ms. Will of Cuthbert Fetherstonhaugh of Middle Black Dean within the parish of Stanhope-in-Weardale (1635).
65. Pal. and Dip., Probate MS. Will of Robert Clarke of Great Lumley within the parish of Chester-le-Street (1692).
66. Pal. and Dip., Probate MS. Will of Lancelot Robinson of Stanhope-in-Weardale (1606).
67. Pal. and Dip., Probate MS. Will of John Emerson of Cockclose within the parish of Chester-le-Street (1678).
68. Pal. and Dip., Probate MS. Will of Rychart Lawes of Pelton

within the parish of Chester-le-Street (1588).

69. Pal. and Dip., Probate MS. Will of John Brack of Chester Loaning within the parish of Chester-le-Street (1692),
70. Pal. and Dip., Probate MS. Ralph Maddison of Birtley within the parish of Chester-le-Street (1662).
71. Pal. and Dip., Probate MS. Will of John Emerson of Cockclose within the parish of Chester-le-Street (1678).
72. Spufford, Contrasting Communities, 112.
73. Pal. and Dip., Probate MS. Will of William Marley of Hedley Hall within the parish of Chester-le-Street (1623).
74. Wrightson and Levine, Terling, 97.
75. Pal. and Dip., Probate MS. Will of John Walton of Plawsworth within the parish of Chester-le-Street (1616).
76. Wrightson and Levine, Terling, 97.
77. Pal. and Dip., Probate MS. Will of Thomas Smyth of Sedgfield (1623).
78. Pal. and Dip., Probate MS. Will of George Collingwood of Boltsburn within the parish of Stanhope-in-Weardale (1650).
79. Pa. and Dip., Probate MS. Will of Robert Wilkinson of Layton within the parish of Sedgfield (1622).
80. Spufford, Contrasting Communities, 163.
81. ibid, 112.
82. Pal. and Dip., Probate MS. Will of Richard Chypchase of Sedgfield (1601).
83. Pal. and Dip., Probate MS. Will of Ralph Ord of Sedgfield (1685).
84. Pal. and Dip., Chester Deanery. Box 1, Book A. Demise of 17 Mch. 1608, f17v.
85. Pal. and Dip., Halmote Court. Book No. 79. Surrender and demise of 16 May. 1639, f597.
86. Pal. and Dip., Halmote Court. Book No. 84. Surrender of 8 Jly. 1669, f1270.
87. Pal. and Dip., Halmote Court. Book No. 90. Surrender of 17 Oct. 1692
88. Pal. and Dip., Probate MS. Will of John Rutter of

Chester-le-Street (1679).

89. Pal. and Dip., Probate MS. Will of Francis Grey of Fishburne within the parish of Sedgfield (1677).

90. Spufford, Contrasting Communities, 89.

91. Pal. and Dip., Halmote Court. Book No. 87. Inheritance 8 May 1677, f280.

92. Pal. and Dip., Halmote Court. Book No. 83. Inheritance and subsequent surrenders of 22 Sept. 1662, f302.

93. Pal. and Dip., Weardale Chest 63, 'Part of a Document containing examples of husbands who sold customary tenements inherited by their wives' (updated), 1f.

94. Pal. and Dip., Halmote Court. Book No. 90. Surrenders of 31 Oct. 1691, f1351.

95. Pal. and Dip., Halmote Court. Book No. 83. Surrenders of 25 May 1661, f119.

96. Pal. and Dip., Chester Deanery. Box 1. Book B. Surrender of 4 Jne. 1675, f58.

97. Pal. and Dip., Halmote Court. Book No. 80. Surrenders of 2 May and 30 May 1646, f1028, Kirby (ed.), 'Parliamentary Surveys', vol. 185, 14-40.

98. Pal. and Dip., Chester Deanery. Box 1. Book A. Surrender of 13 Feb. 1639, f34.

99. Pal. and Dip., Halmote Court. Book No. 82. Surrender of 14 Oct. 1659, f854. For earlier inheritance see Kirby (ed.), 'Parliamentary Surveys', vol. 185, p. 35

100. Pal. and Dip., Probate MS. Will of Thomas Haddocke of North Ends within the parish of Chester-le-Street (1591).

101. Pal. and Dip., Probate MS. Will of Christopher Hickson of High Embleton within the parish of Sedgfield (1680).

102. Pal. and Dip., Probate MS. Will of Augustine Hixon of Morden within the parish of Sedgfield (1672).

103. Pal. and Dip., Probate MS. Will of Anthony Maddison of the parish of Chester-le-Street (1587).

104. Pal. and Dip., Probate MS. Will of John Lackinbye of Swainston within the parish of Sedgfield (1608).

105. Pal. and Dip., Probate MS. Will of Richard Gybson of Sedgfield (1597).

106. Pal. and Dip., Probate Ms. Will of Richard Pearson of Hagg within the parish of Chester-le-Street (1632).
107. Pal. and Dip., Probate MS. Will of William Welsh of Lumley within the parish of Chester-le-Street (1609).
108. Pal. and Dip., Probate MS. Will of Ralph Fetherstonhawghe of New Park within the parish of Stanhope-in-Weardale (1609).
109. Pal. and Dip., Probate Ms. Will of John Harrison of Stotfieldburn within the parish of Stanhope-in-Weardale (1699).
110. Pal. and Dip., Probate MS. Will of Ralph Fetherston of Burnhope within the parish of Stanhope-in-Weardale (1669).
111. Pal. and Dip., Probate Ms. Will of Christopher Walton of Hartburn within the parish of Stanhope-in-Weardale (1603).
112. Pal. and Dip., Probate MS. Will of Anthony Stephenson of Hedley within the parish of Chester-le-Street (1614).
113. Pal. and Dip., Probate Ms. Will of Cuthbert Emerson of Lingyridge within the parish of Stanhope-in-Weardale (1676).
114. Pal. and Dip., Probate MS. Will of Nicholas Procter of Plawsworth within the parish of Stanhope-in-Weardale (1586).
115. Spufford, Contrasting Communities, 113.
116. Pal. and Dip., DR. V. Book 11. Richardson v. Richardson. Deposition of William Richardson, Vicar of Coniscliffe, 28 May 1625.
117. Pal. and Dip., Probate MS. Will of Anthony Stephenson of Hedley within the parish of Chester-le-Street (1614).
118. Pal. and Dip., Probate MS. Will of George Chilton of Chester-le-Street (1609).
119. Pal. and Dip., DR. V. Book 8. William Fetherston on behalf of William, Jane, Margaret and Mark Johnson, children of William Johnson v. Henry and Isabel Franklin. Deposition of Henry Bailes, 25 Jan. 1605.
120. Pal. and Dip., Probate MS. Will of John Lawes of Kibblesworth within the parish of Chester-le-Street (1588)
121. Pal. and Dip., Probate MS. Will of Samuel Walker of Swainston within the parish of Sedgefield (1665).
122. Wrightson and Levine, Terling, 97.
123. Pal. and Dip., Probate MS. Will of Anthony Gregson of Sedgefield (1622).

124. Pal. and Dip., Probate MS. Will of Anthony Chapman of Frosterley within the parish of Stanhope-in-Weardale (1631).
125. Pal. and Dip., Probate MS. Will of Thomas Haddocke of Pelton within the parish of Chester-le-Street (1597). For other examples see Probate MSS. Wills of George Barwick of West Snawhope within the parish of Stanhope-in-Weardale (1634) and Augustine Hixon of Morden within the parish of Sedgefield (1672).
126. Pal. and Dip., Probate MS. Will of Ralph Teasdale of Sowingburne within the parish of Stanhope-in-Weardale (1623).
127. Pal. and Dip., Probate MS. Will of Richard Reede of Great Lumley within the parish of Chester-le-Street (1639).
128. Pal. and Dip., Probate MS. Will of Thomas Chapman of Frosterley within the parish of Stanhope-in-Weardale (1609).
129. Pal. and Dip., Probate MS. Will of John Craven of Pictree within the parish of Chester-le-Street (1662).
130. Pal. and Dip., Probate MS. Will of Ralph Ord of Sedgefield (1685).
131. Pal. and Dip. Probate MS. Will of Robert Cuthbert of Ravensworth within the parish of Chester-le-Street (1582).
132. Pal. and Dip., Probate MS. Will of Christopher Hickson of High Embleton within the parish of Sedgefield (1680).
133. Pal. and Dip., Probate MS. Will of Francis Bucke of Streatyeate within the parish of Chester-le-Street (1670).
134. Pal. and Dip., Probate MSS. Wills of Isabel Wilde of Kibblesworth within the parish of Chester-le-Street (1612) and Robert Robson of Urpeth within the parish of Chester-le-Street (1647).
135. Pal. and Dip., Probate MS. Will of Robert Emerson of Ludwell within the parish of Stanhope-in-Weardale (1587).
136. Pal. and Dip., Probate MS. Will of Rowland Galilee of Lincegreen within the parish of Chester-le-Street (1584).
137. Pal. and Dip., Probate MS. Will of William Greeve of Bradbury within the parish of Sedgefield (1679).
138. Approximately one quarter of male testators leaving dependent children made no reference to widows.
139. Pal. and Dip., Probate MS. Will of William Cotsforth of Blackclough within the parish of Stanhope-in-Weardale (1661).
140. Houlbrooke, English Family, 131.

141. In ten cases it has proved possible to pair wills of those testators appointing tutors and guardians outwith the nuclear family to inventories. Seven of the ten had inventories valued in excess of £100, five had wealth over £150.
142. Swinburne, Brief Treatise, f102.
143. Pal. and Dip., Probate MS. Will of Richard Pearson of Hagg within the parish of Chester-le-Street (1632).
144. Pal. and Dip., Probate MS. Will of John Johnson of Greenhead within the parish of Stanhope-in-Weardale (1619).
145. Pal. and Dip., Probate MS. Will of Samuel Walker of Swainston within the parish of Sedgfield (1665).
146. Pal. and Dip., Probate MS. Will of Anthony Wall of Coves within the parish of Stanhope-in-Weardale (1694).
147. Pal. and Dip., Probate MS. Will of Robert Clerke of Great Lumley within the parish of Chester-le-Street (1617).
148. Pal. and Dip., Probate MSS. Wills of John Cloase of Sedgfield (1609) and Robert Fawden of Bradbury within the parish of Sedgfield (1667).
149. Pal. and Dip., Probate MS. Will of Anthony Stephenson of Hedley within the parish of Chester-le-Street (1614).
150. Pal. and Dip., Probate MS. Will of Thomas Mayer of Plawsworth within the parish of Chester-le-Street (1584).
151. Pal. and Dip., Probate MS. Will of John Gibson of The Loaning within the parish of Chester-le-Street (1662).
152. Swinburne, Brief Treatise, f100v.
153. Pal. and Dip., Probate MS. Will of Roland Emerson of Stanhope-in-Weardale (1599).
154. Pal. and Dip., Probate MS. Will of Robert Webster of Chester-le-Street (1663).
155. Wrightson and Levine, Terling, 98.
156. Approximately 15 percent of testators leaving children were survived by a single child.
157. Pal. and Dip., Probate MS. Will of Richard Pearson of Hagg within the parish of Chester-le-Street (1632).
158. Pal. and Dip., Probate MS. Will of John Johnson of Greenhead within the parish of Stanhope-in-Weardale (1619).
159. Pal. and Dip., Probate MSS. Will and inventory of William

Young of Sedgefield (1613).

160. Pal. and Dip., Probate MS. Will of Anthony Sampson of Pelaw within the parish of Chester-le-Street (1679).

161. Pal. and Dip., Probate MS. Will of Christopher Walton of Hartburn within the parish of Stanhope-in-Weardale (1603).

162. Approximately 10 percent of testators leaving children were survived only by daughters.

163. Wrightson and Levine, Terling, 99.

164. Pal. and Dip., Probate MS. Will of Henry Saunders of Lamesley within the parish of Chester-le-Street (1647).

165. Pal. and Dip., Probate MS. Will of John Sheele of Harthopeburn within the parish of Stanhope-in-Weardale (1678).

166. Pal. and Dip., Probate MSS. Will and inventory of William Smith of West Morton within the parish of Sedgefield (1615).

167. Pal. and Dip., Probate MS. Will of Cuthbert Wheatley, the elder, of Kibblesworth within the parish of Chester-le-Street (1630).

168. Pal. and Dip., Probate MS. Will of John Lee of Sunderland within the parish of Stanhope-in-Weardale (1631).

169. Pal. and Dip., Probate MS. Will of John Elwood of Stanhope-in-Weardale (1684).

170. Pal. and Dip., Halmote Court. Book No. 84. Inheritance of 12 May 1666, f879.

171. Pal. and Dip., Halmote Court. Book No. 88. Widowright and inheritance of 5 Apl. 1681, f572.

172. Pal. and Dip., Probate MS. Will of Edward Brady of Stanhope-in-Weardale (1675).

173. Pal. and Dip., Probate MS. Will of John Cloase of Sedgefield (1609).

174. Pal. and Dip., Probate MS. Will of Martin Lawes of Kibblesworth within the parish of Chester-le-Street (1662).

175. Approximately 20 percent of testators leaving children were survived by a single son and a daughter or daughters.

176. Pal. and Dip., Probate MS. Will of George Chilton of Chester-le-Street (2609).

177. Pal. and Dip., Probate MS. Will of William Stobbert of Westgate within the parish of Stanhope-in-Weardale (1597).

178. Pal. and Dip., Probate MS. Will of Arthur Fetherstonhalgh of Newlandsyde within the parish of Stanhope-in-Weardale (1596).
179. Pal. and Dip., Probate MS. Will of Samuel Walker of Swainston within the parish of Sedgfield (1665).
180. Pal. and Dip., Probate MS. Will of Francis Scott of Chester-le-Street (1617).
181. Pal. and Dip., Probate MS. Will of William Emerson of Low Horseley within the parish of Stanhope-in-Weardale (1609).
182. Pal. and Dip., Probate MS. Will of Samuel Walker of Swainston within the parish of Sedgfield (1665).
183. Pal. and Dip., Probate MS. Will of John Wall of Wester Hare Hope within the parish of Stanhope-in-Weardale (1675).
184. Pal. and Dip., Probate MS. Will of John Harrison of Stotfieldburn within the parish of Stanhope-in-Weardale (1699).
185. Pal. and Dip., Probate MS. Will of John Bearpark of Sedgfield (1590).
186. Pal. and Dip., Probate MS. Will of John Johnson of Sedgfield (1591).
187. Pal. and Dip., Probate MS. Will of Thomas Wall of Frosterley within the parish of Stanhope-in-Weardale (1607).
188. Pal. and Dip., Probate MS. Will of William Taylor of Kibblesworth within the parish of Chester-le-Street (1672).
189. Pal. and Dip., Probate MS. Will of Christopher Hickson of High Embleton within the parish of Sedgfield (1680).
190. Wrightson and Levine, Terling, 98; see also Howell, 'Peasant Inheritance Customs', 145 and Spufford, 'Peasant Inheritance Customs', 157.
191. Cf. Wrightson and Levine, Terling, 98; Spufford, 'Inheritance Customs', 173-176; Howell, 'Inheritance Customs', 145; Hey, Myddle, 204-205.
192. Pal. and Dip., Probate MS. Will of Richard Walker of Morden within the parish of Sedgfield (1597).
193. Pal. and Dip., Probate MS. Will of John Rutter of Chester-le-Street (1671).
194. Pal. and Dip., Probate MS. Will of Emanuel Southgate of Braike Leazes within the parish of Sedgfield (1691).
195. Pal. and Dip., Probate MS. Will of Martin Hallyman of Lumley Castle within the parish of Chester-le-Street (1622).

196. Approximately 50 percent of testators who left children were survived by two or more sons with or without daughters.
197. Pal. and Dip., Probate MS. Will of Wyzard Wilde of Kibblesworth within the parish of Chester-le-Street (1585).
198. For the growing importance of cash bequests see Howell, 'Peasant Inheritance Customs', 149-152.
199. Pal. and Dip., Probate MS. Will of William Snaith of Chester-le-Street (1665).
200. Pal. and Dip., Probate MS. Will of William Cotsforth of Blackclough within the parish of Stanhope-in-Weardale (1661).
201. Pal. and Dip., Weardale Chest Item 44. 'Copy of Presentments concerning the Custom of the Forest of Weardale', 26 May 1601, f2 and ff2-3.
202. Pal. and Dip., Halmote Court. Book No. 82. Surrender of 3 Apl. 1655, f606.
203. Pal. and Dip., Halmote Court. Book No. 81. Surrender of 15 Oct. 1655, f522.
204. Pal. and Dip., Halmote Court. Book No. 83. Surrender of 2 Apl. 1662, f196.
205. Kirby, 'Parliamentary Surveys', vol. 185, 35.
206. Pal. and Dip., Probate MS. Will of Christopher Wall of Peakfield within the parish of Stanhope-in-Weardale (1682).
207. Pal. and Dip., Probate MS. Will of Ralph Gibson of Earnwell within the parish of Stanhope-in-Weardale (1670).
208. Pal. and Dip., Probate MS. Will of Richard Reed of Morden within the parish of Sedgfield (1682).
209. ibid.
210. Pal. and Dip., Probate MS. Will of Rychard Chypchase of Sedgfield (1608).
211. Pal. and Dip., Probate MSS. Will and inventory of Christopher Heighington of Morden within the parish of Sedgfield (1611).
212. Pal. and Dip., Probate MSS. Will and inventory of John Clarke of Chester-le-Street (1662).
213. Pal. and Dip., Probate MSS. Will and inventory of Richard Fawden of Bradbury within the parish of Sedgfield (1687).
214. Pal. and Dip., Probate MS. Will of Robert Clerk of Great

- Lumley within the parish of Chester-le-Street (1617).
215. Wrightson and Levine, Terling, 98; see also Spufford, 'Peasant Inheritance Customs', 157 and Howell, 'Peasant Inheritance Customs', 145.
216. Pal. and Dip., Probate MS. Will of Richard Clerk of Great Lumley within the parish of Chester-le-Street (1617).
217. Spufford, 'Peasant Inheritance Customs', 157.
218. Pal. and Dip., Probate MS. Will of Rychard Chypchase of Sedgefield (1608).
219. Pal. and Dip., Probate MS. Will of George Harrison of Stotfieldburn within the parish of Stanhope-in-Weardale (1699).
220. Pal. and Dip., Halmote Court. Book No. 79. Surrender of 16 May 1639, f597.
221. Pal. and Dip., Halmote Court, Book No. 82. Surrender of 21 Apl. 1657, f743.
222. Pal. and Dip., Probate MS. Will of William Marley of Hedley Hall within the parish of Chester-le-Street (1623).
223. Spufford, 'Contrasting Communities', 86.
224. Pal. and Dip., Probate MS. Will of John Lawes of Kibblesworth within the parish of Chester-le-Street (1588).
225. Pal. and Dip., Probate MS. Will of Lancelot Walton of Frosterley within the parish of Stanhope-in-Weardale (1641).
226. Pal. and Dip., Probate MS. Will of Edward Ponshon of Waldridge within the parish of Stanhope-in-Weardale (1583).
227. Pal. and Dip., Probate MS. Will of John Elstobb of Hogshouse within the parish of Sedgefield (1692).
228. Pal. and Dip., Probate MS. Will of William Reed of Great Lumley within the parish of Chester-le-Street (1672).
229. Pal. and Dip., Probate MS. Will of William Emerson of Brotherlee within the parish of Stanhope-in-Weardale (1584).
230. Pal. and Dip., Probate MSS. Will and inventory of Augustine Hixon of Morden within the parish of Sedgefield (1672).
231. Spufford, 'Peasant Inheritance Customs', 157.
232. For the differing wealth structure of the parishes as revealed in the inventories see Chapter 1.
233. Pal. and Dip., Probate MSS. Will and inventory of

Christopher Hickson of High Embleton within the parish of Sedgefield (1680).

234. Pal. and Dip., Probate MS. Will of John Lackinbye of Swainston within the parish of Sedgefield (1608).

235. Pal. and Dip., Probate MS. Will of Robert Farrow of Fishburn within the parish of Sedgefield (1622).

236. Pal. and Dip., Probate MS. Will of Christopher Wardell of Fishburn within the parish of Sedgefield (1686).

237. Pal. and Dip., Probate MSS. Will and inventory of Richard Reed of Morden within the parish of Sedgefield (1681).

238. Pal. and Dip., Probate MSS. Will and inventory of William Reed of Great Lumley within the parish of Chester-le-Street (1672).

239. Pal. and Dip., Probate MS. Will of Charles Elstobb of Foxton within the parish of Sedgefield (1639).

240. Pal. and Dip., Probate MS. Will of Henry Cowley of Layton within the parish of Sedgefield (1697).

241. Pal. and Dip., Probate MS. Will of Isabel Emerson of Rockhopeside within the parish of Stanhope-in-Weardale (1615).

242. Pal. and Dip., Probate MS. Will of Rowland Emerson of Low Bishopley within the parish of Stanhope-in-Weardale (1660).

243. Pal. and Dip., Probate MS. Will of Margaret Smith of Sedgefield (1689).

244. Pal. and Dip., Probate MS. Will of Elizabeth Wall of Snapegate within the parish of Stanhope-in-Weardale (1679).

245. Pal. and Dip., Probate MS. Will of Thomas Smith of Sedgefield (1662).

246. Pal. and Dip., Probate MS. Will of Ann Robinson of Brotherlee within the parish of Stanhope-in-Weardale (1675).

247. Pal. and Dip., Probate MS. Will of Allison C(h)arter of Fishburn within the parish of Sedgefield (1606).

248. Spufford, 'Contrasting Communities', 115.

249. Pal. and Dip., Probate MS. Will of John Smith of Bainsley Loaning within the parish of Stanhope-in-Weardale (1623).

250. Pal. and Dip., Probate MS. Will of Ralph Teasdale of Sowingburne within the parish of Stanhope-in-Weardale (1623).

251. Pal. and Dip., Probate MS. Will of James White of Morden

within the parish of Sedgefield (1625).

252. R. Schofield and E.A. Wrigley, 'Infant and Child Mortality in England in the late Tudor and early Stuart Period', in Webster, Health, Medicine and Mortality, 61-65.

253. Parkinson (ed.), 'Henry Newcombe', vol 1, 43, 104-105, 147.

254. Pal. and Dip., Probate MS. Will of Anthony Maddison of Chester-le-Street (1587).

255. Pal. and Dip., Probate MS. Will of George Harle of Chester-le-Street (1597).

256. Pal. and Dip., Probate MS. Will of Ralph Fetherston of Burnhope within the parish of Stanhope-in-Weardale (1669).

257. Pal. and Dip., Probate MS. Will of Bryane Gibson of Sedgefield (1596).

258. Pal. and Dip., Probate MS. Will of Isabel Wilde of Chester-le-Street (1612).

259. Pal. and Dip., Probate MS. Will of William Taylor of Kibblesworth within the parish of Chester-le-Street (1672).

260. Pal. and Dip., Probate MS. Will of Henry Keare of Worthy within the parish of Chester-le-Street (1586).

261. Pal. and Dip., Probate MS. Will of Ann Dawson of Lingrigg within the parish of Stanhope-in-Weardale (1678).

262. Pal. and Dip., Probate MS. Will of Richard Atkinson of Great Lumley within the parish of Chester-le-Street (1671).

263. Pal. and Dip., Probate MS. Will of Arthur Harrison of Shittlehopeburn within the parish of Stanhope-in-Weardale (1692).

264. Pal. and Dip., Probate MS. Will of Elizabeth Forster of Lambton Staithes within the parish of Chester-le-Street (1687).

265. Pal. and Dip., Probate MS. Will of Robert Marley of Pictree within the parish of Chester-le-Street (1671).

266. Pal. and Dip., Probate MS. Will of John Reede of Lumley within the parish of Chester-le-Street (1618).

267. Pal. and Dip., Probate MS. Will of George Wardell of East Edmondsley within the parish of Chester-le-Street (1689).

268. Pal. and Dip., Probate MS. Will of Henry Saunders of Lamesley within the parish of Chester-le-Street (1647).

269. Wrightson and Levine, Terling, 99.

270. ibid.

271. ibid.

272. J Thirsk, 'The European Debate on Customs of Inheritance, 1500-1700', in Family and Inheritance, edited by Goody et al, 184-191.

273. Spufford, 'Peasant Inheritance Customs', 158-170; Howell, 'Peasant Inheritance Customs', 146 and Wrightson and Levine, Terling, 98-99.

274. J. W. Cole and E.R. Wolf, The Hidden Frontier: Ecology and Ethnicity in an Alpine Valley (New York, 1974), 176.

275. Swinburne, Brief Treatise , 196. For details of the rights of heirs under the Custom of the Province of York see Lumb, 'Testamenta Leodiensia', appendix 351-354.

276. Pollock and Maitland, English Law , 362.

277. Spufford, 'Peasant Inheritance Customs', 156-169.

Chapter 6

Kinship and Marriage

Marriage: The Freedom to Choose

Two arguments are central to the displacement of earlier analogies of English society in the early modern period with those peasant societies studied by social anthropologists. The first is the abandonment of the belief that the extended family bound by strong kinship ties was the basic unit of household structure.[1] The second is a growing emphasis upon 'individualism' as the dominant characteristic within English society.[2] The implications of such research is clearly revealed in the emerging contrast between English society and traditional peasantries, a contrast which finds its clearest expression in the comparative study of marriage, an 'area which appears to be intimately connected to the peasant social structure'.[3] Thomas and Znaniecki's study of the Polish peasantry epitomises the traditional situation where kin take the initiative in the selection of marriage partners.[4] Marriage, then, within peasant society is not merely a social relationship or a contract between two individuals, but involves two economic enterprises and critically affects the personal interests of kin. Within such societies personal choice is, it is argued, of limited significance in the face of broader kinship interests. Thus Thomas and Znaniecki have emphasised that marriage based on romantic love, 'the highest form of individualisation', is diametrically opposed to such a social structure and that its

occurrence is a good index that traditional peasantry is dissolving.[5] By implication it has been argued that within the English context of 'isolated' nuclear families and in the absence of important structural, economic and kinship ties, there was greater scope for individualism, a characteristic which is most clearly expressed in the relative freedom of choice of partners in marriage. It is a view which has been given support from both literary and juristic approaches to the study of family formation, which have emphasised the individualistic aspects of marriage, stressing the significance of love and freedom of choice and as a pendant to this, the importance of the conjugal relationship within the nuclear family as against any other familistic or kinship ties.[6]

Important as such findings are, caution is necessary before drawing the conclusion from the cross-cultural comparison of social structure or normative prescriptions governing marriages, that the role or influence of kin was insignificant. The case has not been proven. It remains a hypothesis to be tested. Indeed it is important to stress that such comparative studies of English society with the most extreme features of traditional peasantries may serve to exaggerate the extent to which 'individualism' governed social relations in English society. It is a problem which is compounded by difficulties in handling the relationship between emotional needs and material interest, difficulties which are clearly evident in both structural and juristic approaches to the study of marriage. Demographic studies, for example, while influential in the reappraisal of

English social structure, tell us little about the basis of relationships. The dangers of accepting uncritically inferences about emotion from structural studies are highlighted by Hans Medick and David Sabean in their criticism of recent studies of kinship by anthropologists and social historians,

'Rather than carefully sorting out the nature of rights, duties, claims and counter-claims within families in different social and cultural contexts and delineating the corresponding specific territories in which emotion, trust and sentiment are structured, emotions and interests are treated as opposites which cancel each other out'.[7]

Thus the traditional view that 'peasant' family relationships are regarded as being mediated solely through material interests and that marriages were formed without regard to sentiment may be exaggerated when compared to marriage in early modern English society, since the demonstrable 'homogamy' in marriage within English society suggests that 'individualism' in love required a certain community of social traditions.[8] Generalisations, then, about the nature of kinship relations within marriage based on the single perspective of an analysis of social structure may produce crude caricatures distorted by blunt analytical tools, without detailed reference to context.

Similar criticisms can be directed towards the interpretation of the works of contemporary moralists and ecclesiastical law concerning marriage in terms of 'individualism'. Thus while it is important to note J.L.Flandrin's observation that the English moralists' allowance of a greater degree of freedom to the young in marriage was to distinguish them from their French counterparts, it is also

important to examine in greater detail the role and influence of kin in marriage.[9] Indeed as a cautionary counter-balance to 'individualistic' interpretations, it is important to emphasise that the ecclesiastical law governing marriage may reflect a potential within society for individualistic action rather than social reality. Thus while it is true that the Church advocated the apparently highly individualistic maxim that the mutual consent of the couple alone constituted a valid marriage, as Martin Ingram has stressed, the individualistic implications of this should not be pressed too far.[10] The principle of freedom of choice was developed primarily to ensure freedom from positive compulsion rather than to deny the desirability of parental consent. Indeed, while the 1604 Canons did little to alter ecclesiastical law relating to marriage the late sixteenth and early seventeenth centuries may have witnessed an increasing desire to safeguard parental influence.[11] Thus it can be argued that a literal interpretation of ecclesiastical law without reference to social context can lead to distortion, obscuring the complex and subtle influence of existing familial relationships. As R.B.Outhwaite has stressed 'marriage is a social act; it involves more than two people; it is hedged by law and custom; it is subject to often intense feelings of approval and disapproval'.[12] The influence of existing relationships in marriage is more clearly revealed in the work of contemporary moralists and churchmen, who describe the respective obligations on the part of parent and child. Thus William Perkins stated that parental duty might be discharged by providing charges for children or by advising children on the suitability of

prospective spouses. Elsewhere, he made it clear that even where parents took the initiative in proposing a match, they should never force the marriage of a child.[13] Bishop Barnes of Durham in his Injunctions of 1577, while not suggesting that parents should initiate or dominate match-making, outlined the obligation on the part of child, stating that 'yonge folkes by the laws of God may not marry without consent of their parents'.[14] In evaluating such contemporary commentary and ecclesiastical law, it is important to observe as Keith Wrightson has stated that 'there was a degree of flexibility , even ambivalence in the prescriptions of these churchmen'.[15] Such flexibility has often been obscured by the continuing use by historians of the terms 'arranged' and 'free' marriages, convenient analytical terms which blunted our perception of the role of kin in family formation.

The possible distortion created by the continued use of the terms 'arranged' and 'free' is not merely a matter of semantics, as it reflects the persistence within early modern historiography of a narrow and restrictive theoretical framework for the study of marriage. This framework has laid particular emphasis on the somewhat artificial dichotomy between 'arranged' unions dominated by kin and 'free' marriages based on personal choice. An early expression of this dichotomy is voiced in Trevelyan's English Social History , which describes a gradual evolution from a peasant society in which marriages were arranged and loveless towards modern and more humane conditions of love and freedom of choice in marriage.[16] While it is true that interpretations

such as this were often incorporated within broader studies of English society, the dichotomy between 'arranged' and 'free' marriages is also the focal point of more detailed research. Most notable in this respect is the detailed work of Lawrence Stone, who argues that the early modern period witnessed the rise of 'Affective Individualism', a change in 'mentalité', which was clearly revealed in the emerging family organisation which was centred around 'the principle of personal autonomy', as society broke away from the earlier emphasis upon 'distance, deference, and patriarchy' in family relations. In charting this evolutionary path Stone describes in depth, for social groups ranging from the aristocracy to the small property holder, the gradual movement from a society in which marriages were 'arranged by parents and kin for economic and social reasons' with the minimum consultation of children as the norm, towards a situation of greater freedom of choice in marriage for children subject to parental veto.[17] While undoubtedly refining earlier evolutionary models, the study retains an examination of the extent to which children exercised personal choice in the selection of marriage partners. In short family formation is examined within the familiar context of the dichotomy between 'arranged' and 'free' marriages. Given this restrictive theoretical framework, it is revealing that Lawrence Stone is to locate his explanation of the gradual evolution of society in terms of broad political and social trends. Thus, for example, in his explanation of the gradual replacement of the 'Open Lineage Family' by the 'Restricted Patriarchal Nuclear Family', Stone places particular emphasis upon,

'the decline of loyalties to lineage, kin, patron and local community as they were increasingly replaced by more universalistic loyalties to the nation state and its head and to a particular sect or Church. As a result 'boundary awareness' became more closed off from external influences, either of kin or of the community'.[18]

Similarly, in the post 1640 period which saw the emergence of the 'Closed Domesticated Nuclear Family', the rise of 'Affective Individualism' is attributed to a series of changes in the state, the society and the Church, which undermined the 'patriarchal emphasis', and to 'the continuing decline of external pressures on the increasingly nuclear family'.[19] It must be stressed, that in view of the apparently tenuous, or at least indirect, link between political developments and social change, it is dangerous to accept uncritically simple linear interpretations without reference to detailed studies of individual case studies which must lay particular stress upon social context.

Although critical of such evolutionary interpretations and identifying the need for an alternative model, Alan Macfarlane, in highlighting the differences in marriage patterns between traditional peasantries and English society, also stressed the contrast between 'arranged' and 'free' marriages. Citing the 'arranged' marriage as one of a number of indices of 'peasant' society, Macfarlane relates as a contrast the experience of Ralph Josselin, whose marriage, like that of his children, was not arranged by kin but was on the basis of individual choice.[20] In drawing such a contrast, Macfarlane's work is invaluable in challenging simple linear interpretations of social change and in emphasising the distinct character of English society. However

the breaking of an earlier theoretical mould, through the use of cross-cultural analysis is in itself problematic. While superficially attractive, the comparison of English society with the most extreme features of traditional peasantries in terms of the artificial dichotomy of 'arranged' as opposed to 'free' marriages may serve to exaggerate the extent to which 'individualism' governed choice within marriage. The implication of such a sharp comparison is that in the real love marriage every possibility of control is rejected 'a priori'. In practice, however, the feeling of love cannot be isolated from its social context. Marriage is essentially a 'social act', often involving parental consent and preferment, it cannot be divorced from its economic and social milieu.[21] Thus to view the role of kin in marriage simply in terms of the contrast between 'arranged' and 'free' produces an oversimplistic view, a view which if accepted uncritically precludes the more subtle analysis of the role of kinship in marriage by obscuring important social variations.

The study of kinship and marriage within this restrictive theoretical framework can only be the starting point of analysis, an analysis which must pay far more attention to context. Indeed one of the criticisms of attempting to infer from either structural or broad social studies that kinship was insignificant in family formation is the absence of context. In so far as relationships are both complex and dynamic, subject to constant re-evaluation as circumstances change, a rigid theoretical framework is of limited use. Some account must be taken of the

individuals own definition of obligation, choice and expectation, definitions which in themselves may be subject to change. In view of the fact that there is no mechanical relationship between structures, attitudes and emotions, it becomes crucial to place the role of kinship in marriage firmly within context.

In order, then, to examine the role of kinship within marriage it is necessary to study marriage within the context of existing and prospective family relationships, relationships which are themselves subject to change. The earlier examination of kinship recognition, as evidence in wills, suggests the importance of ties with close kin, with the principal line of relationship being between parent and child. In addition it was argued that despite the essentially 'flexible and permissive' nature of kinship, which was clearly visible at the periphery of the kinship universe, near the central core of the nuclear family relationships appear increasingly to be subject to notions of obligation rather than personal choice. 'Kinship', then, primarily refers to the generational ties within the nuclear family.[22] Consequently, it is proposed to locate the study of marriage within the context of existing family ties rather than the often broader notions or concepts of kinship derived from the study of other societies. While it can be argued that something will be lost in this re-emphasis, it must be stressed that there is no intention of removing from the research the relationships between siblings or with wider kin, as both can be closely related to the experience of the family. Thus, for example, in that the sibling relationship is developed within the context of

family life, it becomes of interest to examine the role of siblings in marriage and how the relationship is affected by marriage. Similarly, since relationships with wider kin - uncle, aunt, cousin, affinal ties - are to a certain extent mediated through established relationships within the nuclear family, the analysis permits ties with more remote kin to be thrown into sharper relief. Thus by adopting this relatively narrow referent it is hoped to place kinship ties within the perspective of the principal social unit of the nuclear family, a perspective which was familiar to contemporaries.

Such a study not only permits an examination of flexibility in freedom of choice in marriage, but also allows research into what has been termed by sociologists the 'ideology' of kinship, that is to say attitudes towards relationships. While the 'ideology' of kinship encompasses a complex variety of themes, particular attention will be paid to the central themes of expectation, obligation and choice. Moreover, in so far as relationships and the values attached to them are used selectively within a variety of contexts, it is proposed to examine the choice of both kin and non-kin for particular roles. Thus with its emphasis upon a detailed examination of context, this alternative thematic approach within the framework of existing relationships has the additional advantage of permitting an assessment of the degree of flexibility in kinship relations.

Source Material

In studying family formation in terms of these varied themes attention has been focussed upon two principal sources: the writings of contemporary moralists and the depositions given in the matrimonial causes which came before the Durham Consistory Court during the period 1580-1637. Compared to the testamentary causes which formed the bulk of the Court's work, matrimonial causes are relatively few in number. Only forty-five matrimonial causes were brought before the Court during the period 1580-1631, with depositions from another two causes occurring in the loose deposition papers which survive for the period 1632-1665.[23] Drawn from a wide geographical area, no single parish or group of parishes predominate. The relatively small number of causes and the varied residence of the parties involved inevitably place limitations on the study. It is impossible, for example, to comment with any confidence upon possible local variation such as the alleged dichotomy between the uplands and lowlands or to make any broad statistical generalisations. The data simply does not exist. Nevertheless the depositions, though small in number, provide invaluable details about inter-personal relationships and attitudes, permitting a close analysis of personal definitions of obligation and choice and the relative importance of kin and non-kin in courtship and marriage.

Illustrative of the detail provided by depositions are excerpts from the deposition of John Horsely, yeoman of Bishop Auckland in the matrimonial cause John Grainger versus Jane Harrison (17 October 1606)

John Grainger did often in times use and frequent this exam(ina)te's house where Jane Harrison this exam(ina)te's servant did dwell and used her company so much as this exam(ina)te suspected their behaviour did ask the said John Grainger the occasion of his coming to use and using of his maid's company whereunto he answered he did bear affection to the said Jane Harrison.... as he and she agreed to proceed further w(i)th w(h)ich speeches this exam(ina)te was contented so as the said John came to her in honesty and with intent to marry the said Jane. And that afterwards viz. about Michaelmas than next afterwards this exam(ina)te did see the said John Grainger deliv(er) to the said Jane Harrison certain tokens.... w(hi)ch she then very kindly accepted.... afterwards that is to say 8 or 10 days after Michaelmas next that one Ralph Harrison brother to the said Janet having occasion to go into Wardall for horses w(hi)ch feasted and depastured there that summer came and lay at this exam(ina)te's house with this exam(ina)te taking occasion to talk of the said John Grainger and Jane Harrison who were then present this exam(ina)te told the said Ralph Harrison that he would like to have a new marriage whereunto the said Ralph answered that if his sister who was then present with the said John were agreed God speed her well. Then this exam(ina)te asked the said Jane whether she would have him the said John Grainger or no to whom she answered yes she meant to have him if ev(er) she had any man.... And further this exam(ina)te saieth that in or about Martinmas last the said Jane Harrison required this exam(ina)te to write a bill to her brother Xtopher Harrison for her portion w(hi)ch this exam(ina)te wrote but could not find a messenger with whom he might send the same. And that p(re)sently after there was a breach of kindness between the said parties in so much as the said John Grainger did request this exam(ina)te to speak with the said Jane Harrison and to know of her what cause she had to fall out w(i)th him w(hi)ch this exam(ina)te did accordingly and told her withall what reason she had to make the said Grainger promise of marriage and to will him to buy wedding clothes whereunto she answered that she made no promise at all but in jest'.[24]

Despite such detailed description, the source material is not without problems, problems which are similar to those highlighted by Martin Ingram in his study of matrimonial causes which came before the Wiltshire Consistory Court.[25] Firstly, it is difficult to comment in any more than a perfunctory way upon the degree to which attitudes varied at different social levels; in

particular, it is doubtful how far the views discussed below were applicable to the upper strata of society. In part this may be explained in terms of a siphoning off of matrimonial disputes relating to property to other courts. While it was firmly established that all matters which essentially concerned the existence of a marriage were cognizable only in the Courts Christian, the ecclesiastical courts did not hold a monopoly over litigation relating to marriage. Many other courts including Chancery, Star Chamber, Requests, Wards, Common Pleas, Kings Bench and the equity jurisdiction of the Council of the North, might handle problems relating to property disputes and marriage. In addition to problems surrounding the identification of social status, it is difficult to assess the extent to which obligation and choice were affected by the age of the individuals contesting the cause, as the parties are seldom called upon to give evidence and personal details are rarely recorded.

The problem of omission and its implications for the study of context is compounded by the emphasis upon ecclesiastical law relating to marriage, an emphasis which tends to produce both an incomplete and distorted impression of the social circumstances which underlay marital suits. In ecclesiastical law three forms of marriage were recognised. The first and only fully satisfactory form of marriage was the solemnisation of a union in Church after the calling of banns, or after the procurement of a licence exempting the parties from this formality. Moreover marriage within the church was subject to further restrictions. Thus Bishop Barnes of Durham in his Injunctions of 1577 advised

the clergy

'that yow do not solemnise matrimony betwene any persons from the first Sondaie after Easter, nor betwene persons onles the bannes shalbe first solemnly published thre severall Sondaies or hollydaies and thereupon no lawful impediment founde, nor between any notorious adulterer or fornicator before they shalbe reconciled, nor betwene any person within the degrees of consanunitie and affynyty by the laws prohibited'.[26]

In addition to the formal church wedding, ecclesiastical law also recognised two other forms of marriage, though irregular, as valid. A promise to marry in words of the present tense (per verba de praesenti) in the presence of witnesses constituted a valid marriage. While a promise of marriage in words of the future tense (per verba de futuro) did not at once create an irrevocable union, sexual intercourse between the parties gave immediate binding force to an existing 'de futuro' spousal. Within this legal framework, consent to a marriage could be given by any persons over the age of seven, while the marriage could be sexually consummated by boys over fourteen years of age and girls at twelve. A common feature of both regular and irregular marriages was the fact that the mutual consent of the couple alone made a valid marriage: the consent of no other person was necessary. Indeed, even the 1604 Canons fell short of the Reformatio Legum, which advocated the invalidation of marriages contracted by children without the consent of their parents. In practice the Canons of 1604 did little to modify Medieval Law, merely forbidding marriage without parental consent for children under twenty-one and for the issue of marriage licences, which required the consent of parents irrespective of the age of the parties (unless they were in widowhood). The evidence of

deponents in matrimonial causes, then, must be viewed within this narrow framework, a framework which places particular stress upon determining whether a valid marriage existed or not. As Martin Ingram has emphasised, 'court records which were made with a very specific end in view ... certainly do not offer an open window on social realities ...'.[27] With this important caveat in mind the source material has been treated with great respect and every effort has been made to avoid straining the evidence.

Obligation and Choice in Marriage: Moralistic Advice

Superficially, the patriarchal and paternal prescriptions of sixteenth and seventeenth century moralists, with their emphasis upon the child's subjection to parental authority, suggests that there was little flexibility within the parent-child relationship. For example, William Perkin's definition of parents as 'they which have power and authority over children', if viewed in isolation, implies the utter subordination of the child to the dictates of parents.[28] Thus social historians have frequently stressed the importance of obedience instilled by precept and catechism, and enforced by both emotional and, on occasion, by physical punishment. However when such prescriptions are placed within the wider context of moralistic literature it is clear that such interpretations are simplistic, denying the flexibility within the parent-child dyad, a flexibility which is clearly revealed in family formation, as children marry and leave the original nuclear family. The subtlety of the relationship finds clear expression in the work of William Perkins, who emphasised (in his discourse upon

'Christian Oeconomy') that parental authority was both limited and conditional upon certain obligations to the child. Thus while William Perkins stated that parental duty might be discharged either by providing matches for children or by advising 'them thereunto ... by themselves or their friends', he also warned against 'arranged' marriages, stressing that 'it is meet that parents should deal moderately with their children ... and do not undertake at any hand to force them to marry this or that party'.^[29] Similarly, while the obligation on the part of the child to receive parental consent before marrying may be viewed within the context of moralistic maxims stressing the virtue of obedience, it is clear that subordination to parental authority was far from absolute.

Ambiguity, then, emerges as the central characteristic of the moralistic advice governing the parent-child relationship with regard to marriage. While such ambiguity suggests that there was a degree of flexibility in the relationship between parent and child, the precise boundaries of obligation, choice and expectation remain indistinct. Thus in order to place this important relationship in sharper focus it is necessary to examine in greater detail the individual's definitions of obligation, choice and expectation, definitions which may be influenced by circumstance. The study of marriage, as revealed in spousal litigation, provides an ideal context in which to examine the strength of both complementary and conflicting definitions, since marriage was an issue subject to often intense feelings of approval and disapproval.

Obligation and Choice in Marriage: Personal Definitions

From the evidence of Consistory Court depositions relating to matrimonial causes it is evident that the parental obligation to 'bestow' children in marriage was broad. It could find clearest expression in a wide variety of forms of involvement in family formation, ranging from the domination of matchmaking to the tacit approval of the child's choice of marriage partner and limited participation in marriage arrangements. In assessing the significance of such observations for an understanding of the relationship between parent and child two broad interpretations are available: either, that the varying definitions of obligation were closely related to specific social and economic contexts or conversely, that personal choice alone determined the degree of involvement in the marriage of children. In reality it is unlikely that either of these extreme interpretations will be valid, as obligation is not a distinct and isolated motivation but is inter-connected with feelings based upon expectation and choice. However, although such a distinction may in contemporary eyes have appeared to a certain extent artificial, it provides a useful framework within which to examine the range of variation in definitions of obligation, choice and expectation within the nuclear family and more specifically within the important parent-child dyad. Thus while it is true that obligation, choice and expectation cannot be regarded as mutually exclusive, it seems likely that definitions of obligation which were influenced by social and economic circumstances would reveal distinct patterns of parental involvement in the marriage of children,

patterns which would be absent if personal choice were of paramount importance. Therefore, in that it is necessary to examine involvement within the context of variation in social and economic factors, particular attention has been focussed upon three aspects which are revealed in the documentation: the sex of the child, the extent of economic dependence on the part of the child and whether the child immediately prior to marriage was in the parental home or in service.

The most extreme form of parental involvement in family occurs in the initiation or domination of matchmaking. For example, in the proposed marriage between Thomas Atkinson and Jane Todd, the young couple appear to have been, at least in the earlier stages of matchmaking, relatively passive agents. Thus

'the said Thomas Atkinson dwelling with Richard Atkinson of Pelton his uncle did about five years ago (1611) come to Jane Todd her father in Muggleswick and told him that the said Richard Atkinson and his wife were desirous that the said Thomas Atkinson and Jane Todd should marry... and they had sent for her to come and fetch for them, whereupon she went ov(er) to them accordingly and lived with them for about two years'.

At the close of this two year period, Thomas Atkinson and Jane Todd 'agreed to marry together'. The case is of interest not only in that matchmaking appears to have been initiated by the surrogate parents of Thomas Atkinson, but also in so far as it appears to have been carried out within their home, the influence of Thomas Atkinson's aunt and uncle extended beyond the introduction of a possible marriage partner. Indeed it is significant that Thomas Atkinson and his brother were to make economic provision for the proposed marriage. Thus in addition to 'giving of their goods', Jane Atkinson was to desire of her

brother John Hopper that he should 'give them a cow or XXs. in money for their better p(re)ferment w(hi)ch he granted accordingly'. In assessing the significance of this example it must be stressed that such deep involvement in matchmaking was both uncommon and extreme.[30]

Although the case cited above was later to be the subject of controversy, the match, originally at least, appears to have been initiated with the approval of the young couple: others one suspects were not. The evidence produced in the cause concerning the child marriage of John Maddison and Isabel Carrington (1611) provides the clearest expression of the parental domination of marriage. Despite the emphasis placed upon the free consent of the young children in the deposition evidence, it is clear that matchmaking was initiated and dominated by parents of both parties. Thus while John Maddison was recorded as having 'with consent of Mr. Ralph Maddison his father solicited Isabel Carrington in the way of marriage', it is important to stress that the children at the time of their marriage were 'only about fourteen years of age'. The marriage itself was short lived: 'after four years there did arise some disagreement between the said John Maddison and Isabel Carrington ... whereupon he did forsake her and since hath nev(er) or very seldom come in her company'.[31] Tentatively, it is possible to suggest that while parental authority over young children may have been strong there are signs that as children reach adulthood ties of obedience and obligation are weakened. Anachronistic child marriage was by the late sixteenth and seventeenth centuries rare and represents an

already dying tradition, a tradition which was located within the social ranks of the gentry where the political and financial stakes of such marriages were high. Like the previous cause, the child marriage between John Maddison and Isabel Carrington is an extreme and isolated example.

In practice, then, there is little to suggest that the parental obligation to 'bestow'^a child in marriage was commonly defined in terms of the unilateral initiation or domination of matchmaking. However it is important to stress that it should not be assumed that the parental role in marriage was negligible. Indeed within an essentially patriarchal society, fathers could be crucial figures in the marriage of children, especially daughters. Thus while not directly initiating the match Elizabeth Fletcher's father was to consent to Matthew Hinde's request to marry Elizabeth *despite his daughters opposition*. Thus Elizabeth's mother relates how her husband

'being an old, weak and sicklie man and trusting the said Matthew's fair promises was at length overcome and gave way to the said Matthew's demand. But she saieth that the said Matthew did very seldom not past once or twice acquaint her this examine being mother of the said Elizabeth with his said intent and that the said Elizabeth did nev(er) give or show any consent or liking to the said Matthew'. [32]

Assessing motivation is always problematic in the absence of any explicit statement, but the evidence presented to the Court suggests that the desire to ensure the economic security of a child, especially a daughter, may have been significant. Thus while never directly stated it is implied that among other 'fair promises', Matthew Hinde's claim that he 'had a farm in Streatlaw Lordship worth £20 per annum and that he might have a lease there

of for one and twenty years', was a significant factor in Richard Fletcher's decision to consent to marriage with his daughter.[33] Obligation on the part of the parent was paralleled by obligation on the part of the child. Thus Elizabeth Fletcher herself acknowledged that there was some talk of marriage with Matthew Hinde at her father's deathbed 'fearing his displeasure'.[34] It is interesting to note, however, that following her father's death Elizabeth apparently felt little obligation to comply with his wishes and was to reject Matthew Hinde's advances in favour of those of Christopher Garthwate, whom she later marries.[35] A similar concern is recorded in the cause Cecelia Wheatley versus George Harbott when Robert Maliend recalled an earlier conversation with Henry Arrowsmith, who said

'that the s(ai)d George was his grandchild and had a pretty estate and land and she the s(ai)d Cecelia was the s(ai)d Henry's wife's daughter, and had also a good porcon and so as to present all future pains he and his wife were very well contented to have them to marry'.[36]

If adequate financial resources were influential in the granting of approval, the prospect of possible economic insecurity could result in opposition to a particular match. Thus John Pattenson

'desired his daughter as she would deserve his blessing not to match herself with Thomas Tailer (who as he said) was much addicted to play at cards and doubted him much that he would prove an unthrift and if she would not follow his counsel and refuse him then he would give no more unto her for her porcon of his goods than by his will he had them limited unto her whereunto she gave no answer and departed'.[37]

Whether we are dealing with the approval or disapproval of a specific match there is a common desire to ensure the future economic welfare of the couple rather than to improve the fortunes of the respective families.

While close affective ties between parent and child engendered feelings of personal obligation, conflict could also arise. Thus there is evidence to suggest that occasionally parents, in opposition to a child's choice of marriage partner, encouraged the advances of an alternative partner. Thus John Casson, gentleman of Houghton-le-Spring related how parental pressure was brought to bear upon Dorothy Glover to break her relationship with James Dobson and to enter into a marriage contract with one George Craggs,

'and then the said Xtopher Glover answered and said unto his daughter, 'daughter if thou have him (meaning the said Dobson) thou shalt never have my blessing for if he could have gotten anie other he would have never have come to thee and then the said Dorothy said unto her father look how he liked she would marry with him and no other than the said James Dobson ...'.

Despite this initial statement of defiance of parental authority, later Dorothy Glover was to deny the existence of an earlier contract with James Dobson and to enter into a marriage contract with George Craggs, but 'whether she spoke from the hart or with cheerful countenance' remains unclear.[38] With hindsight the influence of parental pressure is frankly recorded in the deposition of Julia Glover, who told of her daughter's contract with George Craggs. Thus Dorothy Glover allegedly stated that she

'would follow her parents counsel and the rather because neither her brother nor sister would be advised by them though she never did well. And therefore this exam(ina)te is now persuaded in her conscience that the said Dorothy did not contract herself with the said George Craggs for any good love or of purpose or intent to marry with him but rather for the fear of displeasing this exam(ina)te and her husband, but especially this exam(ina)te who had not only often p(er)suaded her to forsake the said Dobson but had threatened her to the same though she had answered her

that she could not do the same with a safe conscience'. Julia Glover's evaluation is of interest in that it not only gives some indication of the strength of parental pressure but suggests that there may have been limits to obligation on the part of the child.[39] Thus it is significant that Christopher Glover was to acknowledge later,

'that he hath heard report that the said James and Dorothy his daughter did go whither he knoweth not to p(ro)cure a marriage to be solemnised between them but this exam(ina)te did neither meddle therewith nor was acquainted therewith and was absent when they went to be married and when they came home'.[40]

Thus from a position of domination of matchmaking Christopher Glover's attitude appears to change to one of passive acceptance, if not approval of the marriage of his daughter, Dorothy to James Dobson. In so far as no static definitions of obligation emerge, it is clear the context of the dynamic social relations between parent and child were important.

The extent of variations in individual definitions of obligation are revealed in the differing responses to parental pressure and sanctions on the part of children. Thus while some like Dorothy Glover were prepared to circumvent parental authority others were not. For example, Janet Watson of Wearmouth when asked by Richard Clement, Vicar of Dalton, if she had made a promise to marry John ffoicke of the parish of Dalton, replied

'yes I promised him marriage and then this exam(ina)te asked her if she would not be as good as her word whereto she said I am willing but I cannot have my father and mother's goodwill and therefore if he will let me alone I can be contented and then her mother said unto her how couldst thou make a promise having made a promise to another man before, whereunto she

replied and said that she never made a promise to another man save him'.[41]

Despite having promised to marry John ffoicke, Janet Watson is unwilling to proceed further without the consent of her parents. A similar unwillingness is evident in the matrimonial cause Martin Wheatley versus Agnes Startforth alias Leigh. Thus following a promise to marry (per verba de praesenti) Martin Wheatley and Agnes Startforth 'the said Martin willed the said Agnes that if her father were wroth with anything that was then done that she would go to her brother Richard's and send a messenger to him and he would come and fetch her away presently'. In failing to honour her promise to Martin Wheatley we can only speculate as to the effect of parental pressure, as 'her father had said that if she would have John Leigh (who was also a suitor to her) she would have a new cupboard and other goods but if she had the said Martin Wheatley she would have nothing ...'.[42]

Both examples reveal that the obligation to advise children in the choice of marriage partners as outlined by William Perkins was defined in broad terms and in certain cases involved the active discouragement of a child's choice of marriage partner.

The possible conflict between obligation and choice on the part of parent and child respectively is dramatically illustrated in two related causes, which entered the Consistory Court (12 October 1605). The causes concerned James Handley parish priest of Middleton-in-Teesdale, who claimed that he had contracted marriage with Ann Newbie prior to her alleged clandestine marriage to Nicholas Shields. One of the central figures in both cases was John Newbie, father of Ann. Although John Newbie

denied knowledge of any contract between James Handley and his daughter 'or that the same were manifested by the love betwixt them', it is clear from earlier evidence that he was violently opposed to the relationship.[43] Thus Elizabeth Yealand recalled an earlier conversation with Ann Newbie, who stated with some bitterness that her father has refused his consent to her marrying Jacob Handley:

'Ann then wished that her father were dead, that thereby she might fulfil her mind, persuading herself that she could deal with her mother as to satisfy herself and wished that her arm were off so as she might marry with Jacob Handley one year'.

And she protested before God that she would renounce her father and mother and all the world in order to 'take the said Jacob Handley's part in way of marriage'.[44] Her father, however, remained intransigent, advocating an alternative match for his daughter with Nicholas Shields. Thus John Newbie and his wife 'conceiving a liking of the said Nicholas did freely yield their absolute consent that the said Nicholas should marry the said Ann Newbie, their daughter', and 'advised the said Nicholas that if he took or would carry her away from his house he should presently marry her'.[45] Nicholas Shields married Ann Newbie at the parish of Farlam within the neighbouring county of Cumberland on 2nd October 1605. Ann Newbie at the time of her marriage was sixteen years of age.[46]

If viewed in isolation without reference to context such causes imply that the obligation to 'bestow' children in marriage was often interpreted in terms of the parental domination of matchmaking. Common features of context, however, suggest that

the degree of parental involvement in marriage may have been associated with specific circumstances. Therefore in assessing the significance of extreme parental involvement in matchmaking, it is important to stress that the causes are both rare and atypical, highlighting the conflict between parent and child. Moreover there are signs that the high level of parental involvement was associated with strong ties of dependence on the part of the child. Thus in cases of conflict, which involved daughters rather than sons, parental authority appears to have been strengthened by the fact that daughters not only lived within the parental home but were in many cases financially dependent upon parents for dowries. Such observations suggest that attention to context is crucial to any understanding of variation within definitions of obligation and choice in the relationship between parent and child. In particular it is of interest to establish the extent to which ties of dependence influenced parental authority and the child's attitude to authority, and the extent to which conflict may have served to push definitions of expectations of obedience and personal choice on the part of parent and child respectively to atypical extremes.

Superficially the parental domination of matchmaking appears to represent the outer limits of a broad spectrum of involvement in family formation. If the precise boundaries of expectation and obligation are to be determined, however, it is necessary to examine the distorting effect of conflict. An initial survey of the deposition evidence suggests that the conflict reflects the

parents' disapproval of specific choices of marriage partners rather than a response to the independent action of children in selection. The point is not merely academic. While it is true that the insistence of ecclesiastical law upon the freedom of choice in marriage may obscure the element of parental control, it is important to stress that there is no direct or even indirect evidence to suggest that the opposition of parents was purely on the grounds that individual choice on the part of children circumvented their authority. In the absence of such evidence it is oversimplistic to view the intervention of parents in terms of 'arranged' marriages or the exercising of the right of parental 'veto', with their implied emphasis upon the unilateral action of parents. The reality is more complex. While pressure upon children to break a specific relationship or to accept an alternative partner suggests that parental control was of paramount importance, if viewed within the context of the contradiction between the obligation to defer to parents and freedom of choice, it is clear that such pressure was in many cases symptomatic of the heightening conflict between parent and child. Threatened financial sanctions, psychological pressure and even physical punishment must be placed within the context of the deterioration in the relationship between parent and child, rather than any radical departure from the central obligation to 'counsel' children. It is significant, therefore, that pressure upon children was frequently expressed in terms of advice. Consider, for example, the attempts of Dorothy Glover's parents to dissuade her from marrying James Dobson. Following Dorothy's rejection of her father's advice to break her relationship with

James Dobson, her parents turned to John Casson to seek his assistance in order 'to persuade the said Dorothy to forsake James Dobson or else she would never have their blessing nor any penny worth of their goods'.[47] Although later the pressure upon Dorothy to reject James Dobson was replaced by the active support of an alternative partner the emphasis was still upon advice;

'Xtopher Glover lying sick did call the said Dorothy to him and did tell her that he knew not whether it should please God to restore him ... and that none of his other children had followed his counsel in marriage and therefore charged her upon his blessing that she should take George Craggs to her husband ...'.[48]

Although placing Dorothy Glover under some psychological pressure to marry George Craggs, it is interesting that the emphasis is again on advice rather than compulsion.

In other cases it seems likely that the line between 'advice' and the enforcement of parental authority becomes increasingly blurred, as the relationship between parent and child deteriorated. This is most clearly revealed in the lengthy and detailed cause James Handley versus Ann Newbie alias Shields, which charts the deterioration of the relationship between Ann Newbie and her father, John, who sought to prevent her marriage with Jacob Handley, parish priest of Middleton-in-Teesdale. The central conflict between parent and child finds expression in the deposition of William Bambridge of Middleton-in-Teesdale, who recalled an earlier meeting with Ann Newbie. Perhaps through kindness in an avuncular way, he asked her 'why she would not follow her parents' counsel and refuse Jacob Handley'. Her reply was equivocal, 'she would be glad to follow her parents' counsel yet notwithstanding she could then wish that her parents in her

choice would suffer her to have her mind'.[49] The conflict between parental expectation that Ann should follow their advice and personal freedom of choice was not to be resolved: in defiance of her parents Ann Newbie continued her ill-fated relationship with Jacob Handley. Thus Elizabeth Yealand recounted to the Court that

'in or about a fortnight after Whitsuntide last past, she was entreated by Ann Newbie to go an errand for her to Jacob Handley, videlicet, to signify her commendation verbally to him and to deliver a ring of silver, and a root of ginger of which she had bit off a piece'.

Jacob in his turn was to bite off 'another piece and also to be constant to her in such private matters as had passed between them'. As requested Elizabeth delivered these tokens to Jacob who stood 'well-contented therewith', and in turn asked Elizabeth to assure Ann that 'he would prove constant to her and take her part', and to deliver as a token 'four apples'. As this gentle courtship continued through the sending of tokens and messages of affection, Ann's relationship with her father became increasingly strained. Realising that she could not secure her father's consent to the marriage, Ann's attitude towards her parents became increasingly hostile: Ann then wished that her father were dead, that thereby she might fulfil her mind ..., and protested before God that she would renounce her father and mother and all the world to 'take the said Jacob Handley's part in way of marriage, wishing God to renounce her body and soul everlasting when she would refuse the said Jacob Handley'. It seems likely that Ann's hostility stemmed not only from her parent's intransigence but also from the worsening relations with

parents, relations which were marked by a climate of distrust and even violence. Thus about five months before her marriage to Nicholas Shields, Ann requested Elizabeth Yealand once again to carry tokens and in particular

'to give to Jacob Handley and to deliver to him two French crowns and one gold ring enameled wherein there were engraved the words 'far off not forgot' w(hi)ch the said Jacob Handley had formally sent to the said Ann Newbie ..w(hi)ch French crowns and gold ring aforesaid the said Ann Newbie took this exam(ina)te she could not keep the same for her father did search her coffer and therefore Ann for the more safekeeping thereof was more willing to commit the same to the said Jacob to keep that he might buy a coffer to keep them in while she came to receive the same herself'.

The need for secrecy in courtship is revealed in Ann Newbie's assertion 'that she had endured many strokes of her father for the said Jacob's cause'.[50]

While there is no indication within the deposition evidence to suggest why John Newbie was opposed to the prospect of Jacob Handley as his son-in-law, his later encouragement of Nicholas Shields as an alternative marriage partner is understandable. In view of the fact that John Newbie was aware that 'a suit was depending before the Honourable Court of High Commission concerning a supposed pre-contract made by the said Ann Newbie, his daughter, with the said Jacob Handley', as well as another suit before Dr Colmore concerning the same matter, some light is thrown upon his domination of matchmaking and in particular his advice to 'the said Nicholas (Shields) that if he would marry her away from his house he should presently marry her'.[51] Once introduced into the Courts, marriage suits could drag on indefinitely, during which time, until a verdict was reached, Ann

would be prevented from marrying another. On the other hand if the Court found in favour of Jacob Handley, Ann Newbie would be forced to honour an earlier promise to marry Jacob Handley. By advising Nicholas Shields to marry Ann in the neighbouring diocese of Carlisle, John Newbie virtually guaranteed that Jacob Handley would never marry his daughter. If the Shields-Newbie marriage was to be declared null and void on the grounds of pre-contract, Jacob Handley would have been required to produce clear evidence that a previous contract or promise to marry existed. Such evidence does not appear to have been forthcoming. In assessing John Newbie's actions some account must be taken to his personal evidence and in particular his denial that he had forced his daughter to marry Nicholas Shields:

'and neither did this exam(ina)te move her thereunto but what she out of her own affection did think to choose and like of neither did this exam(ina)te know the said Nicholas Shields before he came to his house, or did any act by himself or his procurement to disable the contract formerly made (if any such were) which this exam(ina)te believes not to be true'.[52]

While this denial must be viewed with a certain degree of scepticism in the light of the stress upon freedom of choice within ecclesiastical law, in the absence of evidence to the contrary there is little to suggest this was an 'arranged' marriage. Rather the marriage was opportune and the product of conflict between parent and child. Conflict, then, may exaggerate the extent to which parents dominated matchmaking as it distorts and obscures the advisory role of parents. In so far as we are not witnessing the unilateral action of parents, it is misleading to view these causes in the oversimplistic terms of 'arranged' marriages or the exercising of a parental veto, as

this fails to acknowledge the importance of the changing relationship between parent and child.

In practice, then, there is little evidence to suggest that parents initiated matchmaking. Indeed causes involving the apparent domination of matchmaking often appears to be the result of specific circumstances rather than the expectation on the part of parents that they should exercise absolute control over choice. Such a finding concurs with the conclusion drawn by Martin Ingram for Wiltshire where 'it was apparently not uncommon at the social levels represented in the contract suits for young people themselves to take the initiative in seeking out a potential mate and commencing courtship'.^[53] In the wake of such conclusions, however, it is important not to underestimate the influence of parents. Tacit parental approval or disapproval could be a crucial factor in the furthering, or conversely hindering, of courtship. Similarly, the obligation on the part of children, and especially daughters, to marry with the consent of parents or at least to seek their approval, militated against total freedom of choice in marriage.

Superficially courtship appears relatively informal and free from parental supervision. However it must be emphasised that this is a generalisation, a generalisation which can only be refined if attention is paid to the context of courtship. For many couples complete freedom in courtship was impossible in so far as courtship was often carried out within the girl's parental home. While there is little evidence of formal supervision, it is clear that the disapproval of the girl's parents could be a

crucial factor in impeding courtship. For example, Anthony Cragg in proposing to meet Mary Bell secretly informed his companions that 'the widow (meaning Mary Bell her mother) was fro(m) home that day and therefore he might better talk to her'.[54]

Similarly, Martin Wheatley and Agnes Startforth, in the face of her father Bryan Startforth's opposition to their courtship, arranged to meet privately. The importance of secrecy clearly emerges from the evidence of Robert Grinwell, who was hired by Martin Wheatley to accompany him 'to Sheraton to speak with Ann Shacklock:

as they came nigh unto the town's ends to a place there called the Butts the said Martin Wheatley alighted from his horse and required this exam(ina)te to go to the said Ann her fathers house and tell her that he stayed there to speak with her, whereupon this exam(ina)te went to the Alehouse in Sheraton aforesaid next adjoining to the house of Bryan Shacklock father to the said Ann and desired the wife of that house to entreat the said Ann to come and speak w(i)th him there'.[55]

Secrecy and parental disapproval could place a considerable strain upon a relationship. This is clearly revealed in the changing relationship between Jacob Handley and Ann Newbie, prior to her marriage to Nicholas Shields. Thus five months before her marriage to Shields, Ann Newbie displayed a deep affection for Jacob Handley, an affection which found expression in a determination to marry him, despite her parents opposition: 'wishing God to renounce her body and soul ev(er)lasting when she would refuse the s(ai)d Jacob Handley'.[56] Despite the strength of Ann Newbie's defiant resolve, her relationship with Jacob Handley was to be placed under considerable stress, as a growing feeling of distrust emerged in relations with her father. The relationship, which was already under the stress of conducting a

secret courtship through intermediaries, was not immune from caution, doubt and even suspicion, although affection was still evident.

'It was reported to Jacob Handley that she had altered her mind, which the said Ann denied, and said that she would never alter her mind towards Mr Handley'.

Ann Newbie's reply is of interest in that it is clear that she was no longer willing to express a determination to marry Jacob Handley, or to state 'what promise was betwixt her and the said Jacob', which she said 'was best known to themselves'. [57] She was within four days of marrying Nicholas Shields. Clearly opposition to a daughter's choice of marriage could be a crucial factor in hindering the continuation of a relationship for all but the most determined couples. Unfortunately personal details of the parties involved in causes are rarely recorded, but many, like Ann Newbie, may have been young and still subject to strong parental authority.

In assessing the importance of parental authority in the relationship parent and daughter within the household, it must be emphasised that the above discussion applies only to causes in which daughters remained within the parental household until the time of their marriage. It is well known, however, that entrance into service rather than marriage marked the point of departure from the parental home for many children. Servants mixing freely in both work and leisure pursuits appear to have enjoyed considerable freedom in the initiation of relationships and courtship. Thus Cuthbert Lawson of Durham recalled the courtship of Thomas Wright and Mariam Liddell, who

'for the space of five or six years next before the beginning of this suit the said Thomas Wright and Mariam Liddell were very kind and familiar together .. and this exam(ina)te hath often been in their company drinking in John Snawball's house'.[58]

Similarly, John Clerkson's description of the lovers quarrel between Margaret Brown and Christopher Garthrone provides insight into the courtship of the young couple. Refusing 'to go to drink with (Christopher Garthrone) or come in his company except her father or (John Clerkson) were present, because the said Christopher Garthrone had formerly promised her marriage and had wronged her in denying of his own words', Margaret Brown 'asked the said Xtopher if he did not remember that on a time leading a brown horse over Newton Moor in her company alone whither he did not say unto her, Marg(are)t of my faith and troth I will never marry another woman but you ..'.[59] The description, although brief, is of interest in that there appears to have been transference of control to the daughter in the matter of courtship following the entrance into service.

Independence in courtship should not be equated with isolation, courtship did not occur within a social vacuum and couples were often to seek the support of both kin and friends. Support in courtship in many cases found expression in the request to carry love tokens and messages. Thus Thomas Brown of Whitwell informed the Court that he had delivered tokens to Ann Davison from Alexander Eggleston, and recalled

'that the said Alexander Eggleston has been a suitor to the s(ai)d Ann Davison al(ia)s Busby for the space of two years and had dyv(er)s(e) and sundry messengers namely her sisters Helen and Margaret Davison as also others send to the s(ai)d Alexander to come to Cassop and confer with her of marriage'.[60]

Other siblings could also provide support in courtship. It is of interest to note, for example, that Nicholas White courted Janet Hedley at his brother's house in Ebchester, while Martin Wheatley advised Agnes Startforth 'that if her father were wroth with anything that was then done that she should go to her brother Richard and send a messenger to him and he would pay him and fetch her away presently'.[61] While the involvement of siblings reflects the strength of affective ties, it is doubtful whether such relationships should be viewed as being indicative of the general importance of kin in courtship. Not only is there no evidence of the widespread involvement of kin, but it is clear from the personal deponents that those providing practical and moral support in courtship were rarely over the age of thirty-five. It seems likely, therefore, that the support of siblings should be seen within the context of the importance of the peer group in courtship. Indeed the impression gained from many depositions is of informality in courtship. Thus Margaret Twisell of Houghton-le-Spring recalled that her sister Helen Brough and William Nicolson came 'casually' to her house.[62]

Clearly, then, there were opportunities for meeting not only socially but also more privately, as is dramatically illustrated in the many contract suits which were complicated by the issue of paternity. Thus Katherin Thompson of Durham related to the Court that 'in or about Lammas last (being) servant to one John Harrison at w(hi)ch time this exam(ina)te did see Phillip Bailey and Alice Cowart frequently use very suspiciously and at unlawful times company together'.[63] In assessing the importance of this

deposition it is important to stress that the moral judgements expressed were probably a response to changing circumstances, rather than a reflection of dogmatic and inflexible codes of behaviour. The evidence of Emot Hutchinson is of interest from this point of view in that it charts the changing reactions towards the courtship of Phillip Bailey and Alice Cowart:

'whilst he (Phillip Bailey) served at Horden with Mr Conier (he) did frequent and use the company of the said Alice Cowart w(hi)ch this exam(ina)te and other neighbours did think and believe that he used her company for marriage than otherwise til such time as she was full with child and being rebuked for the same he answered if any were offended at him for using her company he told them directly where he used it once, he would for that resort oftener to her in defiance of whosoev(er) did contradict the same'.[64]

From a position of tolerance of a courtship directed towards marriage, the attitude changes to one of disapproval, as it becomes clear that Alice Cowart 'has been deceived', like others by 'fair persuasions and hope of marriage'.[65] Despite the air of moral rectitude and the emphasis upon the contrition of the young people in depositions concerning illegitimacy, the impression is that freedom in courtship was widely accepted and tolerated, even though the consequences were not. A clear contrast, then, emerges between the restrictive courtship within the parental home and the relative liberty of courtship within service, a contrast which suggests that the entrance into service and the departure from the parental household before marriage may have weakened ties of expectation and obligation on the part of parent and child.

For many the entrance into service not only marked the departure from the parental home but also the beginning of a practical route to the achieving of the necessary financial security to establish an independent nuclear family. Given the prevailing social structure of isolated nuclear families, the desire to establish independent households was strong. The experience of Nicholas White, who 'could not be provided of necessaries for marriage' to Janet Hedley and accepted the offer of Janet's mother 'to stay himself with her til the day of their marriage and longer as he liked', was rare.[66] Within the context of the strong cultural prejudice against such extended households, the necessity of achieving financial independence was of considerable importance. Thus Jane Harrison in accepting John Grainger's proposal of marriage 'willed him to take a house and wedding apparel and household stuff'.[67] An indication of the strength of the desire to establish a financially independent household can be seen both in decisions to defer marriage and in the advice given to young couples. In seeking to delay his marriage to Jane Todd, Thomas Atkinson sought the aid of her uncle Cuthbert Todd stating

'that if they could defer their marriage for some 2 or 3 years longer they should be better able to live together entreated (Cuthbert Todd) to speak with her and persuade her to defer it accordingly ...'.[68]

While in reality Thomas Atkinson's wish to delay the marriage may have owed more to doubts about his relationship with Jane Todd rather than financial concerns, the wisdom of achieving economic security is never questioned. Thus Christopher Glover of Lee Deanery related to the Court his earlier advice to Elizabeth

Fletcher and Matthew Hinde:

'after the death of Richard Fletcher, father to the said Elizabeth, this exam(ina)te was present in the deceased's house within the City of Durham at such time as his goods were appraised when and where the said Matthew Hinde and Elizabeth being p(re)sent having some speech of marriage to be had betwixt them this exam(ina)te told the said Matthew for that he had (as this exam(ina)te heard) made the said Elizabeth's father believe he had a living worth £xx a year w(hi)ch he perceived was not so and for that they both were young they might better defer it in hope to be thereafter better to live'.[69]

The strategies employed to achieve the necessary financial independence were varied being influenced by degree to which children could expect assistance from parents. Among the property owning families, ranging from prosperous yeomen and craftsmen to the gentry, parents assisted the couple by providing often sizeable marriage portions of goods or money, and occasionally land and stock. Thus following the rehearsal of a verbal marriage contract between Dorothy Glover and George Craggs, their fathers agreed to

'proceed concerning certain covenants viz. what portion (Julian Glover) would bestow with his said daughter and what land that said John (Craggs) would assign his son towards his p(re)ferment, whereunto he (Julian Glover) answered that he would give the said George with his daughter the sum of £120 if the said John would pass over his said land unto his son reserving some part thereof w(hi)ch should be worth £10 the year to himself and his wife during their lives w(hi)ch the said John was contented to do ...'.[70]

Few families could afford to give such assistance. More often the prospective couple seem to have reached the necessary stage by a mixture of personal saving, perhaps putting aside their wages as servants, and parental assistance. Thus Jane Harrison was to ask her master John Horsely 'to write a bill to

her brother Xtopher Harrison for her portion', prior to her proposed marriage to John Grainger.[71] Presumably her portion would be supplemented by her wages as a servant, and in conjunction with her fiance's saving would have provided enough to establish an independent household. Similarly, Thomas Atkinson in preparation for his marriage to Jane Todd was to receive assistance both from his uncle and aunt who, as surrogate parents to Thomas Atkinson, were to give them 'goods whereupon to live', and financial aid in the form of a dowry of £10 from Jane's father. In addition Jane's uncle, John Hopper, (who was also the brother of Thomas's aunt, Jane Atkinson) agreed to gift them 'a cow or XXs. in money for their better p(re)ferment'.[72] Despite the offer of such assistance it is interesting that Thomas Atkinson was to advocate that the marriage should be delayed so that they should 'be better able to live together'.[73] While in the wake of Thomas Atkinson's breach of contract one may suspect his motives, it seems likely that the delaying of marriage in order to increase personal savings was common enough.

Moreover it is interesting to speculate that the economic assistance of wider kin may in certain cases have been associated with multi-lateral consent of kin to a marriage. Thus William Nicholson was not only to approach Roland Brough 'for his good will, consent and furtherance', for his daughter Helen's hand in marriage, but also John Brough, Helen's brother, for 'his good will'. 'Liking well of the voluntary speeches of affection of the said William Nicholson towards his sister', John Brough

'agreed to give him her portion in marriage of £X and what else Roland Brough (his) father would further bestow upon him in marriage'.^[74] Unfortunately few cause depositions are so detailed with the majority merely referring to the fact that kin were present to discuss the contract. The precise role of kin remains unclear. Depositions are rarely explicit on this point. However a clue may be found in the cause John Tailor versus Margaret Way. Thus one Martin Mangerton recalls visiting Margaret Way's father, Robert Jolly, on behalf of John Tailor and Robert Jolly's reluctance to discuss the financial aspects of the marriage:

'this exam(ina)t(e) desired to know what portion of goods the s(ai)d Rob(er)t would give in marriage to Tailor with his daughter and howsoever he would pay the same whereunto the s(ai)d Rob(er)t Jolly ... willed the s(ai)d Tailor to bring with him some of his friends and that they and his own friends would confer together what portion he would give and thereby they should conclude marriage'.^[75]

There was a clear desire, then, that kin should be present when discussing the preferment of the couple. A parallel can be drawn with inheritance and the appointment of executors, as in both cases there was a strong preference for kin to participate 'in a matter involving family property'.

The association between approval and preferment suggests that consent, especially parental consent, could be of considerable practical importance to the future well-being of a couple, if only by virtue of its bearing on the parental willingness to transfer property to children at their marriages. Something of the importance of parental consent to marriage can be seen in the condition that some testators attached to bequests

to unmarried children. George Collingwood, for example, in his will of 1650 bequeathed to his four children, James, Mary, Margaret and William fifteen pounds each

'if they please their brother George in their marriage or other preferment, if not but they take bad courses then they shall have but seven pounds and ten shillings'.[76]

Similarly, William Blckett, gentleman of Woodcroft in the parish of Stanhope-in-Weardale left his daughter, Elizabeth, the substantial portion of one hundred pounds with the important proviso that

'if my said daughter do marry without the consent of her Uncle Christopher Byerley his heir or heirs that then my will is that she shall have only forty pounds'.[77]

In assessing the significance of consent it is important to stress that consent was primarily sought of the young woman's father, and that threatened financial sanctions were in the main directed against daughters rather than sons, who by contrast appear to have enjoyed relative freedom in courtship and marriage. Such observations suggest that the obligation to seek parental consent was not primarily influenced by ties of financial dependence.

The contrast between the relative freedom of men and women within courtship and marriage is reflected in the differing attitudes to parental authority. It is significant that no examples emerge of young men seeking the consent of their fathers to enter into marriage contracts. Indeed, it is interesting that despite Christopher Ritcheson's request for secrecy following his promise to marry Margaret Bayles 'for a time till he might

p(ro)cure his father's consent', in terms of ecclesiastical law he would be presenting his father with a *fait accompli*.^[78] While consent appears to be of limited importance this is not to argue that young men were immune from the pressure of parents and/or occasionally kin. Thus while John Hopper initially appears to have been determined to marry Isabel Tayler, although she was 'a poor wench and had no portion', affirming that she was 'a good woman and such a one as would love him well', the subsequent suit for breach of contract implies that 'his friends' may have been successful in their 'labour to withdraw (his) affection from her'.^[79] The example, however, is rare and there is little evidence to suggest that parents or kin intervened in the marriages of their sons. Within the context of courtship and marriage the question of parental authority rarely arose. By contrast, the consent of parents appears of considerable importance to daughters, who were often loath to defy parental authority. Although Dorothy Glover displayed a relatively independent spirit in secretly marrying James Dobson in the face of parental disapproval, it is significant that she earlier entered a marriage contract with George Craggs 'not for any good love' but 'for fear of displeasing her parents'.^[80] Few others felt able to follow her example. Many felt bound by obligation to secure parental consent. Many shared the sentiments expressed by Janet Watson, who while acknowledging that she had promised marriage to John ffoicke, declared 'I cannot have my father and mother's good will and therefore if he will let me alone I can be contented'.^[81] Consent like control in family formation must be seen within the wider context of patriarchy and the generally

subordinate position of women within both service and marriage. It is perhaps significant, therefore, that a higher percentage of causes (66 percent) were brought by men, a figure which may reflect the problems on the part of daughters of securing consent. Indeed conflict may arise because of the inherent tension between individual freedom of choice on the one hand and the obligation to secure parental approval on the other.

In discussing the relationship between parent and child, it is important to emphasise that the above contrast in the extent to which choice of marriage partner and courtship was free from parental involvement is to a certain degree deceptive, as it fails to take account of differing circumstances within the original nuclear family. As Vivien Brodsky-Elliott has shown in her study of London marriage patterns, 74 percent of migrant brides who entered service had no father living at the time of their marriage.[82] Unfortunately, no comparable figures have been produced for County Durham, but given the harsh demographic regime of the early modern period, it seems probable that for many who entered service the question of the involvement of parents, and especially fathers, in supervision of courtship and the approval of marriage partners simply did not arise. In this respect it is interesting to note that service within a household may in certain instances have led to the development of ties similar to those formed within the nuclear family. Occasionally, for example, masters and mistresses appear to be acting in loco parentis, supervising courtship and offering advice. Thus John Horseley, yeoman of Bishop Auckland, observing that John Grainger

'did often times use and frequent (his) house where Jane Harrison (his) servant did dwell and was much conversant with the said Jane and used her company so much', that John Horseley 'suspecting their behaviour did ask the said John Grainger the occasion of his coming to use ... his maid's company'.

Reassured that John Grainger 'came to her in honesty and with intent to marry the said Jane', John Horseley was to provide assistance in the preparation for the proposed marriage.[83]

While not intervening in the choice of marriage partner, John Horseley appears to be assuming a paternal role in seeking to protect the interests of his servant. In this respect his actions appear similar to those of Ralph Josselin, who in regarding his servants as members of his household displayed not only an interest in their lives but responsibility for them. Thus Josselin was to record in his diary of 14 October 1658;

'I married Mary Potter late my maid to Jo: Penhackle, and it grieved me not to deal bountiful with her, my heart is sad to see her match to a person that minds not God, nor is likely to bee (a) good husband'.[84]

As Vivien Brodsky-Elliott has stressed 'for some servants, especially those that had no kin to turn to, relationships may have been crucial as a source of assistance and advice in matrimonial affairs'.[85]

The assumption of this paternal role by masters is of interest in that it highlights the importance of the supportive role of parents in the marriage of their children. Indeed if family formation is to be understood within the early modern period it must examine the supportive role of parents. While financial aid in the form of dowries and marriage portions is the

most tangible and visible expression of support, if viewed in purely materialistic terms it obscures the importance of emotional support. Thus while the intervention of parents would be a crucial factor in the hindering of courtship, it could also be a source of support. John Bunting's evidence to the Court is typical of attempts to protect the interests of daughters:

'this exam(ina)te p(er)ceiving the said William Harp(er)ley often frequenting the house where this exam(ina)te's daughter also dwelt together with this exam(ina)te only in regard of the conference and talk of marriage betwixt them as of the good will the said William bore to the said Elizabeth art. and at last report was given forth by neighbours where she dwelled that William Harp(er)ley should say he would never marry the said Elizabeth Hart ... this exam(ina)te thereupon took occasion in July last past to go with his daughter to the said William Harp(er)ley's ... and thought good to know fully of him what course he would take for marriage between them, who answered he could appoint no time for any such purpose'.[86]

Similarly, Percival Veapond sought to protect the interest of his daughter Edeth in her courtship with George Kirkley:

'and by cause he had not so frequently resorted to her father's house as he had therefore done, it was doubted he would not perform the fidelity unto her w(hi)ch he did ... bear unto her in way of marriage and therefore (Percival Veapond) willed him to declare his purpose ... and not keep her in tigg tagg so long as he had done'.[87]

Such parental concern was not only evident within the nuclear family, but continued as children left the parental home and entered service. Thus in failing to honour his promise of marriage to Margaret Brown, servant to Joanna Fleming, Christopher Garthron heard that he was 'sore condemned at Burtree house where her father dwelt'.[88] While the entrance into service may have resulted in greater freedom in courtship, there is little evidence to suggest that emotional ties of

support were weakened. This is clearly revealed in the evidence of Jacob Grave, who was to seek an assurance from Thomas Wawbie that he would marry his daughter, who was carrying his child. Upon the advice of his master, Thomas Wawbie admitted 'that he had offended with (Jacob Grave's) daughter' and stated that he was 'willing to make her amends' and to have 'the child being then born ... church'd in his name'. 'Perceiving him submissive', Jacob Grave 'was very well contentéd'.^[89] in a world where illegitimacy was viewed harshly, both by society and the Church, the support of parents must have been an important source of material and emotional support.

Support in marriage was not merely a protective response on the part of parents or those who were acting in 'loco parentis'. There are signs that children desired and valued such support, though explicit references are regrettably rare. Two examples, however, may serve to illustrate the value placed on support. Thus it is revealing that in response to Andrew Roddham's offer to give Elizabeth Gainsbie 'a bowl of wheat and a bowl of malt upon condition that she would release her claim of marriage', Elizabeth replied 'that she would give no answer nor do anything without her brother's presense'.^[90] Without further contextual evidence, one can only speculate that the support of her brother was valued in the absence of parents to protect her interests in marriage. Secondly, although parental involvement in the marriage of sons appears to have been of limited significance, it is interesting to note that sons occasionally approached their fathers for support in securing consent and the discussion of

dowries. Thus John Forster of Carleton recalled the request of his son, who 'carrying a great affection unto Thomas Chipchase now deceased his daughter in the way of marriage', desired that his father 'break the matter to the said Thomas'.^[91] In assessing the significance of such relationships, however, it is important to stress that they may tell us more about the strength of affective ties formed within the nuclear family than the cultural norms surrounding matchmaking and marriage. Indeed if we are to understand the role of obligation and choice in marriage, we must first examine relationships within the nuclear family itself.

Conclusion: The Importance of Context

If marriage within early modern England is to be understood, it is necessary to abandon the narrow theoretical framework based upon the dichotomy between 'arranged' and 'free' marriages. In so far as relationships are both complex and dynamic such a theoretical stance is of limited value, as it tends to preclude the detailed study of context and so produces an oversimplistic picture.

While there is no evidence to suggest that parents initiated or dominated matchmaking, the extent to which children were free to exercise personal choice was dependent upon circumstance and the changing personal definitions of obligation, choice and expectation. Indeed many causes appear to have resulted from the tension between freedom of choice in the selection of marriage partners on the one hand and the obligation to secure parental

consent on the other. A similar tension is evident in the case of parents between the obligation to advise children and the protective instinct to ensure the financial security and independence of the couple. The greatest tension between definitions appears to have occurred in those cases where children, especially daughters, remained within the parental home, for the approval or disapproval of parents could be of crucial significance to the survival of a particular relationship. Occasionally disapproval would lead to the apparent domination of matchmaking by parents. However it would be misleading to view such cases in terms of 'arranged' marriages. Rather they reflect a deterioration in the relationship between parent and child and the extreme definition of parental authority. While the entrance into service undoubtedly gave opportunities for greater freedom in courtship, it is significant that few daughters appear willing to marry in the face of parental opposition. The obligation to secure consent remained strong. For while the entrance into service may have given a certain degree of financial independence to daughters, the frequent payment of child's portions or dowries at marriage meant that the securing of consent could be of practical significance.

By contrast sons appear to have enjoyed greater freedom in both courtship and marriage, a freedom borne out of financial independence. Inheritance in the case of sons was not related to marriage or delayed until the death of a father. Yet it is misleading to view the freedom of choice in marriage purely in

financial terms, as it obscures the important element of moral support from their peer group, in marriage they looked towards parents and close kin. Indeed if we are to understand marriage it is necessary to look beyond the formalities of custom to relationships formed within the nuclear family.

In view of the fact, then, that there is no mechanical relationship between structures, attitudes and emotions, it becomes crucial to place marriage and kinship relations firmly within context. It is a task to which the discipline of history is ideally suited. For history is, as Edward Thompson has stated 'the discipline of context; each fact can be given meaning only within an ensemble of other meanings'. [92]

References

Chapter 6 - Kinship and Marriage

1. Laslett and Wall (eds.), Household and Family, chapter 4.
2. Macfarlane, Origins.
3. ibid, 27-29.
4. W.I. Thomas and F. Znaniecki, 'A Polish Peasant Family', in Peasants and Peasant Societies, edited by T. Shanin (Penguin, 1971), 25-28.
5. ibid, 28-29.
6. For the law relating to marriage see G.E. Howard, A History of Matrimonial Institutions, 3 vols. (London, 1904), vol 1, chapters 8 and 9. Beyond the limited legal requirements for consent marriage was, as William Perkins observed, 'free to all orders and sorts of men without exception'. See T.F. Merrill (ed.), William Perkins, 1558-1602 English Puritanist: His Pioneer Works on Casuistry (The Hague, 1966), 420.
7. Medick and Sabeau, 'Material Interest', 140.
8. V. Brodsky Elliot, 'Mobility and Marriage in Pre-Industrial England', (unpublished PhD. thesis, University of Cambridge, 1978), pt. 1, chapter 4 and pt. 3, chapter 3. Other works suggest that people married locally. See Wrightson and Levine, Terling, 77; Hey, Myddle, 101-103. The social and geographical distance between future marriage partners appears to have been limited.
9. J.L. Flandrin, Families, parenté, maison, sexualité dans l'ancienne société (Paris, 1976), 163.
10. M. Ingram, 'Spousal Litigation', 47.
11. ibid, 48.
12. R.B. Outhwaite, Introduction to Marriage and Society, edited by R.B. Outhwaite, 11.
13. Merrill (ed.), William Perkins, 431.
14. J. Raine (ed.), 'Injunctions and Other Ecclesiastical Proceedings of Richard Barnes, Bishop of Durham, 1575-1582', Surtees Society, vol 22 (1850), 22.
15. Wrightson, English Society, 72.
16. G.M. Trevelyan, English Social History (London, 1948 edn.), 65-67.
17. Stone, Family, Sex and Marriage, 4-10, 117, 180-193, 271-272.

18. ibid, 7.
19. ibid, 7-8.
20. Macfarlane, Origins, 64.
21. Outhwaite, Marriage and Society, 11
22. See above chapters 2 and 3.
23. Pal. and Dip., Consistory Court Deposition Books, DR. V. Books 5-12 (1589-1631). Additional depositions are contained in a box marked Depositions 1633-1664.
24. Pal. and Dip., DR. V. Book 8. Grainger v. Harrison. Deposition of John Horsely of Bishop Auckland, 17 Oct. 1606.
25. Ingram, 'Spousal Litigation', 35.
26. Raine (ed.), 'Bishop Barnes', item 16, 13.
27. M. Ingram, 'Ecclesiastical Justice in Wiltshire, 1600-1640, with special reference to cases concerning sex and marriage', (unpublished PhD. theses, University of Oxford, 1977), 115.
28. Merrill (ed.), William Perkins, 430.
29. ibid, 431.
30. Pal. and Dip., DR. V. Book 10 B. Todd v. Atkinson. Deposition of John Hopper of Muggleswick, 14 Mch. 1616.
31. Pal. and Dip., DR. V. Book 10 B. Carrington v. Maddison. Deposition of Thomas Marley of Felside, 3 Dec. 1619.
32. Pal. and Dip., DR. V. Book 10 A. Fletcher v. Hinde. Deposition of Margaret Fletcher of Durham, Sept. 1615.
33. ibid. Deposition of Thomas Eddrington of Durham, Sept. 1615.
34. Pal. and Dip., DR. V. Book 10 B. Garthwaite v. Hinde. Deposition of Henry Rey of Durham, 11 Oct. 1616.
35. ibid. Deposition of William Emmerson of Heighington, 11 Oct. 1616.
36. Pal. and Dip., DR. V. Book 11. Wheatley v. Harbott. Deposition of Robert Maliend of Durham, 6 May 1620.
37. Pal. and Dip., DR. V. Book 8. Testamentary cause. Patteson v. Patteson. Deposition of John Blaxton of Norton, 13 Apl. 1605.
38. Pal. and Dip., DR. V. Book 7. Craggs v. Glover. Deposition of John Casson of Houghton-le-Spring, 18 Mch. 1602.

39. ibid. Deposition of Julia Glover of Durham, 2 Apl. 1603.
40. ibid. Deposition of Christopher Glover of Durham, 2 Apl. 1603.
41. Pal. and Dip., DR. V. Book 9. ffoicke v. Watson. Deposition of Richard Clement, Vicar of Dalton, 29 Jan. 1607.
42. Pal. and Dip., DR. V. Book 7. Wheatley v. Startforth alias Leigh. Deposition of Robert Grimwell of Ravensworth, 13 Jly. 1604.
43. Pal. and Dip. DR. V. Book 8. Handley v. Newbie alias Shields. Deposition of John Newbie of Middleton-in-Teesdale, 29 Oct. 1605.
44. ibid. Deposition of Elizabeth Yealand of Bowlees, 19 Oct. 1605.
45. ibid. Deposition of John Newbie of Middleton-in-Teesdale, 29 Oct. 1605.
46. ibid. Depositions of Thomas Owston of Owston, 12 Oct. 1605; and Hugh Sheele of Allendale, 22 Nov. 1605.
47. Pal. and Dip., DR. V. Book 7. Craggs v. Glover. Deposition of John Casson of Houghton-le-Spring, 18 Mch. 1602.
48. Pal. and Dip., DR. V. Book 7. Glover and Dobson v. Craggs. Deposition of Elizabeth Berks of Newcastle, 21 Jan. 1603.
49. Pal. and Dip., DR. V. Book 8. Handley v. Newbie alias Shields. Deposition of William Bambridge of Middleton-in-Teesdale, 25 Oct. 1605.
50. ibid. Deposition of Elizabeth Yealand of Bowlees, 19 Oct. 1605. For further evidence of the increasingly violent nature of the relationship see the deposition of George Allenson of Mickleton within the County of York (13 Jan. 1605), which relates that Ann Newbie's mother 'Did violently raine upon her daughter and with a great yeathering rodd w(h)ich she had then gotten beat her and make great blisters on her finger ends'. Ann Newbie's offence was to kiss Jacob Handley following a church service.
51. ibid. Deposition of John Newbie of Middleton-in-Teesdale, 29 Oct. 1605.
52. ibid.
53. Ingram, 'Spousal Litigation', 49.
54. Pal. and Dip., DR. V. Book 5. Cragg v. Bell. Deposition of Christopher Armstrong of Wolsingham, 23 Jan. 1589.
55. Pal. and Dip., DR. V. Book 7. Wheatley v. Startforth. Deposition of Robert Grimwell of Ravensworth, 13 Jly. 1604.

56. Pal. and Dip., DR. V. Book 8. Handley v. Newbie alias Shields. Deposition of Elizabeth Yealand of Bowlees, 19 Oct. 1605.
57. ibid. Deposition of Elizabeth Hall of Middleton-in-Teesdale, 19 Oct. 1605.
58. Pal. and Dip., DR. V. Book 11. Wright v. Liddell. Deposition of Cuthbert Lawson of Durham, 25 Jne. 1624.
59. Pal. and Dip., DR. V. Book 8. Brown v. Garthrone. Deposition of John Clerkson of Heighington, 18 Apl. 1607.
60. Pal. and Dip., DR. V. Book 7. Eggleston v. Davison alias Busby. Deposition of Thomas Brown of Whitwell, 18 Jan. 1599.
61. Pal. and Dip., DR. V. Book 9. White v. Hedley. Deposition of John White of Ebchester, 18 Mch 1607; and DR. V. Book 7. Wheatley v. Startforth alias Leigh. Deposition of Robert Grimwell of Ravensworth, 13 Jly. 1604.
62. Pal. and Dip., DR. V. Book 9. Brough v. Nicholson. Deposition of Margaret Twisell of Houghton-le-Spring, 3 Feb. 1608.
63. Pal. and Dip., DR. V. Book 9. Brough v. Nicholson. Deposition of Katherine Thompson of Durham, 5 Dec. 1606.
64. ibid. Deposition of Emot Hutchinson of Easington, 18 Apl. 1607.
65. ibid.
66. Pal. and Dip., DR. V. Book 9. White v. Hedley. Deposition of John White of Ebchester, 18 Mch. 1607.
67. Pal. and Dip., DR. V. Book 8. Grainger v. Harrison. Deposition of Stephen Copeland of Bishop Auckland, 17 Oct. 1606.
68. Pal. and Dip., DR. V. Book 10 A. Todd v. Atkinson. Deposition of Cuthbert Todd of Muggleswick Park, 14 Mch. 1616.
69. Pal. and Dip., DR. V. Book 10 A. Fletcher v. Hinde. Deposition of Christopher Glover of Lee Deanery, 11 Oct. 1616.
70. Pal. and Dip., DR. V. Book 7. Cragg v. Glover. Deposition of Henry Wandless of Durham, 18 Mch. 1602.
71. Pal. and Dip., DR. V. Book 8. Grainger v. Harrison. Deposition of John Horseley of Bishop Auckland, 17 Oct. 1606.
72. Pal. and Dip., DR. V. Book 10 A. Todd v. Atkinson. Deposition of John Hopper of Muggleswick, 14 Mch. 1616.
73. ibid. Deposition of Cuthbert Todd of Muggleswick Park, 14 Mch. 1616.

74. Pal. and Dip., DR. V. Book 9. Brough v. Nicholson. Depositions of Roland Brough of Newbottle and John Brough of Bolden, 3 Feb. 1608.
75. Pal. and Dip., DR. V. Book 7. Tailor v. Way. Deposition of Martin Mangerton, 11 Feb. 1602.
76. Pal. and Dip., Probate MS. Will of George Collingwood of Boltsburn within the parish of Stanhope-in-Weardale (1650).
77. Pal. and Dip., Probate MS. Will of William Blakett of Woodcroft within the parish of Stanhope-in-Weardale (1643).
78. Pal. and Dip., DR. V. Book 8. Bayles v. Richeson. Deposition of Roland Oswald of Nether Coniscliffe, 31 Oct. 1606.
79. Pal. and Dip., DR. V. Book 12. Tayler v. Hopper. Depositions of Christopher Hopper, 19 Feb. 1630 and Nicholas Hopper of Witton Gilbert, 9 Mch. 1630.
80. Pal. and Dip., DR. V. Book 7. Craggs v. Glover. Deposition of Julian Glover of Durham, 30 Mch. 1602.
81. Pal. and Dip., DR. V. Book 9. ffoicke v. Watson. Deposition of Richard Clement, Vicar of Dalton, 29 Jan. 1607.
82. V. Brodsky Elliott, 'Single Women in the London Marriage Market: Age, Status and Mobility, 1598-1619', in Marriage and Society, edited by Outhwaite, 90.
83. Pal. and Dip., DR. V. Book 8. Grainger v. Harrison. Deposition of John Horseley of Bishop Auckland, 17 Oct. 1606.
84. Macfarlane (ed.), 'Diary of Ralph Josselin', 432.
85. Elliott, 'London Marriage Market', 92.
86. Pal. and Dip., DR. V. Book 7. Harperley v. Hart. Deposition of John Bunting, 7 Oct. 1600.
87. Pal. and Dip., DR. V. Book 11. Veapond v. Kirkby. Deposition of James Hawden, Curate of Whickham, 9 Mch. 1620.
88. Pal. and Dip., DR. V. Book 9. Brown v. Garthrone. Deposition of John Clerkson of Heighington, 18 Apl. 1607.
89. Pal. and Dip., DR. V. Book 8. Grant v. Wawbie. Deposition of Jacob Grave of Sedgfield, 1 Mch. 1605.
90. Pal. and Dip., DR. V. Book 9. Gainsbie v. Roddham. Deposition of Ralph Waistell of Ravensworth, 1 Nov. 1610.
91. Pal. and Dip., DR. V. Book 8. Forster v. Chipchase. Deposition of Forster of Carleton, 24 Apl. 1624.
92. Thompson, 'Historical Context', 45.

Conclusion: Obligation and the Limits of Individual Choice

The examination of kinship within County Durham is supportive of a growing number of studies, which have stressed the limited importance of kinship as an organising principle in English society.[1] While in the past County Durham has been viewed as a culturally distinct region characterised, especially in the uplands, by strong kinship bonds, it is clear that this picture must be radically revised. For in terms of kinship relations County Durham falls into a distinctly English pattern, a pattern which appears remarkably modern and in contrast to those peasant societies with which England has frequently been compared. Within Alan Macfarlane's, admittedly narrow, definition we still await the discovery of a 'peasant' society. There is little evidence that in the case of County Durham we are dealing with a remote or, within the context of English Society, culturally distinct region. While supporting recent research which has emphasised the structural and social importance of the nuclear family, the study calls into question the extent to which England can be described as a highly 'individualistic' society. By adapting a relatively simple methodology, which involves the analysis of both limited quantitative data and qualitative sources it has proved possible not only to identify the boundaries of kinship recognition, but to examine the nature of expectation and duties within the nuclear family. Such a study leads to the conclusion that while wider kinship ties were of limited importance, ties within the nuclear family carried with them specific obligations, obligations which inevitably placed

limits upon individual choice.

Confirmatory evidence of the limited significance of wide kinship ties is to be found both in the structural importance of the nuclear family and the narrow range of recognition. While the present study is not primarily concerned with the problem of household structure, it is significant that there is no evidence that the formation of complex households was commonplace. Indeed inheritance practices and the gradual process of retirement stress the contrary. Inheritance was not dependent upon the death of parents, while marriage appears to have been delayed until the young couple could gather, often with the aid of parents, sufficient resources to establish an independent household. Just as there was a reluctance on the young married couple to live within parental households, so parents preferred to retain their independence. In the gradual process of retirement parents frequently retained an interest in property. Parents, of course, upon occasion did reside with a married child but the limited available evidence suggests that such arrangements were rarely long term. Such arrangements are not comparable with those observed by Lutz Berkner for the village of Calenberg in Lower Saxony, where the stem family represented a normal stage in the life cycle.[2] As in the case of Cambridgeshire 'we do not know how often retirement became complete in old age' or how frequently elderly parents became 'sojourners' in their children's homes.[3] Such cases, of course, did exist but it is interesting that in the extant examples the details of the arrangement were clearly spelled out, a fact which

suggests that such arrangements were a response to specific circumstances rather than cultural norms. For the most part arrangements appear to have been viewed with misgivings. While testators occasionally made arrangements for their widow to reside with a married child, it is revealing that wills often specified alternative arrangements in the event of conflict. Clearly, the independence of the nuclear family was valued.

Although the structure of the domestic group tells us little of the importance of family obligations, it does appear to provide some indication of the limits of kinship recognition and expectation. For the lack of precision on kinship terminology towards the periphery of the kinship universe is echoed in the increasingly wide variations in individual kinship recognition the further one moves away from the central core of the nuclear family. The decision whether or not to maintain wider kinship ties appears to be a matter of choice rather than strictly defined obligations.

This distinctive and narrow pattern of recognition appears largely independent of considerations of wealth and the availability of kin. Even in areas of apparently high kinship density, such as the upland parish of Stanhope-in-Weardale, kinship recognition appears narrow. Indeed despite the possibly wide variations in kinship densities of the three parishes the parallels are clear. Wealth also appears of limited importance. While there is evidence that the gentry maintained wider kinship ties, this probably owed more to social and political aspirations than to obligation or the availability of resources. For the

vast majority of the population, life cycle rather than wealth was the crucial factor determining patterns of kinship recognition. Thus there appears to have been a contraction in the range of kinship ties at marriage and during the early stages of the life cycle, as the obligations to a wife and children take precedence and ties with the family of origin are weakened. In contrast the later stages of the life cycle experienced a broadening of kinship ties. It is important to emphasise, however, that this does not indicate the revival of ties with wider kin as obligations to children became less demanding. Rather it marked a change in focus, as kinship ties were expanded through the marriage of children and the arrival of grandchildren. In short the broadening of ties formed through the nuclear family.

The importance of relationships formed within and through the nuclear family is further emphasised if the role of kin as a source of support is examined. This is perhaps most clearly illustrated in the appointment of executors and tutors and guardians. With regard to the former it is clear that in the handling of property testators preferred close kin, especially members of the nuclear family. Even if kin outside the nuclear family were appointed, the range was narrow and rarely extended beyond the family of origin of the testator or that of his widow. Similarly, in the appointment of tutors and guardians there was a reliance upon close kin, with widows and occasionally an older child having responsibility for both the material and emotional welfare of children. In such arrangements there was an

overwhelming desire to avoid breaking up the nuclear family and disrupting the normal course of the life cycle. Even in cases where tutors and guardians were appointed following the remarriage of a widow, it is clear that their remit was narrow and limited to ensuring economic security rather than completing the upbringing of the child. In the event of the dissolution of the nuclear family, testators turned to close kin, often parents or brothers. In selecting kin, however, it is clear that testators were not solely concerned with their own relationship with the guardian but also the future relationship between the guardian and child. Usually living locally, it seems likely that guardians often had established ties with the child. In this respect it is of interest that the relationship between paternal uncle and nephew or niece was of some importance. Every attempt, then, was made to minimise the possible disruption in the child's life. In keeping with this aim there appears to be an often implicit understanding in the provision made for children that the integrity of the nuclear family should be maintained.

In the performance of other roles the part played by kin is less prominent and the exercise of choice increasingly evident. Consider again the selection of supervisors, in which testators turned to both kin and non-kin. With regard to the appointment of kin in this role there was a tendency not only upon kin from the family of origin but also wider kin including cousins and affines. Unfortunately, the numbers involved are small and the basis of selection is not always clear. However the appointment of wider kin and people who were not related, in conjunction with

terms such as 'trusty' and 'well-beloved' suggests that strong personal ties rather than clearly defined obligations influenced choice. In the case of witnesses to wills, kin were even less prominent, with non-kin, probably neighbours, fulfilling this simple but important task. While this may merely reflect a tendency as in the case of financial aid, to seek aid within the immediate neighbourhood, neighbours may also have been preferred because they enjoyed a position of impartiality and independence. As in the case of supervisors, the choice of witnesses may reflect a desire to avoid controversy if not conflict.

This narrow pattern of recognition and support is paralleled by an equally limited range of expectation, as revealed in the participation in testamentary causes. Once again there is the now familiar emphasis upon close kin, especially members of the nuclear family. Involvement beyond the nuclear family was largely confined to siblings and nephews and nieces. Ties through marriage were also important with a rather high proportion of cause wills being challenged by affines, in particular sons-in-law and brothers-in-law. Indeed it is interesting to observe with regard to the involvement of affines that conflict often concerned those who were related by marriage rather than blood. Despite the undoubtedly strong emotions surrounding expectations, there may have been a reluctance to challenge close kin in the public arena of the court room. Those related by marriage may have been less inhibited.

This picture of a narrow range of recognition and the limited importance of kin as a source of support within all three of the Durham parishes under examination, confirms a growing body of studies which have emphasised the limited social significance of kin beyond the confines of the nuclear family. Indeed it is a pattern which will be familiar to those who have read the study of the Essex village of Terling or Richard Smith's work on a single Suffolk community in the thirteenth century or Williams' study of the modern village of Ashworthy.[4] With regard to kinship relations a remarkable picture of continuity emerges. It is clear, then, that within the allegedly remote Durham parishes we are not dealing with radically different kinship systems, a finding which suggests that more romantic notions of the North and especially the upland areas as a bastion of strong kinship ties, an echo of an earlier age, must be discounted. No clear dichotomy emerges between the society of the uplands and the lowlands. While the late sixteenth and seventeenth centuries witnessed the economic integration of the North into the national economy, there is no evidence to suggest that for the mass of the population the period also witnessed changing attitudes towards the family or wider kin. In the search for the origins of this distinctive English pattern, it is not possible simply to turn to the North in search of the vestiges of an older social order, in which kinship ties constituted the principal social bond. For not only does there appear to be broad structural homogeneity within English society but also a common kinship system.

In view of this apparent lack of rigidity in kinship relations it is tempting to infer that we are dealing with a highly 'individualistic' society. If further evidence is required, it is argued, one need look no further than the law relating to inheritance and marriage with its apparent emphasis upon individual choice. Just as children who had reached the age of majority were free to marry without parental consent, so a father might, if he chose, disinherit his children. Apart from limited restriction, a person was free to dispose of both land and personal property as they wished. Yet the interpretation of both ecclesiastical and common law within the narrow and restrictive theoretical framework of individualism may be misleading. For it may lead to an underestimation of the strength of implicit obligations, obligations which may have placed real constraints upon individual choice.

In this respect it is significant that even in the case of testators whose wills were later the subject of controversy, there is no suggestion that this group departed from normal patterns of recognition. While at first glance the wills appear to display a slightly wider pattern of kinship recognition, it is a pattern consistent with single people and those in the latter stage of the life cycle, groups which were prominent as authors of cause wills. It is an observation which suggests that obligations on the part of these groups were less clearly defined than in the case of those who had obligations to a wife and young children. While in this respect cause wills may reflect a greater degree of flexibility on the part of testators, there is

no evidence to suggest that they were an expression of individualism: few departed from the culturally accepted norms.

This picture of conformity is further strengthened if inheritance practices are examined. While parents had the legal freedom to disinherit their children, they rarely chose to exercise this power. It is revealing that no example emerges of a child being totally disinherited, and this despite sometimes strong provocation. Parents, then, did not use the law to reinforce parental authority. Rather the law provided a flexible framework in which to fulfil specific obligations towards widows and young children, obligations which were independent of considerations of wealth. It was a flexibility denied in the case of the strict prescriptions governing the division of an estate in the event of intestacy. Flexibility was especially necessary at the second and third stages of the life cycle, for the diverse strategies adopted were influenced not only by the demographic fortunes of the nuclear family but also by changing relationships within the nuclear family itself prior to its dissolution.

The importance of changing relationships within the nuclear family is clearly illustrated in the provision made for widows. Thus at the second and third stage of the life cycle, the provision made for widows was inextricably linked to the future of the nuclear family. The strategies adopted, therefore, were pragmatic and responsive to changes within family, especially as a result of remarriage or a child reaching the age of majority. In both cases the division of property was clearly defined with

the widow usually receiving a third of the land and goods. Prior to such a division, however, both land and personal property were used to maintain the nuclear family and to complete the upbringing of the children.

In the provision for children the desire to ensure equity, if not equality, in the division of an estate, while maintaining a viable farming unit also required a degree of flexibility in the strategies adopted.[5] The law governing intestacy reflects these twin concerns. Thus while favouring male primogeniture and the descent of freehold to the eldest son, the law directed that the heir should be excluded from the right to inherit goods and chattels. The law was blunt, however, for while the exclusion of the heir from the inheritance of goods may have promoted equity, it threatened to weaken the farm by removing both stock and farming implements.[6] In contrast the legal freedom afforded to testators provided the opportunity to adopt a more subtle and pragmatic approach. While there was no departure from the practice of primogeniture, testators preferred to compensate younger children with cash portions. It is misleading, however, to view this as a strict primogeniture system. The line between primogeniture and partible inheritance was not clearly defined. For primogeniture carried with it the responsibility to fulfil specific obligations. In that few had savings with which to provide cash portions for younger children, many testators placed the burden for payment on the shoulders of the inheriting son and the future profits of the main holding. In studying inheritance, then, it is clearly misleading to view the diverse strategies

adopted within the narrow theoretical framework of strictly defined inheritance system or in terms of individualism. Both approaches are simplistic. The transmission of property cannot be examined in a social vacuum, for it must be understood within the context of obligations within the nuclear family, obligations which were themselves structured by both needs and emotions.

The importance of context and the dangers of a narrow theoretical framework is also evident in the case of marriage. While in comparison with certain modern European peasantries young people in early modern England appear to have enjoyed a greater degree of individual freedom in both courtship and the choice of marriage partners, the comparison in terms of 'arranged' and 'free' leads to distortion.[7] For while there is little evidence to suggest that parents initiated or dominated courtship, it should not be assumed that the role of parents was unimportant in all circumstances. For young girls who remained within the parental home, the approval or disapproval of parents could be of crucial importance in the survival of any relationship. Even for those young women who entered service and often enjoyed a greater degree of freedom in courtship, the support of parents was clearly valued. Few chose to marry without parental consent. On the side of parents there was an expectation that they would be consulted, an expectation which reflected a desire to protect the interest of daughters rather than to dominate matchmaking. It is interesting in this respect that parental expectation to be consulted was less in the case of sons, who felt a correspondingly limited obligation to secure

parental consent. Just as a distinction must be drawn between the experience of sons and daughters, so it is important to distinguish between informal courtship, in which the peer group figured prominently, and the formal agreement of the contract, in which parents and on occasion wider kin played a major role. As in the case of inheritance, there was a clear preference for kin in matters concerning property. In so far as the role of parents and kin in the marriage of their children was dependent upon specific circumstances and relationships formed within the nuclear family, it is necessary to avoid the narrow theoretical framework of 'arranged' and 'free' which tends to produce an over-simplistic picture.

The examination of inheritance, marriage and conflict within the more flexible framework of obligation and choice, not only permits us to establish the boundaries of recognition but also to explore the role of family relationships in shaping and determining social practice. Moreover in that such studies demand close attention to context, it affords the possibility of examining the dynamic nature of relationships within the nuclear family. With regard to the role of circumstance in determining family relationships, the present study, with its emphasis upon the effects of wealth, demographic fortunes and life cycle, can only claim to have scratched the surface. Little attention has been paid to alleged difference in attitudes between the sexes, or to the possible influence of remarriage and the relationship between step-parents and step-children. Similarly, questions remain as to the role of kinship within specific social and

economic groups, for example families within the mining community, and to the effect of poverty on family relationships. All these subjects demand greater attention. In examining such issues the perspective of obligation and choice would provide a useful framework, a framework which is ideally suited to the discipline of history for it is firmly rooted in the study of context and history, after all, is the discipline of context.

ReferencesConclusion

1. Cf Wrightson and Levine, Terling, 91-94 and 99-103; R. Smith, 'Kin and Neighbours in a Thirteenth Century Suffolk Community', Journal of Family History, Fall 1979.
2. L.K.Berkner, 'Inheritance, land tenure, and peasant family structure: a German comparison', in Family and Inheritance, edited by Goody et al, 86-91.
3. Spufford, 'Inheritance Customs', 174.
4. Wrightson and Levine, Terling, 91-94 and 99-103; Smith, 'Kin and Neighbours'; Williams, Ashworthy, 183-184 and Chapter 6.
5. For similar concerns see Spufford, 'Peasant Inheritance Customs', 157; Howell, 'Peasant Inheritance Customs', 145; Wrightson and Levine, Terling, 98.
6. Pollock and Maitland, English Law, 362.
7. Compare for example the English experience to that within Poland. See Thomas and Znaniecki, 'A Polish Peasant Family', 25-28.

References

Manuscript Sources

Department of Palaeography and Diplomatic, University of Durham

Ecclesiastical Court Records

Durham Diocesan Registry Records

DR III 4-14 (1580-1640) Consistory Court Act Books

DR V 5-12 (1589-1631) Consistory Court Deposition Books

Additional depositions can be found in a box marked 'Depositions 1633-1664'.

Manorial Records

Halmote Court Books, Series I, Book nos. 35-91 (1580-1699)

Halmote Court Miscellaneous Book, M 8a. Incomplete Copy of the Award upon the division of the Copyhold Townfields in Chester-le-Street, 7 May 1636.

Halmote Court Miscellaneous Book, M 64. Survey of 1588.

Chester Deanery Court Books, Box 1: A (1560-1674) and B (1674-1721)

Weardale Chest, Item 44. Copy of Presentments concerning the custom of the Forest of Weardale, 26 May 1601.

Weardale Chest, Item 115. Petition to House of Commons by Weardale Tenants, 1620.

Probate Records

Wills and Inventories relating to the parishes of Chester-le-Street, Sedgfield and Stanhope-in-Weardale, 1580-1699.

Parish Records

Parish Account Books of Chester-le-Street, 1606-1670 (microfilm)

Newcastle upon Tyne Central Library

L253 No. 21245. Bishop Chandlers Visitation of 1736

Transcript of the parish register of Chester-le-Street, vols. 1-3

Transcript of the parish of Sedgfield, vols. 1 and 2

Transcript of the parish register of Stanhope-in-Weardale, vols. 1-3

Public Record Office

E 179 106/28 Hearth Tax Return of Lady Day 1666

E 179 106/25 Hearth Tax Return of Lady Day 1674

British Museum

Harley MS 594. Returns made by James Pilkington, Bishop of Durham, to the Privy Council concerning parishes, clergy and curates, and the number of households in the diocese of Durham, 1563.

Printed SourcesEditions of Manuscripts and Early Printed Works

Anonymous, Certaine Observations Touching the estate of the commonwealth (1634). Durham Cathedral Library, Hunter MS. 44 (b).

Browning, A. (ed.), English Historical Documents, 1660-1714, vol. III (London, 1953).

Heywood, T., 'The Diary of Reverend Henry Newcome from September 30, 1661, to September 29, 1663', Chetham Society, vol. XVIII (1849).

Kirby, D.A. (ed.), 'Parliamentary Surveys of the Bishopric of Durham', Surtees Society, 2 vols., 183 NS 185 (1968 and 1971).

Macfarlane, A., 'The Diary of Ralph Josselin, 1616-1683', British Academy, Records of Social and Economic History, new series, vol. 3 (1976).

Merrill, T.F. (ed.), William Perkins, 1588-1602. English Puritanist: His Pioneer Works on Casuistry (The Hague, 1966).

Raine, J. (ed.), 'Injunctions and Other Ecclesiastical Proceedings of Richard Barnes, Bishop of Durham, 1575-1587', Surtees Society, vol. 22 (1850).

Swinburne, H., A Brief Treatise of Testaments and Last Wills, Classics of English History in the Modern Era, vol. 51 (London, 1978).

Unpublished Dissertations

Brodsky-Elliott, V., 'Mobility and Marriage in Pre-Industrial England', Ph.D. thesis, University of Cambridge, 1978.

Ingram, M., 'Ecclesiastical Justice in Wiltshire, 1600-1640, with special reference to cases concerning sex and marriage', Ph.D. thesis, University of Oxford, 1977.

Books and Articles

Alexander, G.G., 'The Custom of the Province of York: A Chapter in the History of Wills and Intestacies', Thoresby Society, vol. 28, (1928).

Anderson, M., Approaches to the History of the Western Family (London, 1980).

Anderson, M., 'Family and Class in Nineteenth Century Cities', Journal of Family History, 2.2 (1975).

Baulant, M., 'The Scattered Family: Another Aspect of Seventeenth Century Demography'. In Family and Society: Selections from Annales, edited by Robert Forster and Orest Ranum (Baltimore and London, 1976).

Bell, C., 'The Social Significance of Kinship: 3'. In Sociology of the Family, edited by M. Anderson (Penguin, 1971).

Berkner, L.K., 'Inheritance, land tenure and peasant family structure: a German regional comparison'. In Family and Inheritance. Rural Society in Western Europe, 1200-1800, edited by J. Goody et al (Cambridge, 1978 edn).

Brassley, P., 'Regional Farming Systems: Northumberland and Durham'. In The Agrarian History of England, vol. v, part 2, 1640-1750, edited by J. Thirsk (Cambridge, 1984).

Brassley, P., The Agricultural Economy of Northumberland and Durham in the Period 1640-1750 (New York and London, 1985).

Brodsky-Elliott, V., 'Single Women in the London Marriage Market: Age, Status and Mobility, 1598-1619'. In Marriage and Society. Studies in the Social History of Marriage, edited by R.B. Outhwaite (London, 1981).

Burn, R., Ecclesiastical Law, 2 vols. (London, 1763).

Butlin, R.A., The Transformation of Rural England c. 1580-1800 (Oxford, 1982).

Butterfield, H., The Whig Interpretation of History (London, 1931).

Chayanov, A.V., The Theory of Peasant Economy, edited and translated

by D. Thorner, B. Kerbley and R.E.F. Smith (Illinois, 1966).

Chaytor, M., 'Household and Kinship: Ryton in the Late Sixteenth and Early Seventeenth Centuries', History Workshop Journal No. 10 (1980).

Clark, P., 'Migration in England During the Late Seventeenth and Early Eighteenth Centuries', Past and Present No. 83 (May 1979).

Clay, C., 'The Greed of the Whig Bishops: Church Landlords and their Lessees 1660-1760', Past and Present No. 87 (May 1980).

Cole, J.W. and Wolf, E.R., The Hidden Frontier: Ecology and Ethnicity in an Alpine Valley (New York, 1974).

Coleman, D.C., The Economy of England 1450-1750 (Oxford, 1977).

Cressy, D., Literacy and the Social Order (Cambridge, 1980).

Davis, J., Land and Family in Pisticci (New York, 1973).

Defoe, D., A Tour Through the Whole Island of Great Britain (Penguin edn., London, 1971).

Everitt, A., Change in the Provinces: The Seventeenth Century, Occasional Papers of the Department of Local History, 2nd. series, No. 1 (Leicester, 1970).

Flandrin, J.L., Familles, Parenté, Maison, Sexualité dans l'ancienne société (Paris, 1976).

Fletcher, A., A Country Community in Peace and War: Sussex, 1600-1660 (London, 1975).

Floud, R., An Introduction to Quantative Methods for Historians (London, 1973).

Fox, R., Kinship and Marriage: An Anthropological Perspective (Penguin, 1967).

Glass, D.V. and Eversley, D.E.C., Population in History (London, 1965).

Goody, J., Introduction to Family and Inheritance: Rural Society in Western Europe, 1200-1800, edited by J. Goody et al (Cambridge, 1978 edn.).

Grainger, J., A General View of the Agriculture of County Durham (London, 1794).

Grassley, R., 'Social Mobility and Business Enterprise in Seventeenth Century England'. In Puritans and Revolutionaries: Essays in Seventeenth Century History Presented to Christopher Hill, edited by D. Pennington and K. Thomas (Oxford, 1978).

Hey, D., An English Rural Community: Myddle under the Tudors

and Stuarts (Leicester, 1974).

Hodgson, R.I., 'The Process of Enclosure in County Durham, 1550-1870. In Change in the Countryside, edited by H.S.A. Fox and R.A. Butlin (London, 1979).

Hodgson, R.I., 'Demographic Trends in County Durham, 1560-1801. Data, Sources and Preliminary Findings with Particular Reference to North Durham'. University of Manchester School of Geography Research Papers, Research Paper No. 5. (May, 1978).

Holderness, B.A., 'Credit in a Rural Community, 1660-1800', Midland History III, 1975.

Hoskins, W.G., 'Harvest Fluctuations and English Economic History, 1480-1619', Agricultural History Review, XII, 1964.

Hoskins, W.A., 'Harvest Fluctuations and English Economic History, 1620-1759', Agricultural History Review, XVI, 1968.

Houlbrooke, R., The English Family, 1450-1700 (London, 1984).

Houston, R., Scottish Literacy and the Scottish Identity: Illiteracy and Society in Scotland and Northern England (Cambridge, 1985).

Howard, G.E., A History of Matrimonial Institutions, 3 vols. (London, 1904).

Howell, C., 'Peasant Inheritance Customs in the Midlands, 1200-1700'. In Family and Inheritance: Rural Society in Western Europe, 1200-1800 edited by J. Goody et al (Cambridge, 1978 edn.).

Howell, R., Newcastle upon Tyne and the Puritan Revolution (Oxford, 1967).

Hughes, E., North Country Life in the Eighteenth Century: The North-East, 1700-1750 (London, 1952).

Hutchinson, W., History and Antiquities of the County Palatine of Durham, 3 vols. (Newcastle, 1785-1794).

Ingram, M., 'Spousal Litigation in the English Ecclesiastical Courts'. In Marriage and Society. Studies in the Social History of Marriage, edited by R.B. Outhwaite (London, 1981).

Jackson, R. (ed.), The Lanchester Common Act (Consett, 1887).

James, M., Family, Lineage and Civil Society. A Study of Society, Politics, and Mentality in the Durham Region, 1500-1640 (Oxford, 1974).

Johnston, J.A., 'The Probate Inventories and Wills of a Worcestershire Parish, 1676-1775', Midland History, 1 (1971).

Kussmaul, A.S., Servants in Husbandry in Early-Modern England (Cambridge, 1981).

- Lancaster, L., 'Kinship in Anglo-Saxon Society', British Journal of Sociology, 9 (1958).
- Lasker, G.W. and Roberts, D.F., 'Secular Trends in Relationships as Estimated by Surnames: A Study of a Tyneside Parish' Annals of Human Biology, 9 (1982).
- Laslett, P. and Wall, R. (eds.), Household and Family in Past Time (Cambridge, 1972).
- Laslett, P., 'Mean Household Size in England Since the Sixteenth Century'. In Household and Family in Past Time, edited by P. Laslett and R. Wall (Cambridge, 1972).
- Laslett, P., 'Clayworth and Cogenhoe'. In Family Life and Illicit Love in Earlier Generations. Essays in Historical Sociology (Cambridge, 1977).
- Laurence, J., A New System of Agriculture (London, 1726).
- Le Bras, H., 'Evolution des liens de famille au cours de l'existence'. In Les Âges de la Vie. Actes du Colloque, Tome 1 (1980).
- Le Roy Ladurie, E., 'Family Structures and Inheritance Customs in Sixteenth Century France'. In Family and Inheritance: Rural Society in Western Europe, 1200-1800, edited by J. Goody et al (Cambridge, 1977).
- Levine, D., Family Formation in an Age of Nascent Capitalism (New York and London, 1977).
- Lumb, G.D., 'Testamenta Leodiensia', Thoresby Society, vol. XIX (1913).
- Macauley, T.B., History of England, vol. 1 (Everyman edn., London, 1906).
- Macfarlane, A., The Family Life of Ralph Josselin, A Seventeenth Century Clergyman: An Essay in Historical Anthropology (Cambridge, 1970).
- Macfarlane, A., The Origins of English Individualism (Oxford, 1978).
- Medick, H and Sabeian, D.W., 'Interest and Emotion in Family and Kinship Studies: A Critique of Social History and Anthropology'. In Interest and Emotion: Essays in the Study of Family and Kinship, edited by H. Medick and D.W. Sabeian (Cambridge, 1984).
- Morrill, J.S., Cheshire, 1630-1660: County Government and Society during the English Revolution (Oxford, 1974).
- Nef, J.U., The Rise of the English Coal Industry, 2 vols. (London, 1932).
- O'Day, R., The English Clergy. The Emergence and Consolidation

of a Profession, 1558-1642 (Leicester, 1979).

Outhwaite, R.B., Introduction to Marriage and Society, Studies in the Social History of Marriage (London, 1981).

Page, W. (ed.), The Victoria History of the Counties of England: A History of Durham, 3 vols. (London, 1905-1928).

Parkinson, R. (ed.), 'The Life of Adam Martindale, Written by Himself', Chetham Society, old series vol. 4 (1845).

Parkinson, R. (ed.), 'The Autobiography of Henry Newcombe', 2 vols. Chetham Society, old series vols. 26 and 27 (1852).

Patten, J., 'Rural-Urban Migration in Pre-Industrial England', Oxford University School of Geography Research Papers, No. 6 (1973).

Phillips, O.H. and Hudson, A.H., A First Book of English Law, 7th. edn. (London, 1977)

Pollock, F. and Maitland, F.W., The History of English Law Before the Time of Edward I, 2 vols. (Cambridge, 1898).

Powell, C.L., English Domestic Relations, 1487-1653: A Study of Matrimony and Family Life in Theory and Practice as Revealed by the Literature, Law and History of the Period (New York, 1917 and 1972).

Raine, J., The History and Antiquities of North Durham (London, 1852).

Raistrick, A. and Jennings, B., A History of Lead Mining in the Penines (London, 1965).

Sabean, D., 'Young Bees in an Empty Hive: Relations Between Brothers-in-Law in a Swabian Village'. In Interest and Emotion: Essays in the Study of Family and Kinship, edited by H. Medick and D.W. Sabean (Cambridge, 1984).

Sabean, D.W., 'Aspects of Kinship Behaviour and Property in Rural Western Europe Before 1800'. In Family and Inheritance: Rural Society in Western Europe, 1200-1800, edited by J. Goody et al (Cambridge, 1976).

Schofield, R. and Wrigley, E.A., 'Infant and Child Mortality in England in the Late Tudor and Early Stuart Period'. In Health, Medicine and Mortality in the Sixteenth Century, edited by C. Webster (Cambridge, 1979).

Shorter, E., The Making of the Modern Family (London, 1976).

Skipp, V., Crisis and Development: An Ecological Case Study of the Forest of Arden, 1570-1674 (Cambridge, 1978).

Slack, P., 'Mortality, Crisis and Epidemic Disease in England, 1485-1610'. In Health, Medicine and Mortality in the Sixteenth Century, edited

by C. Webster (Cambridge, 1979).

Smailes, A.E., North England (London, 1960)

Smith, R.M., 'Some Issues Concerning Families and Their Property in Rural England, 1250-1800'. In Land Kinship and Life Cycle, edited by R.M. Smith (Cambridge, 1984).

Smith, R.M., 'Kin and Neighbours in a Thirteenth Century Community', Journal of Family History 4 (1979).

Spufford, M., 'Peasant Inheritance Customs and Land Distribution in Cambridgeshire from the Sixteenth to the Eighteenth Centuries'. In Family and Inheritance: Rural Society in Western Europe, 1200-1800, edited by J. Goody et al, (Cambridge, 1978 edn.).

Spufford, M., Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries (Cambridge, 1974).

Spufford, P., 'Population Mobility in Pre-Industrial England', Genealogical Magazine XVII (1972-1974).

Spufford, P., 'Population Movement in Seventeenth Century England', Local Population Studies, IV (1970).

Stone, L., The Family, Sex and Marriage in England, 1500-1800 (London, 1977).

Surtees, R., The History and Antiquities of the County Palatine of Durham, 4 vols. (London, 1816-1840).

Tawney, R.H. and Power, E. (ed.), Tudor Economic Documents, 3 vols. (London, 1924).

Thirsk, J., 'The Farming Regions of England: The Northern Province'. In The Agrarian History of England and Wales, 1500-1640, vol. IV, edited by J. Thirsk. (Cambridge, 1967).

Thirsk, J., 'Industries in the Countryside'. In Essays in the Economic and Social History of Tudor and Stuart England, edited by F.J. Fisher (Cambridge, 1961).

Toulmin Smith, L., The Itinerary of John Leland, 5 vols. (London, 1906-1908).

Thomas, W.I. and Znaniecki, F., 'A Polish Peasant Family'. In Peasants and Peasant Societies, edited by T. Shanin (Penguin, 1971).

Thompson, E.P., 'The Grid of Inheritance: A Comment'. In Family and Inheritance: Rural Society in Western Europe, 1200-1800, edited by J. Goody et al. (Cambridge, 1976).

Thompson, E.P., 'Anthropology and the Discipline of Historical Context', Midland History, vol. 1., No. 3 (Spring, 1972).

Trevelyan, G.M., English Social History (London, 1949 edn.).

Vann, R.T., 'Wills and Family in an English Town: Banbury, 1550-1800', Journal of Family History 4 (1979).

White, S.D. and Vann, R.T., 'The Invention of English Individualism', Journal of Social History 8 (1983).

Williams, W.M., A West Country Village: Ashworth. Family, Kinship and Land (London, 1963).

Wrightson, K., 'Critique: Household and Kinship in Sixteenth Century England', History Workshop Journal No. 12 (Autumn, 1981).

Wrightson, K., English Society 1580-1680 (London, 1982).

Wrightson, K. and Levine, D., Poverty and Piety in an English Village: Terling, 1525-1700 (New York, San Francisco and London, 1979).