

‘IN MY PURE WIDOWHOOD’: WIDOWS AND PROPERTY
IN LATE MEDIEVAL LONDON

DISSERTATION

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By

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ABSTRACT

Women in late medieval London received significant portions of their husbands' estate as dower – anywhere from one-third to one-half. Laws may have limited the widows' ownership to their lifetimes, but the widows were free to collect any financial interests the property accrued during their possession. I have followed a specific group of London women, citizens' widows, to determine how they used their dowered property. In the Court of Husting, men enrolled wills that tracked the devolution of their estates. Using a sample of 1, 868 wills, I have found that the men conformed to borough customs, bequeathing their wives significant property holdings. These dowers consisted of both commercial and residential properties, land meant to sustain women throughout their widowhood and even into their next marriages. As single women, widows also enjoyed the privilege of enrolling their wills in the Court of Husting. In a sample of 276 widows' wills, my analysis has shown that the majority of widows did not attempt to gain free title of their dowered lands. On their own deaths, the widows instead bequeathed property that they had inherited or purchased, either separately or with their husbands. How then, did the widows utilize these property holdings during their lives?

The Court of Husting can again provide an answer. In addition to wills, the Husting recorded all property deeds that citizens' wanted formally enrolled. To track the widows' activities, I isolated four eleven-year samples that span the fourteenth century

(1300-1310, 1330-1340, 1360-1370, 1390-1400). During these periods, 368 widows participated in 546 property transactions in which they granted or quitclaimed their property holdings. I found that while their holdings derived from multiple sources, including property they had granted and inherited, the majority of the widows relied on their dowered properties for economic sustenance. In the land market, widows granted and quitclaimed property that comprised their dower.

Economic changes during the fourteenth century directly impacted widows' use of their dowers. During the first half of the fourteenth century, widows retained their dowered holdings. They rarely granted the property for their lifetimes, and instead used this portion of their holdings to earn income through quitclaims. After the plague, however, citizens retained larger property holdings, thereby increasing their widows' dowers. In the second half of the fourteenth century, widows alienated these additional holdings in return for financial profits. Throughout the century, however, widows generally conformed to borough customs. When alienating their dowers, widows acted as their late husbands' executors, legally granting property as he had designated. It was thus the economy that provided the impetus and parameters for widows' participation in the land market.

Dedicated to my parents

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CHAPTER 1

WIDOWS AND THE DOTAL ECONOMY

The medieval dotal system revolved around the property and goods that women held when they entered and exited marriage. Parents gave their daughters a portion of their own wealth in the form of a dowry, which the brides carried into their new home. In addition, if their husbands left them widowed, the wives received a portion of their late husbands' estate – this comprised their dower. The dotal system thus provided economic sustenance for both the newly wed and newly widowed. We will focus here on the latter, on the wives who lost their husbands. In a time of emotional vulnerability, dower must have acted as an economic lifeline for widows. The amount of wealth they received varied widely, but in London, generous dower provisions meant that widows held significant amounts of property from their late husbands' estate. Yet, like a lifeline, the dower supported them for their lives only– it was not theirs to give away. This study examines how well widows managed their dowers, as well as any additional property holdings they had accumulated, usually in the form of inherited or purchased property. Faced with restrictions attached to their dowered properties, widows could manipulate their holdings, as evidenced by both their property transactions and their property

holdings at their deaths. The evidence from their grant transactions enrolled in the Court of Husting indicates that widows had more financial options with their dowered lands during times economic instability, most specifically after the plague years in the middle of the fourteenth century. Throughout the study, though, it is evident that for the wealthy merchants and craftsmen in London, the dotal system provided their widows with an economic safety net that sustained them through widowhood.

The Dotal System and the Economy: An Overview

Widowhood ushered women into a period of legal independence. Unlike their married counterparts, whose legal identities were subsumed into their husbands as *femmes couvertes*, widows found themselves recognized by common law as autonomous entities, or *femmes soles*.¹ In court, they could represent themselves and initiate suits against others. While their legal independence acted as the most visible marker of their widowhood, their economic independence likely represented the most significant change for women. Most widows faced a period of financial uncertainty. Without their husbands' income and labor, widows had to rely on the wealth provided by the dotal system. This could be comprised of either the dowry, the marriage gift the bride brought to the wedding, or the dower; fortunate widows received both. Because the dotal system

¹ There was an exception to this legal rule. In urban areas, a married woman could declare herself a *femme sole* in court, thereby releasing her husband of any legal or economic responsibility over her actions. Not many London women chose this route, though. See Marjorie K. McIntosh, "The Benefits and Drawbacks of *Femme Sole* Status in England, 1300-1630," *Journal of British Studies* 44 (July 2005), pp. 410-438. For examples of those London women who did work as *femmes soles*, see Barbara A. Hanawalt, *The Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford, 2007), chapter 8.

accounted for a significant portion of familial transference of property, it was closely regulated by laws and customs. Historians have focused on the dotal system and its transference of familial wealth and found that dotal traditions varied, with the most marked differences between southern and northern Europe.² Regardless of these variations, however, one factor remained constant: from governments to social groups, all used the dotal system in an attempt to perpetuate socio-economic trends within the community.

The Dotal System in Southern Europe

In southern Europe, the dotal system emphasized the patrimony by encouraging strong patrilineal ties within the family.³ Diane Owen Hughes has traced the development of the dowry in Mediterranean Europe, finding that it replaced an older tradition by which the bridegroom would provide a gift for his bride.⁴ She argues that the popularity of the dowry represented a change in the conceptualization of marriage. Marriage became legally defined by the dowry, since only with its exchange was the marriage considered legally binding. Anthony Molho has also emphasized the

² For a recent discussion of the historiography see Hanawalt, *Wealth of Wives*, pp. 65-68.

³ Ann Morton Crabb defines the patrilineal family in southern Europe. Until his death, the father had absolute authority. After he died, his patrimony was divided among his sons equally. The daughters' portions provided for their dowries; if they were married, they would have already received it. Crabb, *The Strozzi of Florence: Widowhood and Family Solidarity in the Renaissance* (Ann Arbor, 2000), p.11.

⁴ This was called the *morgengabe*. Diane Owen Hughes, "From Brideprice to Dowry in Mediterranean Europe," *Journal of Family History* 3 (1978), pp. 262-296. For the marriage gifts in France, see Cynthia Johnson, "Marriage Agreements from Twelfth-Century Southern France," in *To Have and to Hold: Marrying and Its Documents in Western Christendom, 400-1600*, eds. Philip L. Reynolds and John Witte, Jr. (Cambridge, 2007), pp. 221-226.

interrelationship between dowry and marriage, claiming that “there was no marriage without a dowry; no dowry without marriage.”⁵ Men benefited from this change. They now became the recipients of the marriage gift, usually cash, and while the new wife might receive this as her dower, it was not guaranteed.

As the dowry became fully entrenched in southern European marriages, the wealth invested in it increased exponentially. Dowry inflation occurred in both Venice and Florence. While this may have made fathers increasingly anxious as their investments rose precipitously, it may have benefited the soon-to-be wives. In Venice, Stanley Chojnacki argues that the expensive dowries elevated wives’ status within both their natal and newly-formed families.⁶ Their dotal rights continued after their husbands’ deaths, when the dowry would revert back to them. The government eventually responded by declaring that dowries could not exceed specified amounts.⁷ Chojnacki found that while the dotal system may have forged ties amongst the patrician class, it more importantly bolstered familial patrimonies. In Florence, the government addressed the inflationary dowries by creating a Dowry Fund, which attempted to finance public debt through fathers’ investments in dowries. Much like the modern college fund, fathers deposited a specified amount of money at their daughters’ births, which would earn interest until their subsequent marriages. Unlike in Venice, however, daughters and wives did not benefit from the expensive dowries. Although they could claim their

⁵ Anthony Molho, *Marriage Alliance in Late Medieval Florence* (Cambridge, Mass., 1994), p. 18.

⁶ Stanley Chojnacki, *Women and Men in Renaissance Venice: Twelve Essays on Patrician Society* (Baltimore, 2000), pp. 156-157.

⁷ *Ibid.*, p. 67

dowries after their husbands' deaths, in practice this was a lengthy legal process that left the widows financially destitute.⁸ Even the retrieval of the dowry did not guarantee happiness for the widows since they could not always take their children with them into their new husbands' households.⁹

While patricians dominated and regulated the dotal system in southern Europe, Hughes has shown that at least in Genoa, some manipulation of the system was possible. Genoese artisans resisted the growing use of the dowry, and instead continued the tradition of the bridegroom's gift.¹⁰ Their motivations shaped their economic needs. The patricians had whole-heartedly embraced the dowry, finding that it allowed them to retain their wealth within their immediate families and avoid diluting their wealth among other patrician families. This goal is evident in the stipulation that, when a wife died childless, her natal family reclaimed her dowry.¹¹ In an attempt to ensure the primacy of the dowry, the patricians enacted laws to limit the monetary value of the bridegroom's gift. The laws were not successful, however, as only the patricians complied. The large artisan class rebelled against the dotal shift, with over seventy percent exceeding the legal limits. Due to their limited wealth, it was more important for the artisans to enter a

⁸ Crabb, *The Strozzi of Florence*, p. 49. See also Isabelle Chabot, "Widowhood and Poverty in Late Medieval Florence," *Continuity and Change* 3 (1988), pp. 291-311.

⁹ Christiane Klapisch-Zuber, "The 'Cruel Mother': Maternity, Widowhood, and Dowry in Florence in the Fourteenth and Fifteenth Centuries," in *Women, Family, and Ritual in Renaissance Italy* (Chicago, 1987), pp. 117-131. Thomas Kuehn mentions some women who successfully sued for their dowries, along with the guardianship of their children in "Women, Marriage, and the *Patria Potestas* in Late Medieval Florence," in *Law, Family, and Women: Toward a Legal Anthropology of Renaissance Italy* (Chicago, 1991), p. 205

¹⁰ However, the terminology had changed; the bridegroom's gift had changed from the *morgengabe* to the *antefactum*. Diane Owen Hughes, "Urban Growth and Family Structure in Medieval Genoa," *Past and Present* 66 (1975), pp. 3-28.

¹¹ *Ibid.*, pp. 13-15.

marriage with a strong financial basis that sustained the conjugal couple.¹² The patrician class had used the dowry to provide for their grandchildren and hence the family line, but the artisan class had more immediate needs. The future of their grandchildren was a luxury that few of them could afford. Hughes' research shows how families used the dotal system to reinforce patrilineal ties. While the artisans circumvented that system, the fact that they had to do so underscores the prevalence of the paternal control of dowries in southern Europe. Her research also demonstrates the manner in which men used the dotal system to meet the economic needs of social groups.

Financially, the dowry primarily benefited men. For widows, its worth was elusive, a sum that transferred from their fathers to their husbands. Women might have enjoyed an elevation in social status just prior to their marriages, when suitors vied for their dowries. This would have been quickly overshadowed by their fathers, however, who swooped in and handled marriage negotiations and dowry settlements. Until the fathers paid the dowry, the wives could find themselves barred from their husbands' home.¹³ Husbands enjoyed the advantages of the dowry also. By not having to make any dower provisions, they enjoyed the assurance that their patrimonies would devolve to their male heirs intact.¹⁴ The husbands usually provided their widows with a continued

¹² Ibid., pp. 22-24.

¹³ Thomas Kuehn, "Contracting Marriage in Renaissance Florence," in *To Have and To Hold*, p. 401.

¹⁴ Shona Kelly Wray found that due to high mortality rates following the Black Death, women benefited, as male family members left them more property. The men did not, however, increase the property that they left to their widows. Wray, "Women, Family, and Inheritance in Bologna during the Black Death," in *Love, Marriage, and Family Ties in the Later Middle Ages*, eds. Isabel Davis, Miriam Müller, and Sarah Rees Jones, International Medieval Research, vol. 11 (Brepols, 2001), p. 212.

residence. She could remain within their households and receive economic support so long as she did not reclaim her dowry. Some husbands placated their wives by offering a separate household or farm in return for her remittance of the dowry.¹⁵ The significant role of the dowry and its transference of wealth made dower a moot issue, one that did not cause legal disputes or need governmental regulation. As a result, widows are largely missing from this picture because it was not expected that they would be autonomous economic entities.

The Dotal System in Northern Europe

The prominence that the dowry held in the Mediterranean dotal system was not paralleled in northern Europe. Historians have instead examined the interaction of both the dowry and the dower in relation to women's property rights and economic opportunities. Northern European women, unlike Mediterranean women, enjoyed greater access to property, either from the community property held during marriage, or from the partible inheritance of their parents' estates. Since they usually married later, the northern dotal system emphasized the financial independence of the newly married couple. Much like the Genoese artisans, couples in the north needed an economic foundation for their marriage, largely because they were moving into their own

¹⁵ Ann Morton Crabb, "How Typical Was Alessandra Macinghi Strozzi of Fifteenth-Century Florentine Widows?" in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (Ann Arbor, Mich., 1992), p. 50. By keeping the widows within their households, the late husbands' families hoped that the continued family ties would predispose the widows to remember them in their wills as they disposed of their dowries. Isabelle Chabot, "Lineage strategies and the control of widows in Renaissance Florence," in *Widowhood in Medieval and Early Modern Europe*, eds. Sandra Cavallo and Lyndan Warner (New York, 1999), p. 130.

households. In Douai, Martha Howell has found that, since the Douaisiens' wealth was primarily composed of movable goods, customary laws regulated the distribution of these goods. As a result, property was dispersed more widely and could be used for the establishment of the conjugal household. There were no laws governing heirs' rights. When a child died, the property designated for him or her reverted to the surviving parent, not to the other heirs. Parents could then dispose of the land as they deemed fit, even alienating it if necessary.¹⁶ As the surviving parties to the household economy, widows enjoyed sufficient leeway in their use of these properties.

When the economy changed, however, the dotal system shifted in response. As Douaisiens enjoyed economic prosperity, they placed more emphasis on their property holdings. Marriage laws began documenting the amount of property a woman brought into marriage, as well as what she could take at the end of the marriage, restricting the autonomy she had previously held. Howell argues that the gender code had been altered, with the community notion of a woman's role in the economy sufficiently reduced. While her research demonstrates the greater freedoms that northern European women could enjoy through the dotal system, it also underscores the manner in which the system was manipulated. Women's access to dowries or dowers was not the primary focus of Douaisien legislation – the economy instead created the impetus for change. Although for a time Douaisien women enjoyed greater financial autonomy than their Mediterranean sisters, their lack of agency over the changes in the dotal system ultimately placed them in a similar position.

¹⁶ Martha C. Howell, *The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low Countries, 1300-1550* (Chicago, 1998).

In England, numerous coexisting legal systems regulated the dotal system, including common, borough, and customary laws. Throughout all, though, was that dowers consistently played a more substantial role in the dotal system than dowries. After the Magna Carta, common law established that a widow could claim at least one-third of the lands her husband had held at the time of his death, although she retained ownership for her lifetime only. She could even take this property with her into subsequent marriages, effectively limiting the rightful heirs' access to the property until her death. Janet Loengard has referred to this as the "medieval woman's insurance policy."¹⁷ Borough laws varied from common law, but often treated widows more generously, such as in London and York, where women received one-half of their husbands' estates if there had been no children.¹⁸ Likewise, customary laws in villages varied, ranging from one-third to all of the husbands' estates, but all manors ensured that widows retained property holdings that were separate from their husbands' heirs.¹⁹

After her husband's death, a widow's access to her dower was not always a smooth process. As in Italy, it might involve a lengthy court battle that could drain her

¹⁷ Janet Senderowitz Loengard, "Rationabilis Dos: Magna Carta and the Widow's 'Fair Share' in the Earlier Thirteenth Century," in *Wife and Widow in Medieval England*, ed. Sue Sheridan Walker (Ann Arbor, Mich., 1993), p. 60. For how this would keep the property from the late husbands' heirs, see R.E. Archer, 'Rich Old Ladies: The Problem of Late Medieval Dowagers', in *Property and Politics*, ed. A.J. Pollard (Gloucester, 1984) pp. 15-35.

¹⁸ Jennifer Ward, *Women in England in the Middle Ages* (London, 2006), p. 66n. For the early development of dower in common law, see Florence Griswold Buckstaff, "Married Women's Property in Anglo-Saxon and Anglo-Norman Law and the Origin of the Common-Law Dower," *Annals of the American Academy of Political and Social Sciences* 4 (1893-1894), pp. 233-264.

¹⁹ Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock Before the Plague* (Oxford, 1987), pp. 163-164.

already strained income.²⁰ Many widows looked for assistance. Sue Sheridan Walker's research examines a cohort of women suing for dower in the royal courts. She found that while widows may have appeared in court by themselves, as legal procedures became more complex, widows increasingly appeared with their new husbands or sought professional legal advice.²¹ Widows who could not afford the latter instead turned to the clergy for legal and financial aid.²² In London, Barbara Hanawalt has found that generally, the widows suing for their dower had reasonable success, with over half of them recovering their dowers in those cases that ended in resolution.²³ In fact, they could even receive damages for the length of time it took them to recover the dower.²⁴ The dowers they sought almost always involved property, which was present in 90 percent of the pleas.²⁵ The prominence of property is not surprising since it could provide revenue for widows unable to practice a trade. In fact, London laws stipulated that the dower should be comprised of tenements, not movable goods.²⁶

²⁰ Mavis Mate, *Daughters, Wives and Widows after the Black Death: Women in Sussex, 1350-1535* (Suffolk, 1998), pp. 94-95.

²¹ Sue Sheridan Walker, "Litigation as Personal Quest: Suing Dower in the Royal Courts, circa 1272-1350," in *Wife and Widow*, pp. 98-99. Barbara Hanawalt found that as lawyers became more professionalized, widows were more likely to use them when they sued for dower with their new husbands. Barbara A. Hanawalt, "The Widow's Mite," in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (Ann Arbor, Mich., 1992), p. 29.

²² The major obstacle for the legal aid came from lack of funds. James A. Brundage, "Widows as Disadvantaged Persons in Medieval Canon Law," in *Upon My Husband's Death*, pp. 193-206.

²³ Widows found the least success against the clergy, probably because of their record-keeping skills, Hanawalt, *Wealth of Wives*, p. 103.

²⁴ *Liber Albus: The White Book of the City of London*, ed. Henry T. Riley (London, 1861), p. 404

²⁵ Hanawalt, *Wealth of Wives*, p. 100.

While these property holdings were meant to sustain the widows economically, they also enticed potential suitors. Hanawalt has argued that the dotal system, at least in London, acted as an incentive for remarriage among the urban elites. This was particularly true for those widows with guardianship over their children, where Hanawalt found remarriage rates as high as 57 percent.²⁷ Mothers with young children may have been more inclined to remarry anyway, but it does seem that the dotal system added economic incentives, particularly for prospective bridegrooms in need of capital.²⁸ Once married, the grooms found themselves in control of the dower and perhaps even the guardianship of the children.²⁹ By taking their dowers into subsequent marriages, widows helped circulate wealth among non-kin groups, groups that instead shared socio-economic bonds.³⁰

²⁶ Ibid., p. 62. Even parents favored property when gifting their daughters with their dowries. Ibid., p. 58.

²⁷ Barbara A. Hanawalt, "Remarriage as an Option in Late Medieval England," in *Wife and Widow*, p. 150. She warns, though, that these rates can be skewed by the wealth of the widows and the short time frame, about a year, between their husbands' deaths and their appearances in Court as guardians, "The Widow's Mite," p. 36. For a similar rate of remarriage in London, about 50 percent for the period 1375-1399, see Barbara Megson, "Life Expectations of the Widows and Orphans of Freemen in London 1375-1399," *Local Population Studies* 57 (1996), pp. 23-24.

²⁸ Joel T. Rosenthal posited that among the nobility, young widows were more likely to get remarried, "Fifteenth-Century Widows and Widowhood: Bereavement, Reintegration, and Life Choices," in *Wife and Widow*, p. 36. For an examination of the factors behind remarriages in rural communities, see Lori A. Gates, "Widows, Property, and Remarriage: Lessons from Glastonbury's Dever Manors," *Albion* 28 (1996), pp. 19-35.

²⁹ Megson, "Life Expectations of the Widows and Orphans of Freemen in London 1375-1399," p. 23.

³⁰ Barbara A. Hanawalt, "The Dilemma of the Widow of Property for Late Medieval London," in *The Medieval Marriage Scene: Prudence, Passion, Policy*, eds. Sherry Roush and Cristell L. Baskins (Tempe, AZ, 2005), pp. 135-146.

In London, as in Douai or Florence, the dotal system reflected the economic needs of the urban elites. By regulating and even manipulating the wealth that women carried with them when entering and exiting their marriages, urban elites directed that wealth toward avenues that supported their economies. The effects on widows thus varied. In Florence, women enjoyed the most status and wealth at the time of their marriages, when they held their dowries. Once widowed, their economic importance had been diminished. The patricians' desire to protect their patrimonies meant that widows rarely had dowers and faced restrictions when recovering their dowries. As widows then, they did not play an active role within their economies. In stark contrast, London women had greater access to their late husbands' estates. Their increased economic status made them attractive marriage partners. London laws provided protections and legal remedies for women to navigate their ways through their widowhood. While the London dotal system thus created more opportunities for its women, this was not the underlying motivation; that motivation can instead be attributed to the economy. The question then becomes, how well did widows fare under London's system of dower provisions?

London Property and Widows

Borough laws differed throughout England, but those of London were particularly generous to widows. Widows there received both a dower and a free bench when their husbands died. Dower provided that, if there had been no children in the marriage, the widow collected one-half of her husband's estate; if she had borne children, the amount

was capped at one-third.³¹ This division of lands, called *legitim*, persisted for an unusually long time in London, especially when compared with the rest of England. Whereas by the fifteenth century most English subjects could bequeath belongings in their wills as they wished, the male citizens of London were unable to do so until the eighteenth century, when *legitim* was no longer enforced.³² By compelling husbands to provide for their wives financially, the City custom aimed to assure widows of an income. This generosity was tempered, however, by the fact that they were not given the lands permanently, but instead retained possession during their lifetimes only.³³ Aside from the dower, a widow also received a free bench, which consisted of a portion of the house in which she had resided with her husband. The rooms included the hall, their bedroom, the cellar, as well as the use of the kitchen, stable, privy, and courtyard. If a widow remarried, she lost the free bench but kept the dower.³⁴

London laws thus ensured that widows had a place to live. Even if she chose to remarry and forfeit her free bench, it was likely that her dower held other property. As

³¹ *Borough Customs*, ed. Mary Bateson, Selden Society 21 (London, 1906), vol. 2, pp. 136-137. She received this amount even if her late husband had borne children with a previous wife. *Liber Albus*, pp. 338-339. However, in later years this right was successfully challenged. See Megson, "Life Expectations of the Widows and Orphans of Freemen in London 1375-1399," p. 23.

³² The other two regions in England which continued to enforce *legitim* were Wales and Yorkshire. Caroline M. Barron, "The 'Golden Age' of Women in Medieval England," *Reading Medieval Studies* 15 (1989), pp. 42-43. Aside from *legitim*, though, London men faced no other restrictions on the property they devised in their wills; this was not true in all the English boroughs. Morley DeWolf Hemmeon, *Burgage Tenure in Mediaeval England*, Harvard Historical Studies, vol. 20 (Cambridge, 1914), p. 141.

³³ *Borough Customs*, vol. 2, p. 120.

³⁴ *Ibid.*, vol. 2, p. 126. The widow was expected to maintain her free bench by undertaking the necessary repairs. If she was unable to do this, she forfeited the property to the next heir. *Liber Albus*, pp. 59-60.

mentioned above, Londoners favored property when they comprised their dowries and dowers. Fathers and husbands purchased land for marriage settlements, and this land was to assist the newly married couple and later aid the widow and orphans.³⁵ Property was a popular form of investment because it could be easily bought and sold.³⁶ With returns roughly equaling that of trading profits, investors could expect a steady income for relatively little to no labor on their own part.³⁷ This did not mean, however, that the returns were unusually large.

The small financial worth of the property returns has led R.H. Hilton to postulate that they did not provide substantial financial reimbursement. However, recent historians of London have demonstrated that the incomes derived from urban property holdings could supplement existing incomes and for some, even be lucrative.³⁸ Stephen O'Connor has printed a calendar of the property transactions of Adam Fraunceys and John Pyel, whose real estate played a large part in their economic prosperity.³⁹ Fraunceys frequently traded with these properties, and in fact, only permanently retained real estate that he used for two purposes after his death: to provide for his widow and heir, or to be used for

³⁵ Sylvia Thrupp, *The Merchant Class of Medieval London* (Chicago, 1948; reprint, Ann Arbor, Mich., 1962), p. 122. The men might work together, with the husbands promising their wives' lands that equaled that of their dowries. Ibid., p. 106.

³⁶ G. H. Martin, "The Registration of Deeds of Title in the Medieval Borough," in *The Study of Medieval Records*, eds. D.A. Bullough and R.L. Storey (Oxford, 1971), p. 154. Harry A. Miskimin notes that, unlike the Italians, the English had fewer available options for sound investments, "The Legacies of London: 1259-1330," in *The Medieval City*, eds. Harry A. Miskimin, David Herlihy and A.L. Udovitch (New Haven, 1977), p. 227.

³⁷ Thrupp, *Merchant Class of Medieval London*, p. 123.

³⁸ R. H. Hilton, "Some Problems of Urban Real Property in the Middle Ages," in *Class Conflict and the Crisis of Feudalism* (London, 1985), pp. 165-174.

³⁹ S.J. O'Connor, Introduction to *A Calendar of the Cartularies of John Pyel and Adam Fraunceys*, ed. S.J. O'Connor, Camden Fifth Series, vol. 2 (London, 1993), p. 57.

pious purposes.⁴⁰ Similarly, Gwyn A. Williams recounted Robert de Kelleseye's rise to political prominence. As a younger brother who seemingly would not inherit the family estate in Lincolnshire, Kelleseye moved to London at the beginning of the fourteenth century.⁴¹ In fifteen years he accumulated property at the expense of those with declining fortunes. At his death, his widow, Juliana, received a dower that included property from at least twelve parishes.⁴² While these are just individual examples, Derek Keene's research on the property market has demonstrated that many other investors were just as savvy. They bought in commercially viable areas which were high in demand. They also tried to purchase properties located closely to their own residences for better supervision.⁴³ Again, their widows benefited from their economic prosperity. Keene

⁴⁰ Ibid., pp. 70-71.

⁴¹ In fact, he ultimately received the estate after his brother's death in 1331, Gwyn A. Williams, *Medieval London* (London, 1970), p. 103.

⁴² Williams notes that "those who built large city estates did so at the expense of the established," *Medieval London*, pp. 101-104. Boyd Breslow described a similar rise to power in his study of Richer de Refham. Like Kelsey, Refham purchased property from older, most established families. Breslow argued that this hurt Refham politically, as there was a backlash against these upstart rural immigrants, Breslow, "The social status and economic interest of Richer de Refham, Lord Mayor of London," *Journal of Medieval History* 3 (1977), pp. 135-145.

⁴³ Derek Keene, "Landlords, the property market and urban development in medieval England," in *Power, profit and urban land: landownership in medieval and Early Modern northern European towns*, eds. Finn-Einar Eliassen and Geir Atle Ersland (Aldershot, 1996), p. 105. Pamela Nightingale, in her study of the pepperers, found that their investments in property directly correlated with their trade; when goods were high, they sold to raise money, but when the demand for their goods decreased, they invested in property for financial security, *A Medieval Mercantile Community*, (New Haven, Conn., 1995), p.140.

argued that in the beginning of the fifteenth century, widows and sons of prosperous merchants were the wealthiest private landlords in London.⁴⁴ These men invested in property for their families' financial future.

The impetus for property accumulation can not solely be attributed to familial care, though. Men with large estates also enjoyed a certain status that translated into political influence. Sylvia Thrupp has argued that Londoners were unique in that they ascribed to a "17th century liberalism," which embraced the idea "that political rights and obligations stem from property."⁴⁵ In her study of the aldermanic class, property played a pivotal role in many merchants' path to success as their political authority increased in direct proportion to their property accumulations. Merchants moving up the ladder were more likely to invest in property and use it as a buttress for the economic foundation they had created. In a study of the town of Chesterfield, Ian Blanchard found that merchants began purchasing property at an increased rate as they aged. The additional income was meant to offset any losses related to their declining business interests.⁴⁶ London men likely behaved similarly, choosing property as an investment that best suited their needs for economic security.

The malleability of these investments is clear when looking at patterns of property purchases outside the city, particularly among exceptionally wealthy merchants.⁴⁷

⁴⁴ Keene, "Landlords, the property market and urban development in medieval England," p. 105.

⁴⁵ Thrupp, *The Merchant Class of Medieval London*, p. 100.

⁴⁶ Ian Blanchard, "The Aristocracy and Urban Property Markets: Chesterfield, 1200-1500," paper presented at Kalamazoo, Michigan, 2006.

⁴⁷ For an example of the extensive wealth of London merchants, such as John Wodecok, whose will left cash bequests exceeding 4,000 marks, see S. J. Payling's, "Social

Thrupp has shown that they tended to eschew proprietorial investments and instead trusted that their commercial wealth, often tied up in large inventories, would provide sufficient economic security for their families. If they did purchase land, they would do so outside of the city, in a bold bid for entrance into the gentry class, even though only five to ten percent of them succeeded in this venture.⁴⁸ Wealth even influenced the location of purchased property. Ann Brown has shown that the wealthiest Londoners bought land located far from the city. Those with shallower pockets, like administrative officials, invested in property closer to home, in the outlying suburbs.⁴⁹ The differentiations among the financial status of these men mattered little, however, in the turnover of the real estate market. Brown argues that economic uncertainty and high mortality rates meant that much of this invested property returned back to the market.⁵⁰

Londoners thus used property investments as suited their needs, regardless of wealth or political influence. While the motivations and locations of the property investments may have varied, there seems to be a commonality amongst all the

Mobility, Demographic Change, and Landed Society in Late Medieval England,” *The Economic History Review* 45 (1992), pp. 51-73.

⁴⁸ Thrupp, *The Merchant Class of Medieval London*, pp. 122-127, 284. Ironically, by the middle of the fifteenth century, they may have begun purchasing property in the hopes of avoiding any political influence. In 1469, city law stipulated that only men with estates worth £1,000 would be elected for the alderman office. Because it could be expensive to serve, some men avoided the mandatory office by investing in property, which was not included in the £1,000 minimum. See Mary Albertson, “London Merchants and Their Landed Property during the Reigns of the Yorkists,” (Ph. D. diss., University of Bryn Mawr, 1932, p. 53.

⁴⁹ Ann Brown, “London and North-west Kent in the Later Middle Ages: The Development of a Land Market,” *Archaeologia Cantiana* 92 (1976), pp. 150-151.

⁵⁰ Ibid., p. 155. For a case example of a wealthy London merchant, see Margery K. James, “A London Merchant of the Fourteenth Century,” *The Economic History Review* 8 (1956), pp. 364-376.

purchasers: the belief that their real estate investments provided economic security. This security was not seen as permanent, though, and could be liquidated when needed, as in the case of merchants strapped for cash. In this sense, they differed greatly from the Italians, who made sure their property holdings and wealth supported their families throughout successive generations. Instead, Londoners experienced a more fluid society, one in which prominent families rarely retained political permanence.⁵¹ Since wealth and political influence coexisted, this usually meant they also experienced economic decline.

Within this turbulent and ever-changing political and economic climate, Thrupp has argued that London women provided a measure of stability.⁵² As discussed above, the dotal system transferred property to women, who then took this wealth into their new families. Londoners viewed property as a fluid commodity, which melded to fit their needs. As women moved in and out of homes, they contributed to the fluid economy. In London, the dotal system and the economy worked hand in hand, with both finding legal support in the courts. This study will look at the widows, who seemingly benefit from the intersection of London's property and legal protections. Could the widows use their

⁵¹ In Thrupp's *The Merchant Class of Medieval London*, family influence can be found in prominent political circles at the beginning of the fourteenth century but by the end of the century, their influence had waned. Instead, wealth became the single most determinant factor for political influence, pp. 39-40. Even those families that lasted an unusually long time, for three generations, often found that their influence and wealth had declined considerably, pp. 223-234. Pamela Nightingale posited that it was the importance of self-governing which kept prominent families from dominating London, *A Medieval Mercantile Community*, pp. 46-47. For a similar situation in another English borough, see Maryanne Kowaleski, "The Commercial Dominance of a Medieval Provincial Oligarchy: Exeter in the Late Fourteenth Century," in *The Medieval Town: A Reader in English Urban History 1200-1540*, eds. R. Holt and G. Rosser (London, 1990), pp. 184-215.

⁵² Thrupp, *The Merchant Class of Medieval London*, p. 232.

holdings to sustain themselves financially? How did they choose to enter the real estate market? What kind of limitations did they face and did they find ways to maneuver around them? This study will address the contradictory evidence between the city custom and actual practice. The widows could only hold their dowered property for their lifetimes, but their activities as executors and grantors indicates that they could, and did, manipulate their holdings for their own economic benefit.

Sources

The main source for the inquiry into widows' economic and legal activities is the Court of Husting, a city court primarily responsible for property records and disputes. The origin of the Husting is not known but it may have been an alternative to the open air folkmoot, as evidenced by its name, which derives from an Old Norse phrase, meaning "under a roof rather than in the open air."⁵³ By the twelfth century, it had been confirmed as a weekly court by both Henry I and Henry II.⁵⁴ While at first the Husting accepted all types of pleas, with the exception of the crown, its scope narrowed by the end of the thirteenth century.⁵⁵ After 1300, it mainly handled issues related to property. This

⁵³ Caroline M. Barron, *London in the Later Middle Ages: Government and People 1200-1500* (Oxford, 2004), pp. 127-128. For a similar interpretation, see James Tait, *The Medieval English Borough: Studies on its Origins and Constitutional History* (Manchester, 1936; reprint, New York, 1968), pp. 62-63. The Danes likely did not create the court. G. H. Martin, *The Husting Rolls of Deeds and Wills, 1252-1485: Guide to the Microfilm Edition* (Cambridge, 1990), p. 7.

⁵⁴ Martin, *The Husting Rolls of Deeds and Wills*, p. 9.

⁵⁵ At this point the court only met two days a week, on Monday and Tuesday; because it was overloaded on those days, A.H. Thomas argues that other courts developed to alleviate the Husting's number of pleas, Introduction, *Calendar of early Mayor's Court*

ranged from judicial disputes, such as dispossessed tenants seeking restitution, to the registration of deeds and wills.⁵⁶ Its services were not available to all of London's population, since only citizens could seek these services. Citizens became free of the city through three different ways: birth, apprenticeship, or by paying a fine, called a redemption.⁵⁷ They then could be called "freemen." The benefits of citizenship were many, such as the ability to trade freely within the city. Citizens also avoided other boroughs' tolls and could not be called into other courts of law (besides London's), except in certain cases. Even their funeral expenses were paid by the City, so long as they left children who were underage.⁵⁸

While the freedom of the city was not restricted to men, there are not many recorded instances of women holding the freedom through one of the above three avenues.⁵⁹ Instead, most women became identified as citizens when their husbands died.⁶⁰ This was another privilege the city granted freemen, since it enabled the widows to enroll their deeds and wills, as well as continue their husbands' economic activity.

rolls preserved among the archives of the Corporation of the city of London at the Guildhall A.D. 1298-1307 (Cambridge, 1924), pp. xiii-xiv.

⁵⁶ Penny Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge, 2007), pp. 95-96. Barron, *London in the Later Middle Ages*, p. 128.

⁵⁷ Reginald R. Sharpe, Introduction, *Calendar of Letter-Books of the City of London: Letter Book D, 1309-1314*, ed. Reginald R. Sharpe (London, 1902), p. ii.

⁵⁸ Sharpe, introduction, *Letter Book D*, pp. ii-iv.

⁵⁹ In the city records, Thomas notes that there are only two cases of women becoming citizens through redemption. Introduction, *Calendar of Plea and Memoranda Rolls, 1364-1381*, ed. A.H. Thomas (Cambridge, 1929), pp. 47-54.

⁶⁰ While a woman gained the freedom through marriage to a citizen, this privilege would not extend to any subsequent husbands. Caroline M. Barron, "The 'Golden Age' of Women in Medieval London," p. 44.

This privilege only lasted while the widows remained unmarried.⁶¹ When widowed, though, the women were no longer under the legal umbrella of their husbands, and thus appear in the records of the Husting court. Their activities range as widely as their male counterparts, but for this study their recorded wills and deeds will be examined.

Woven throughout the chapters is the story of Juliana and Robert Kelleseye, a prominent London family whose deeds and wills were enrolled in the Court of Husting. Chapter 2 begins with the wills enrolled in the Court of Husting and focuses on the dowered property transferred to widows when their husbands died. It analyzes the types of property husbands most often designated for their wives. A subsequent analysis of the widows' enrolled wills reveals their property holdings and devises. By comparing the wills of the husbands' and their widows, it is shown that some widows circumvented the restrictions attached to their dowered properties. Chapter 3 moves on to the Husting deeds. Using a sample of four eleven-year blocs from the fourteenth century, it provides a more complete look at widows' property holdings. Widows may have held property outside of their dowers, mainly through inherited and purchased property, but their late husbands' properties still dominated their activities.

Chapter 4 delves deeper into the deeds and follows widows as they bought and sold real estate in the first half of the fourteenth century. It also compares the widows' holdings with their husbands' enrolled wills, tracking their use of their dowered lands. During this period, the majority of the widows did not deviate from prescribed behavior, with few of the women circumventing dowered restrictions. Chapter 5 continues to

⁶¹ Thomas, Introduction, *Calendar of Plea and Memoranda Rolls, 1364-1381*, p. lx.

follow widows' property transactions after the Black Death and finds that the upheavals created economic opportunities for the widows. Under the guise of their husbands' executors, many widows handled their dowered properties in ways that directly opposed their husbands' directives. By the end of the century, however, the evidence indicates that widespread changes in landholding negatively affected the widows.

Women's roles within the dotal system made them important figures, as they held property that might have devolved to their husbands' heirs. Instead, their mobility with this property contributed to the needs of London economy, as the widows spread property among the merchant classes. It is thus the collusion of the dotal system and the economy that enabled widows to participate in the real estate market.

CHAPTER 2

DOWER PROVISIONS IN THE COURT OF HUSTING WILLS

When Robert Kelleseye died in 1336, his executors, who included his wife Juliana, enrolled his will in the Court of Husting. Robert had come from the countryside in hopes of finding fortune in London. In this endeavor he found success. He began working in the legal profession, but quickly moved into more elite political circles. By the end of his career he had been an alderman of some significance, having represented the city in both Parliament and Scotland.⁶² Robert also enjoyed financial success, accumulating multiple property holdings in over a dozen parishes. Yet at his death, it was his family that most concerned him – not just his wife, but also his three sons, two of whom were underage. In his will, Robert parceled out his estate, leaving the bulk of his

⁶² His career trajectory did witness some setbacks; in 1312 his conduct was called into question when it was discovered he had accepted a cask of wine from an accused murderer. Robert claimed he had not held a public office at that time and was thus not culpable. Penny Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge, 2007), p. 248. Then in 1320 he was deposed as alderman after allegedly inflating taxes in an appeal to gain the king's favor. Within six years, however, his influence increased as his allegiance to Isabella and Mortimer led to prominent city appointments. Gwyn A. Williams, *Medieval London* (London, 1970), pp. 101-103. For his Scottish trip, see Penny Tucker, "First Steps Toward an English Legal Profession: The Case of the London 'Ordinance of 1280,'" *English Historical Review* 121 (2006), p. 380. For his Parliament activities, see Alfred B. Beaven, *The Aldermen of the City of London* (London, 1908), vol. 1, pp. 263-265.

property to Juliana and his sons.⁶³ Juliana received multiple tenements as dower, some of which he directed that she use for one of his son's education. Since she held that land for her lifetime only, he designated his sons to receive the property after her death. In addition, he left houses and tenements directly to each son. Robert's will is indicative of wills found throughout the Court of Husting, as they demonstrate testators' attempts to ensure financial stability for their immediate families. Widows played a pivotal role in sustaining the family through the transition caused by death, and a crucial component of their success must have been their property holdings. It was for this reason that dower provisions were so generous. Yet while the dotal system in London left widows in possession of anywhere from between one-third to one-half of their husbands' estates, what did that dower consist of? Turning to the enrolled wills can shed light on this subject by revealing what types of bequests husbands chose to leave their wives. In particular their devises of shops are examined, since they were clearly commercial properties. The widows' wills have also been analyzed to see how much of their dowered lands they retained at their own deaths. Furthermore, when comparing the wills enrolled by husbands and their widows, it is evident that widows could, and did, manipulate their dowered holdings, suggesting that when possible, widows could circumvent city customs to meet their individual needs.

⁶³ The only other property mentioned in his will was to be sold to pay for his debts and monetary legacies, *Calendar of Wills*, vol. 1, pp. 412-413.

Enrolled Wills: the Samples and their Contents

Citizens had their wills enrolled in the Court of Husting with the understanding that it tracked and protected their property devises. From 1258 to 1688, over four thousand of them enrolled their wills. At the beginning of the nineteenth century, Reginald R. Sharpe went through the Husting rolls and created a calendar of the wills.⁶⁴ This chapter uses the calendar to form two samples from the Husting wills. To create a more relevant time frame, only wills enrolled from 1258 to 1450 were included, leaving 3,650 wills. After omitting the men's wills which make no mention of their wives, the resulting sample consists of 1,868 men's wills and 396 women's wills. The men's property bequests to their wives have been categorized and quantified and the women's wills have been explored in more depth, with a record made of both the property they held at the times of their death and to whom they made their proprietary bequests. From these two samples, it is fairly obvious that widows received a significant amount of property as dower from their husbands. They also retained property holdings of their own, which they distributed upon their deaths. First, though, a few notes on the enrollment process.

The enrollment was a privilege granted to freemen, and thus not obligatory. So long as a testator had left his seal on a will, its contents would be considered "good and true."⁶⁵ But the benefit of enrollment was twofold: the testators knew their wills would be formally read in front of the court and proved in a timely manner, and also that in the

⁶⁴ *Calendar of Wills*, ed. Reginald R. Sharpe (London, 1889-1990), 2 vols.

⁶⁵ *Borough Customs*, ed. Mary Bateson, Selden Society 21 (London, 1906), vol. 2, p. 195.

event of any future disputes or claims, the will could be referenced.⁶⁶ William Delle's will was enrolled in 1304. Twenty-eight years later, his widow, Helewysia, requested a view of the will, listing the date on which it had been enrolled. The will was brought to her, in the presence of the Mayor and other men. Her motivations for the viewing were not recorded, but she probably needed either clarification or proof of the property devised her husband had made.⁶⁷ Without enrollment, widows had to sue the executors. Agnes, widow of Reginald Frowyk, claimed that her late husbands' executors had not proved Reginald's will. The executors responded that they had proved the will before the Official of the Archdeacon of London. They had not, however, enrolled the will, and instead left it with Reginald's mother. As it turned out, Reginald had illegally devised the property to his wife, since his mother still held it as her dower. Agnes may have hoped that without possession of the will, she could claim her mother-in-law's dowered property as her own. The formal enrollment of Reginald's will would have avoided Agnes' additional claims.⁶⁸

Before the will could be enrolled, though, it had to be proved. Two men, usually the deceased's executors, appeared before a full court of Husting and attested to the authenticity of the testament. They verified that the attached seal had belonged to the deceased, who had been mentally competent at the time of the will's creation. Any

⁶⁶ Sharpe, Introduction, *Calendar of Wills*, vol. 1, p. xxix. John M. Jennings, "The Distribution of Landed Wealth in the Wills of London Merchants, 1400-1450," *Mediaeval Studies* 34 (1977), p. 262.

⁶⁷ *Calendar of Letter-Books of the City of London: Letter Book E, 1314-1337*, ed. Reginald R. Sharpe (London, 1903), p. 288.

⁶⁸ *Calendar of early Mayor's Court rolls preserved among the archives of the Corporation of the city of London at the Guildhall A.D. 1298-1307*, ed. A.H. Thomas (Cambridge, 1924), p. 82.

person who objected to the will had to be present as well, to proclaim their challenge formally. No judication occurred, but the challenge would be appended to the will. The executors then paid a fee, thus completing the enrollment process.⁶⁹

Since the Court primarily handled property disputes and the registration of property transactions, the wills mainly document deceased citizens' property devises. Movable goods can be found in the Husting wills, but usually citizens created a separate will for these more personal items.⁷⁰ Occasionally a testator even referred to his other will. William Kyng admonished his wife Alice that she would only receive the tenements and rents he left her if she was "willing to accept as her share of his movable goods what he bequeaths her in another testament." Failure to comply with his terms would result in the sale of those tenements and rents.⁷¹ The wills also do not include many monetary gifts. Harry Miskimin's study of the wills from 1259 to 1330 found that cash was rarely mentioned prior to 1300, and after that, appeared in only 12.5 percent of

⁶⁹ Sharpe estimates that the fee cost 15s. 8d., Introduction, *Calendar of Wills*, vol. 1, pp. xiv, xliii-xliv. However, J.M. Jennings found in *Letter Book K* that the fine was 2s. 8d. in 1434; it grew to 5s. 4d. in 1444, "The Distribution of Landed Wealth in the Wills of London Merchants, 1400-1450," *Mediaeval Studies* 39 (1977), p. 261. *Calendar of Plea and Memoranda Rolls, 1314-1364*, ed. A.H. Thomas, vol. 1 (Cambridge, 1926) pp. 7-8.

⁷⁰ Sharpe, Introduction, *Calendar of Wills*, vol. 1, p.xxv. Even the terminology used was supposed to differ according to the content of the will: real property was "devised," while personal property was "bequeathed." In application, however, the terms were often interchanged, R.E. Archer and B.E. Ferme, "Testamentary Procedure with Special Reference to the Executrix," *Reading Medieval Studies* 15 (1989), p. 23. Kristen Burkholder studied the movable goods listed in the Husting wills but combined it with wills from the Prerogative Court of Canterbury in her dissertation, "Material Culture and Self-Presentation in Late Medieval England," (Ph.D. diss., University of Minnesota, 2001). For a study about women's control over their movable goods, particularly those that they owned prior to marriage, see Janet Senderowitz Loengard, "Plate, Good Stuff, and Household Things': Husbands, Wives, and Chattels in England at the End of the Middle Ages," *The Ricardian: Journal of the Richard III Society* 13 (2003), pp. 328-340.

⁷¹ *Calendar of Wills*, vol. 2, p. 312.

the wills.⁷² A focus on the property transferred is thus ideal for these wills, since they were not wills of personality.⁷³ Citizens had their wills enrolled with the understanding that it tracked and protected their property devises, and as a result, many simply opted to record only the bare minimum of their estates.

As such, the property is not specifically described. Peter de Weston, who left his wife Matilda property, simply stated that she would receive “all his tenements in the City of London or suburb for life.”⁷⁴ Although the samples have been pulled from the printed calendar of the wills, examining the entire enrolled will does not guarantee greater lucidity. For example, Sharpe’s calendar of William de Berkhamstede’s will records that he left his wife Johanna “his tenement in the parish of S. Laurence in the Jewry for life.” The will actually stated “I wish, leave, and arrange that Johanna, my wife, has and holds for the term of her life all of my tenement with overhanging houses and all its appurtenances that I hold from the gift and feoffment of John de Gray, son of William le Sautreour in the aforesaid parish of S. Lawrence.”⁷⁵ The latter quotation reveals a

⁷² The cash bequests do reflect the wealth of the testators, though. The average cash bequest was £59.5. Miskimin compared this to the average daily wage for a building craftsman, which was only 3 to 4 pence a day; a common building laborer would have earned much less, “The Legacies of London: 1259-1330,” in *The Medieval City*, eds. Harry A. Miskimin, David Herlihy and A.L. Udovitch (New Haven, Conn., 1977), p. 223.

⁷³ As an example of how unique the Husting wills are, Heather Swanson noted that medieval English wills usually focused on movables; when they did mention property, the wills most often referred to previous indentures, *Medieval Artisans: An Urban Class in Late Medieval England* (New York, 1989), p. 156.

⁷⁴ *Calendar of Wills*, vol. 2, p. 496.

⁷⁵ “Item volo lego et ordino q[uo]d Joh[an]na ux[or] mea h[ab]eat et teneat ad totu[m] t[er]minu[m] vite sue totu[m] ten[ementum] meu[m] cu[m] domi[bus] sup[er]edificatis et o[mn]ib[us] suis p[er]tinent[?] quod h[ab]ui ex dono et feoffam[en]to Johis de Gray filii

tenement that has other components, the houses, but not much detail is given regarding the actual dimensions of the tenement.⁷⁶ Using the calendar might obscure the attachments to the tenement, but the resulting sample should not be too skewed, particularly because the testators themselves were vague in their descriptions.

Inexact descriptions are not the only hindrance in using the wills as historical sources. Philippa Maddern pointed out that much of testators' property would escape the purveyance of a will. The property ranged from that which they could not freely bequeath to property under a separate contract, such as one created at the time of marriage. Contracts such as these would be equally binding and thus have no need to be referenced in a will. She argued that wills would have been "no more than one part in a long process of property transfer."⁷⁷ Even if the will acted as an endpoint to familial proprietary transfers, the inclusion of so much property in the Husting wills demonstrates that testators still retained significant bequeathal powers. Any additional contracts regarding property holdings would simply indicate that the widows may have held more property than that represented in the wills, rather than less.

Willi le Sautreour in [pre]d[ic]a p[ar]ochia sa Laurency" *Calendar of Wills*, vol. 1, p. 384; *HR* 61 (30).

⁷⁶ In the sample of the deeds discussed in chapters 3-5, the deeds rarely give dimensions, and when they do, usually list the measurements of the land, not necessarily the building.

⁷⁷ Philippa Maddern, "Friends of the Dead: Executors, Will and Family Strategy in Fifteenth-Century Norfolk," in *Rulers and Ruled in Late Medieval England: Essays Presented to Gerald Harriss*, eds. Rowena E. Archer and Simon Walker (London, 1995), pp. 155-159. Jens Röhrkasten has pointed out the difficulties inherent in using wills to determine pious donations in "Londoners and London Mendicants in the Late Middle Ages," *Journal of Ecclesiastical History* 47 (1996), pp. 449-450. For a more general overview, see Nigel Goose and Nesta Evans, "Wills as an Historical Source," in *When Death Do Us Part: Understanding and Interpreting the Probate Records of Early Modern England*, eds. Tom Arkell, Nesta Evans, and Nigel Goose (Oxford, 2000), pp. 38-71.

Male and Female Testators in the Court of Husting

Only freemen who owned property within the city enjoyed the privilege of enrolling their wills in the Court of Husting. As a result, the men represented in the wills enjoyed a certain measure of wealth, as evidenced by their occupations. Out of the 1,868 men's wills that constitute the sample, 982 of the wills (53%) list the men's occupations, which can be broken down as follows:⁷⁸

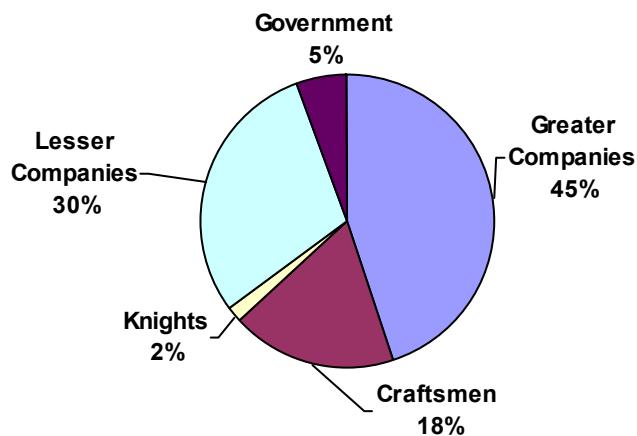


Chart 2.1: Husbands' Occupations in Wills

⁷⁸ Of the 982, 441 citizens belonged to the greater companies, 292 to the lesser companies, 178 were craftsmen, 54 were men in government positions, and 17 men identified themselves as knights. I have classified the trades as lesser or greater companies according to similar groupings given by Sylvia Thrupp in *The Merchant Class of Medieval London* (Chicago, 1948; reprint, Ann Arbor, Mich., 1962), pp. 43, 46.

The majority of the testators (45%) participated in the most prominent trades in London. As men of the greater companies, they worked as fishmongers, drapers, grocers, goldsmiths, ironmongers, mercers, pepperers, skimmers, tailors, and vintners. The list for the lesser companies (30%) is much longer but included the wax-chandlers, cordwainers, brewers, bakers, and woodmongers. The craftsmen (18%) worked in less organized crafts, such as the burillers and the potters. A smaller minority of men (5%) held governmental positions and these ranged from the most prominent, like the aldermen and the Recorder of London, to common clerks. An even smaller minority of men (2%) designated themselves as knights.⁷⁹ Given that these titles were not jobs but represented either class status or political participation, it was likely of secondary importance to their careers. It was their economic livelihood that had created their ability to purchase property throughout the city. The property requirements of the Court of Husting meant that even those members of the smaller trades must have enjoyed at least moderate success in their financial endeavors.

Freemen were not the only testators present in the wills. As mentioned above, a select group of women could also enroll their wills, and 396 women did during the time frame sampled for this study (see Table 2.1). Widows comprised the largest sector of women's enrolled wills. As legally independent women, they had the power to devise their propertied estates. As wives, they did not have this right unless their husbands had ceded it to them. Only four wives enrolled their wills, and all mentioned that they had

⁷⁹ In only 1 percent of the wills was the testator designated as alderman, but in an additional 1 percent of the cases the testator was listed both as an alderman and as a member of a specific trade.

the permission of their husbands.⁸⁰ Daughters could also enroll wills, although the small percentage that did indicates that they did not have much independent property holdings. The sector of single women (25%) may have been wholly comprised of women independent of paternal ties, but it is likely that widows can be found in their midst, particularly amongst those who mention children.⁸¹ Without any reference to former husbands, however, they cannot be included in a category devoted solely to widows. One of the reasons their names could be obscured lies in the manner in which their names were listed.

Widows	276 (70%)
Single with no children	57 (14%)
Single with children	42 (11%)
Daughters	17 (4%)
Wives	4 (1%)
Total	396 (100%)

Table 2.1: Women's Wills

⁸⁰ In wills from other areas in England, some husbands allowed their wives a paragraph that was attached to the men's will. Michael M. Sheehan, *The Will in Medieval England* (Toronto: Pontifical Institute of Mediaeval Studies, 1963), pp. 70-71, 236. Wives' wills tended to have more submissive tones; for the differences in widows' and wives' wills, See Ann J. Kettle, "My Wife Shall Have It' Marriage and Property in the Wills and Testaments of Later Mediaeval England," in *Marriage and Property*, ed. Elizabeth M. Craik (Aberdeen, 1984), p. 95.

⁸¹ Six women did not identify themselves as widows but after sampling the 546 deeds discussed in the next chapters, I discovered that they had been widowed when their wills were enrolled; four of the women mentioned children in their wills, while two did not.

As a *femme covert*, a married woman's identity was subsumed under her husband's. Even her name became an extension of his, with legal documents referring to her husband when she was mentioned. Yet when that man died, what became of the woman's identity? In the majority of cases the woman continued to use her husband's name. There were exceptions, however. At least eighteen women in the wills have names that are not those of their late husbands. Albreda de Appelby's will lists no male with a similar last name, but she refers to her late husband, Roger de Ely.⁸² While the surname Appelby may have been that of a subsequent spouse, it could also have been her father's name. When Christina la Telmestere died in 1343, she used her maiden name, but added that she was the "late wife of Walter de Heston." She had reverted to her father's surname quite some time before her death. As early as 1334, Christina had purchased houses in the parish of St. Mary Magdalen Old Fish Market. In that deed, she went by the name "Cristina la Telmestere late wife of Walter de Hyston."⁸³ No mention was made of her father, but she had already assumed his surname. These widows clearly designated their surname as that of their natal families, shedding themselves of their late husbands' identity.

Other widows reverted to their maiden names when devising property that had belonged to their natal families. They thus strengthened their claim to the inherited property. Johanna de Staundon's will noted that she was the late wife of Ralph de Toudeby, but a later reference to her brother William de Staundon revealed her natal

⁸² *Calendar of Wills*, vol. 1, p. 332.

⁸³ *Calendar of Wills*, vol. 1, p. 469; *HR* 63 (18).

family ties.⁸⁴ Other women who had been married more than once chose instead to revert to a former husband's surname, such as Mazera Brabson, whose will refers to a later marriage to Gilbert Aghton.⁸⁵ Her reasons are not clear, but she was probably handling property that had previously been his. These widows would have wanted to prevent future disputes over their property devises.

Widows' Dower Holdings

At first glance, the men's wills reveal that quite a substantial amount of property passed into the hands of their wives. In the 1,868 men's wills, eighty-eight percent of the men left some form of income or property to their wives. The property consisted primarily of tenements, shops, rents, and parcels of land. In fact, the most common form of property left in a bequest was a tenement, which appeared in 77 percent of the men's wills. At the very least, then, widows enjoyed a guaranteed place of residence. Some widows fared even better, with 11 percent receiving the capital messuage, or the main residence.⁸⁶ For these widows, there must have been a measure of comfort in continuing to live in the houses they had shared with their husbands.⁸⁷ London custom recognized

⁸⁴ *Calendar of Wills*, vol. 2, p. 9.

⁸⁵ *Calendar of Wills*, vol. 2, p. 363. Sharpe comments on this practice in a footnote in vol. 2, p. 9.

⁸⁶ Morley DeWolf Hemmeon has argued that the term capital messuage, which he defines as the "dwelling-house of one who holds and leases other houses," was used most often in describing property divided by dower, *Burgage Tenure in Mediaeval England*, Harvard Historical Studies 20 (Cambridge, 1914), p. 79.

⁸⁷ It is known that at least these 11 per cent received the capital messuage. Other husbands may have also left their wives capital messuages, but simply not designated the property as such. In fact, the terminology seems to have fallen out of usage by the fifteenth century.

the widows' need for a place to live, which is why it was included in the free bench they received for as long as they remained unmarried. Widows who did remarry, however, retained the dower that had they had received as their portion of *legitim* for their entire lives. So while on the surface it may seem that a substantial amount of property passed from the husbands to the wives, the widows actually faced some severe restrictions in their use of this property. It is thus likely that the land that the widows bequeathed in their wills came to them through their family ties or through their own land purchases. Since they could not sell or alienate their dower lands, they were further prohibited from bequeathing any of this property in their wills.⁸⁸

During the widow's life, however, she was free to reap the financial benefits that accompanied her position as landholder. Most often, she acted as a landlord, renting out the various properties for a fixed rent. This was especially true for the elderly, who found the guarantee of the fixed income particularly advantageous as they retired from active labor.⁸⁹ Of course, a widow with young children would also appreciate such an income for similar reasons. Men were undoubtedly aware of the benefits of such a bequest, explaining their specification of the properties that passed into their wives' hands. Twenty-nine percent of the men's wills specifically mentioned rents or shops as part of their wives' dowers. While much of the other property listed as tenements undoubtedly contained shops or rents, it can be safely concluded that at least 29 percent of the widows received a supplementary form of income.

⁸⁸ *Borough Customs*, vol. 2, p. 120.

⁸⁹ Derek Keene, "Tanners' Widows, 1300-1350," in *Medieval London Widows, 1300-1500*, eds. Caroline M. Barron and Anne F. Sutton (London, 1994), p. 17.

As a form of income, rents and shops could serve similar purposes. Londoners often used the purchase of rents as a means of investment, since the rents could be bought and sold with relative ease.⁹⁰ Likewise, a shop could simply represent a type of investment, with the owners renting out the premises. These types of shops usually consisted of a small group of houses that lined the street. Citizens may not have used them for their own commercial purposes, instead just renting the property for profit.⁹¹ Other shops, however, clearly served a commercial purpose, with the owners conducting their trade from these sites. These shops could be attached to the residences, providing the comfort of working and living within a designated area. One man's will illustrates both types of shops. Nicholas Benyngton left his wife Cristiana five shops on Kyronlane. Although the shops were located nearby Nicholas' capital tenement, he chose to leave that property to his son William. In addition, William received the shop attached to the capital tenement.⁹² This shop probably played a more pertinent role in the family economy, leaving Christiana's shops to serve as a means of investment.

Much like the market of rents, shops such as Christiana's could also be bought and sold with relative ease. The money earned from the sale supplemented family expenses. Geoffrey Scot left his wife Johanna a shop for the marriage of their daughter.⁹³ Similarly, John Ryvel anticipated the cost of his daughter's marriage, even though she had not been born yet. If Johanna, his wife, proved to be pregnant, John designated a

⁹⁰ Keene likens the market to the modern day stock market. Derek Keene, *Cheapside before the Great Fire* (Economic and Social Research Council, 1985), p. 22. Rents and their economic import are discussed more extensively in chapter 4.

⁹¹ Keene, "Tanners' Widows," p. 17.

⁹² *Calendar of Wills*, vol. 2, pp. 52-53.

⁹³ *Calendar of Wills*, vol. 1, p. 402.

bequest tailored to his future daughter or son. If Johanna had a girl, she was to sell a hostel for her marriage; in the case of a boy, Johanna received the hostel in fee. Since a gift in fee usually descended to the heirs of Johanna and John, John must have wanted the son to eventually reap the profits of the hostel. Given his final clause, this seems likely. He added that if there were no pregnancy, Johanna would receive the hostel for her lifetime only.⁹⁴

While these two examples illustrate the manner in which shops helped supplement family incomes, an analysis of men's bequests of shops further substantiates their vital importance in the family economy. As seen in Table 2.2, men left the majority of their shops to their immediate family, with wives receiving the most bequests. In fact, men only chose individuals outside their family circle in eight percent of the bequests, with another eight percent designating the shops be sold or given as pious donations. It is possible that the husbands, like John Ryvel, intended for the shops to descend to their sons. Derek Keene studied the tanners' wills and found that the tanners excluded their widows from their shops and paraphernalia. If the widows did receive any of the property and goods, it was intended that they would merely transmit it to their husbands' heirs.⁹⁵ Widows only had transitory control over their dowers, but their husbands' designation of them as the shops' possessors must have meant that the husbands felt they could capably manage the property.

⁹⁴ This is a clear violation of customary law. However, there were no objections to the will. *Calendar of Wills*, vol. 2, p. 16.

⁹⁵ Keene, "Tanners' Widows," pp. 15, 19-20, 26.

Wife	306 (54%)
Son	80 (14%)
Daughter	51 (9%)
To Be Sold	37 (7%)
Unknown Person	32 (6%)
Family Member	18 (3%)
Son & Daughter	12 (2%)
Pious Donation ⁹⁶	9 (1%)
Apprentice	8 (1%)
Cook/Servant	5 (>1%)
Unclear Bequest	5 (>1%)
Executors	1 (>1%)
Total	564 (100%)

Table 2.2: Men's Bequests of Shops

When mentioning the shops in their wills, most of the men did not describe their shops in as much detail as Nicholas Benyngton did. It is thus not possible to ascertain what type of shops the wives held after their husbands' death, or whether the widows continued to work within the family trade. The wills rarely give detailed information regarding familial occupations. Regardless, though, it is clear that the wives received the majority of this type of investment, indicating that their husbands recognized the need for them to earn an income, and the relative ease with which it could be done through their possession of shops.

Apparently the widows also recognized this investment fact. At their own deaths, 23 percent of the widows mentioned shops in their wills (see Table 2.3). Much

⁹⁶ These include properties left for religious and charitable purposes. J.A.F. Thomson has pointed out the difficulties in differentiating between the two, since the executors ultimately carried out the donations, Thomson, "Piety and Charity in Late Medieval London," *The Journal of Ecclesiastical History* 16 (1965), pp. 180.

Son	12 (19%)
Church	12 (19%)
Unknown Male	11 (17%)
Daughter	8 (12%)
Unknown Female	4 (6%)
To Be Sold	3 (5%)
Unknown Couple	3 (5%)
Son & Daughter	3 (5%)
Male Relative	2 (3%)
Female Relative	2 (3%)
Cook/Servant	2 (3%)
Executors	2 (3%)
Total	64 (100%)

Table 2.3: Widow's Bequests of Shops

like their husbands, the widows chose to keep most of the shops within their immediate family circle, with thirty-six percent leaving shops to their children. A much higher percentage of widows, however, chose to leave shops to individuals whose family relations are not known. Twenty-eight percent of the widows included bequests to these unknown persons, which is significantly higher than the six percent rate found in the men's bequests. This discrepancy could be attributed to the fact that women's family relations are often more difficult to track due to the surname differences.

Or the discrepancy may simply illustrate the relative freedom widows enjoyed over the dispersal of their personal property when compared to their husbands. Uninhibited by the system of *legitim*, widows could sell and devise their property as they pleased. Although Margery Godard did not mention any shops in her will, her name

cropped up during a later enrollment of a will.⁹⁷ Basilia Maderman, present at the enrollment, presented a deed proving that Margery had sold five shops to both her and her husband.⁹⁸ Margery thus disposed of the shops prior to her death, perhaps because of minimal family obligations. Except for a couple of sisters to whom she left rents, she made no reference to any children. Her husband's will, enrolled twenty-five years earlier, ensured more than adequate support for their two daughters.⁹⁹ The children could have passed away in the interim, leaving Margery free of any familial obligations due to her husband's previous bequests. As a widow, Margery's estate was not subject to a mandatory familial division, permitting her to enter the land market when needed.

Margery may have also sold the shops for financial profit. After being widowed for almost twenty-five years, her motivations for the sale could simply be attributed to financial need, not an autonomous desire to better her estate.¹⁰⁰ Whether Margery faced financial difficulties or not is impossible to divine from this source, but the fact that she could sell the shops indicates that she had either inherited the property, or bought it during her lifetime. Her husband made no mention of any shops in his will, and even if he had, that property would have been given to Margery for her lifetime only.

⁹⁷ *Calendar of Wills*, vol. 1, p.144.

⁹⁸ *Calendar of Wills*, vol. 1, p. 243.

⁹⁹ He left his daughters his capital house, houses, and a wharf. In addition, he specified certain houses be sold for a marriage payment and designated rents to provide for their clothing. *Calendar of Wills*, vol. 1, p. 17.

¹⁰⁰ Susan M.B. Steuer found that some widows burdened by property ownership turned to St. Bartholomew's Hospital for assistance, see "Family Strategies in Medieval London: Family Planning and the Urban Widow, 1123-1473," *Essays in Medieval Studies* 12 (1995), <http://www.luc.edu/publications/medieval/emsv12.html>.

Husting Regulation of Dower Devises

The Court seems to have been fairly diligent in its enforcement of the lifetime restrictions of property devised under *legitim*. When men left their wives property absolutely, or without the usual lifetime limitations, the Court could require the new widows to renounce their ownership of the property. Thomas Pourte left his wife Cristiana a messuage without the obligatory ‘for life’ clause, and Cristiana had to come into court to acknowledge that she only held a life interest in the messuage.¹⁰¹ In all, 53 widows made similar appearances at the Court of Husting. This merely accounts for about three percent of the men’s wills, making it a rather rare occurrence. In fact, after 1355, the practice died out completely, with no more women appearing in court under these circumstances.

The court did not always catch illegal devises, however, particularly as the fourteenth century progressed. In eighteen wills, men specified that their wives’ dower properties would descend to the wives’ heirs, a provision clearly violating the lifetime limitation imposed upon dowered property. When Robert de Holewell died in 1363, his will recorded the generous provisions he had left his wife, the only person he mentioned. He left her all his lands and tenements in both the city and in a nearby community. He added that she was “to hold the same to her, her heirs and assigns.”¹⁰² The Court recorded no objection, thereby legitimizing the devise. Some widows were not so fortunate. Of the eighteen wills containing this provision, six did contain recorded

¹⁰¹ *Calendar of Wills*, vol. 1, p. 187.

¹⁰² *Calendar of Wills*, vol. 2, p. 80.

objections to this type of devise. In these six cases, the widows appeared in court and had to renounce their heirs' seisin of the property in question. If they failed to do so, their husbands' wills would have not been enrolled.

The number of men leaving their wives bequests of this kind was remarkably small, but the court's sporadic enforcement of these types of devises is hard to explain. It is clear, however, that prosecution occurred more frequently at the end of the thirteenth century and into the middle of the fourteenth century. In fact, when the eighteen wills are placed in chronological order, the six wills containing objections fall consecutively between the years 1282 and 1291. Four wills prior to 1282 slipped by unnoticed, and after 1291, nine wills contained the provision. Ann J. Kettle has hypothesized that the court may have prosecuted the illegal devises more vigorously in the thirteenth and early fourteenth century because *legitim* was a relatively recent custom.¹⁰³ This would explain the initial enforcement. By setting the precedent that such devises would be rendered illegal, the Court no longer felt it was necessary to intervene.

In addition, men may have conformed to the borough custom because it guaranteed that their heirs would eventually receive their property. After all, the system of *legitim* already prevented them from directly bequeathing property to their heirs. When Roger Carpenter died, he left his son Thomas the reversion of a tenement that was currently held by the widow of Roger's father. While Roger thus ensured that his son

¹⁰³ Ann J. Kettle, "My Wife Shall Have It' Marriage and Property in the Wills and Testaments of Later Mediaeval England," p. 93.

would receive the property, he never enjoyed the financial use of the tenement himself.¹⁰⁴ Men's acceptance of *legitim* may explain why enforcement was no longer needed after 1355.

Without enforcement, however, violations continued to occur. Apart from the wills containing property reversions to the wives' next heirs, there are even a handful of wills, beginning in 1349, in which men left their wives property without any type of lifetime restriction. The court made no objection to the enrollment of these wills, leaving the widows with full possession of the property. Again, there are only a few of these cases, making it difficult to base any conclusions on such fragmentary evidence. While it may suggest that some men had more testamentary freedom than previously thought, there may be another reason.

The land these husbands had given in fee had most likely been held in jointure by the husband and wife. The husbands could have simply neglected to mention that some of their property was held in jointure. The executors may have been aware of the purchase and made no objection to the will. Widows, however, did appear at the enrollment and formally present their objections. Of the thirty-four widows who placed a claim on their husbands' wills, twenty asserted that the property in question had been jointly owned.¹⁰⁵ Jointly-held property thus accounted for the majority of widows' objections to their husbands' wills.

¹⁰⁴ *Calendar of Wills*, vol. 1, p. 534.

¹⁰⁵ There are probably more widows in the remaining fourteen wills who objected on similar grounds, but the Court gave no explanation for their objections. See *Calendar of Wills*, vol. 1, pp. 435, 618 for a couple of examples.

By proving her co-ownership of the property, the wife retained the power of bequeathal since the husband could not devise property held in jointure if he died prior to the wife.¹⁰⁶ Adam Broun left his wife a tenement and shops in fee, remaining in the hands of his wife and her heirs. He did, however, place an unusual restriction upon the bequest. If she remarried, she lost both the tenement and shops.¹⁰⁷ When Lucy objected to the will, she produced deeds proving that she and Adam held the property in jointure, meaning they had jointly purchased the property. The executors subsequently annulled that portion of the will.¹⁰⁸ Adam's attempt to limit Lucy's possession of the property demonstrates that men were not always forthright about their co-ownership of property. Some husbands must have hoped that by designating the jointly held property as dower, the widows would be restricted to a lifetime seisin. Others may have simply reiterated the widows' rights to the property by leaving it to them in fee.¹⁰⁹

Widows' Property Holdings in their Wills

Widows constituted the majority of women's wills, and their wills reveal that they held a fair amount of property at their own deaths (see Table 2.1). Ninety-five per cent of the widows referred to real property in their bequests. This property was primarily comprised of tenements, houses, rents, and shops, with a small number of wharfs and

¹⁰⁶ *Borough Customs*, vol. 2, pp. 106-107. See chapter 3 for the complete example.

¹⁰⁷ Men rarely placed this restriction on their bequests. Only 3 percent of the wills contain provisions in which the wife lost property if she remarried.

¹⁰⁸ *Calendar of Wills*, vol. 1, p. 264.

¹⁰⁹ See *Calendar of Wills*, vol. 2, pp. 178-179, where Edelenia Atte Legh leaves a male kinsman a tenement she had jointly owned with her husband. She notes that her husband had attempted to illegally devise it. Although there was no claim on his will, she presumably recovered the property.

gardens mentioned. Only three percent of the widows made no reference to property holdings, instead specifying monetary bequests to their friends and relatives. The remaining two percent of the testators either did not specify their property holdings or left only the remainder of their tenements, not outright ownership.

Determining how the widows obtained this property is problematic. Only five percent of the women specified the previous owners of the property, leaving too small a sample to form any quantitative conclusions. Many must have held the property through inheritance, since they most frequently mentioned men as their benefactors, with fathers, brothers, and husbands accounting for half of the references.¹¹⁰ Beatrix Fescaumpe left a parcel of land to a chaplain, John de Berking, which her brother had left her at his death.¹¹¹ These references are unfortunately rare, but suggest that widows retained their inherited property until their deaths.

Many of the widows also held property in jointure. While this type of property was probably purchased during the marriage of the husband and wife, it was not the only way wives held property in jointure. Marriage contracts could specify that some of the husbands' lands would be held in this manner, thus ensuring that the wives retained this land after their husbands' death, without any type of lifetime term.¹¹² Since widows could not devise property they held only for their lifetimes, their other property holdings

¹¹⁰ Only 14 of the widow's wills mention the previous owners of the property; they were fathers (2), husbands (3), brothers (2), a widow (1) and a mother (1). The remaining property was all purchased from people of unknown relations (5).

¹¹¹ *Calendar of Wills*, vol. 1, pp. 93-94.

¹¹² Contracts of this nature were most advantageous to heiresses. Ann J. Kettle, "My Wife Shall Have It' Marriage and Property in the Wills and Testaments of Later Mediaeval England," p. 90.

would figure more prominently in their wills. The widows could have only legally bequeathed property they held in jointure, had inherited, or purchased autonomously. Their dowered property should not have been theirs to devise.

Men and Their Widows' Wills: A Comparison

When turning to a comparison between the widows' wills and their husbands' wills, however, there are indications that the property in widows' devises did contain their dower holdings. There are ninety-five widows whose husbands also had wills enrolled in the Court of Husting. By comparing the property between the couples' wills, it is possible to identify the property that the widows held as dower. As Chart 2.2 illustrates, the evidence surrounding property location was only inconclusive in 22 percent of the wills. In these wills, the men stipulated that their wives would receive their lands held throughout London, thereby failing to mention any specific parishes.

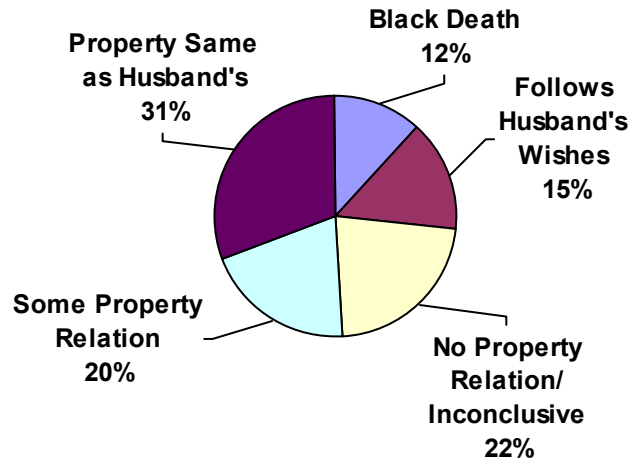


Chart 2.2: Property Holdings in Wives' Wills

In addition, 12 percent of the wills enrolled during the plague years of 1348 and 1349 have been separated from the sample, since the circumstances surrounding those bequests were much different than the rest. In those wills, both the husbands and wives died within a short time span of each other, leaving the widows little time to autonomously handle any property holdings.

Fifteen percent of the widows handled their dowered property as directed. These widows simply followed their husbands' wishes, usually selling the property as the men had specified in their wills. Some of these women, like Agnes Preston, clearly stated their husbands' last wishes. Agnes left a tenement to the rector of the church of All Hallows at the Hay in the Ropery, which he was to use for the aid of a chantry that her

husband had founded.¹¹³ Many of the women, however, never referred to their husbands' wills at all. Leticia Coton left all her "rents, tenements, chattels, and debts" to her daughter Isabella, with remainder to pious uses. Although this indicates that Leticia owned this property herself, she instead followed the terms laid out by her husband, John de Cotton. John specified that while Leticia received all his tenements in London in life, the remainder descended to Isabella. In case of her death, the remainder fell to pious uses. Leticia may have owned some additional property in fee that she left to Isabella, but many of the tenements mentioned had probably been John's.¹¹⁴

The evidence from this portion of the wills thus suggests that while widows mentioned a substantial amount of property in their wills, some of it may still have been dowered lands. Most commonly this occurred with lands left to pious uses. Since the widow held the land for her life only, the husband simply left some of those lands for his pious donations. Given the amount of property left for religious purposes, this may have been an easy way for the men to divide their estate.¹¹⁵ The men's pious donations would then carry over into the widows' wills. This can be seen in the larger widows' sample, where in 26 percent of the 276 widows' wills, property descended into religious hands.

¹¹³ *Calendar of Wills*, vol. 2, p. 353.

¹¹⁴ *Calendar of Wills*, vol. 1, pp. 504-505, 554-555.

¹¹⁵ Clive Burgess cautions that wills only reveal a small portion of medieval pious donations, since arrangements had already been made by the testators; see "By Quick and by Dead": wills and pious provision in late medieval Bristol," *The English Historical Review* 405 (1987), pp. 837-858. Helena Chew discusses the allocation of property for pious purposes in London in "Mortmain in Medieval London," *The English Historical Review* 60 (1945), pp. 1-15. For the fifteenth century, see John M. Jennings, "London and the Statute of Mortmain: Doubts and Anxieties among Fifteenth-Century London Testators," *Mediaeval Studies* 36 (1974), pp. 174-177 and Thomson, "Piety and Charity in Late Medieval London," pp. 178-195.

Perhaps many of these widows similarly followed their husbands' requests. By making pious donations that their husbands had directed, the widows had not violated any dower customs.

Another twenty percent of the widows held property in the same parishes as their husbands. Many of the women must have owned their own property in addition to their dowers, but did not disclose the manner in which they received this property, nor did they include detailed descriptions of it. The only woman who separated her dowered property from her personal property was Avice Jordan, who listed those tenements that were to be sold, but omitted the "house given by her late husband." All the tenements were located in the parish of St. Michael de Crooked Lane.¹¹⁶ The majority of the women simply left tenements to family members that were located in the same parishes that their husbands mentioned in their wills.

The most notable conclusion drawn from this portion of the wills is that these women continued to live in the same neighborhoods they had inhabited with their husbands. Their geographic stability undoubtedly perpetuated the social contacts they had enjoyed as wives. Albreda Appelby's will indicates that her immediate family also lived close by. Her husband Roger owned property in the parish of St. Sepulchre without Newgate. He directed some of his tenements to be sold, but left the rest to his wife for life. When she died fourteen years later, Albreda's bequests all contained property in the

¹¹⁶ *Calendar of Wills*, vol. 1, p.307.

same parish. She left a woman a shop in a nearby lane, and mentioned her widowed daughter-in-law, who also held houses in St. Sepulchre. The family network is obvious, as is Albreda's continued financial activity in the parish.¹¹⁷

It is not really surprising that these women remained in the same neighborhoods, though, since few of them had remarried. Out of the nineteen women who devised their dowered property according to their husbands' wishes, only two remarried. The remaining seventeen women had been widows for quite an unusual length of time, around fifteen years on average. Given the high remarriage rate for London widows, these women held a unique position as single widowed women.¹¹⁸ Although their status as landholders would have made them appealing marriage partners, it also may have granted them the financial independence to remain single. The widows had retained their dwelling homes, along with neighboring lots. When added to any additional property holdings they inherited or bought, the widows probably had the freedom to choose continued widowhood. Only a small minority of London women probably had this option.

Widows' Manipulation of Dowered Lands

Not all widows dutifully followed the wishes of their husbands. In 31 percent of the wills, widows did devise property that had been mentioned in their husband's wills, property which had in almost all the cases been designated as theirs for their lifetime

¹¹⁷ *Calendar of Wills*, vol. 1, pp. 248, 332.

¹¹⁸ As mentioned above, Hanawalt found rates as high as 57 percent, "Remarriage as an Option in Late Medieval England," in *Wife and Widow in Medieval England*, ed. Sue Sheridan Walker (Ann Arbor, 1993), p. 150.

only. The majority of the widows who devised their husbands' property had remained widows for an unusually long time, with the average falling around twelve years.¹¹⁹ The widows' use of their dowered property has been broken down in Table 2.4, which lists the bequests of the 31 percent of widows whose wills contain the same property holdings as their husbands' wills. Some of the women had received their dowers in fee, a devise

Left property in fee	4
Property jointly held	5
Property on same location	7
Manipulate sale or devise of property	7
Widow barred from devising property	3
Devises dowered property	4
Total	30

Table 2.4: Widows' Actions with Dowered Property

that the Court had once prosecuted. When two of the wills were enrolled in 1369 and 1386, however, there was no recorded objection. The two husbands clearly stated that their wives held the tenements in fee, or absolutely.¹²⁰ In the other two wills, the husbands simply omitted the "for life" clause, which seems to have been accepted by the Court of Husting, even though the Court had previously objected to this type of devise.

¹¹⁹ Only two of the widows had remarried.

¹²⁰ *Calendar of Wills*, vol. 2, pp. 127, 251.

With no objection recorded, the wives were free to sell or devise the property as they pleased, which, not surprisingly, they opted to do.¹²¹ Johanna Hanampsted left her daughters the tenement she received, as did Johanna Hurel. There is no mention of the devised property in the other two widows' wills, leaving it possible that they had already sold the tenements in question.

Widows who received a portion of their dower in fee could exercise their legal right to dispose of the land as they pleased. The majority of the women did not have this legal freedom. Those who attempted to devise their property illegally left wills that faced opposition from family members or executors. Although wives were often named as executors to their husbands' estates, they were not usually the sole executors and shared this duty with other family members.¹²² In many ways this may have acted as a safeguard of the husband's will, ensuring that his widow's dower reverted to the correct family members, or as it occurred in many of the wills, to pious uses.

Johanna Beauflour's will encountered opposition when it was enrolled in March of 1327. Her late husband's executors appeared at the enrollment and formally voiced their objection to her bequests. Although they did not list their reasons, they were prepared to do so by the next meeting of the Husting. These objections were never recorded, but when the will was enrolled in the Husting, the tenements in question had

¹²¹ One of the husbands' wills was enrolled quite a bit earlier than the rest, in 1324, leaving the lack of formal objection surprising, vol. 1, p. 260. The other will can be found on vol. 2, p. 82.

¹²² Kettle, "My Wife Shall Have It' Marriage and Property in the Wills and Testaments of Later Mediaeval England," p. 100.

been legally frozen, prohibiting Johanna's bequest.¹²³ Similarly, Rose Knopwede asked that two men be preferred as the purchasers for two shops she held on Sopereslane. But one of the executors of her husband's estate appeared and claimed that it was his right to sell the shops, since Rose had held them for her lifetime only.¹²⁴ While the court ruled against the late Rose, leaving the executor with the power of sale, other widows also attempted this type of manipulation of *legitim* restrictions.

Seven of the widows clearly manipulated their possession of the dower property. And unlike Rose, none of the other widows' wills faced any opposition. When John de Hynton died, he specified that his dwelling house be sold after his wife Lucy died, with the proceeds going to various pious purposes.¹²⁵ While Lucy followed his wishes, she also mentioned in her will that her kinsman, Thomas Convers, should be favored as the purchaser of the property.¹²⁶ Another widow, Amycia Burwell, had remarried after the death of her husband John Waldegrave. Her second husband, John Burwell, had not died, but she was able to write a will with his permission. She specified that a tenement in the parish of St. Michael de Crooked Lane be sold according to the wishes of her first husband, but she directed that "sixty pounds sterling out of the proceeds" go to her present husband, John Burwell, who was to use the money for pious donations for her soul.¹²⁷ Her request passed without any objection.

¹²³ *Calendar of Wills*, vol. 1, p. 321.

¹²⁴ *Calendar of Wills*, vol. 1, p. 508.

¹²⁵ *Calendar of Wills*, vol. 1, p. 463.

¹²⁶ *Calendar of Wills*, vol. 1, p. 524.

¹²⁷ *Calendar of Wills*, vol. 2, pp. 336, 295.

Finally, the widows often claimed that the property their husbands had left them had been jointly owned. Edelenia Atte Legh left a tenement on Thames Street to a male kinsman, noting that “she had been jointly seised with her husband, who had illegally devised the same.”¹²⁸ Her husband, Thomas, had left the same property to Edelenia for her lifetime only, with the property reverting to another man after her death.¹²⁹ Edelenia never placed a claim on his will, but she had retained possession of the property. Similarly, there was no objection to her will and the bequest occurred as she had wished.

While the majority of the widows thus manipulated their possession of their dowered property, either by claiming jointure or by pushing the sale of the property according to their personal requests, a couple of the widows seem to have completely ignored the lifetime restrictions. Matilda Holbech left her leasehold interest in a tenement called “Sernetestour” to a couple. Her husband’s will, however, had listed that tenement as his residence, leaving Matilda’s outright possession of it doubtful.¹³⁰ Another widow’s illegal devise is more obvious; she stated it in the will. Agnes Lucas conceded that her husband had granted her certain tenements for her life, with orders to sell the property for pious uses. She instead left the tenements to her daughter for a fee of forty marks. Agnes added that she had already devoted enough money for the good of his soul,

¹²⁸ *Calendar of Wills*, vol. 2, p. 178.

¹²⁹ *Calendar of Wills*, vol. 2, pp. 153-154.

¹³⁰ *Calendar of Wills*, vol. 2, pp. 302-303, 103-104.

which she obviously felt had been more than adequate. No one recorded any objection, leaving Agnes' daughter, Cecilia, in full possession of the tenements. Cecilia later left the tenements to her sons.¹³¹

While more individual cases could be recounted, it seems clear that this small sample of wills contains evidence that widows could, and did, manipulate their possession of their dowered property. Further examination of the deeds of sale of this property is needed to determine the extent to which dowered property was sold. At the very least, though, the suggestion that widows devised property they had received as dower directly contradicts the evidence found in the men's wills. As shown here, the Court of Husting enforced the lifetime limitation, and given the rarity with which men deviated from the system of *legitim*, it is surprising that an examination of the widows' wills has revealed there were flaws in the system. Perhaps there was too much reliance placed on the executors, who likely had other duties to enforce. Unless they had a vested interest in the property, the executors may have been unwilling to attempt legal action on the widows' wills. This was seen above, in Rose Knopwede's will, where the executor objected to her directing the sale of a tenement, since he was to reap the benefits of the sale.

¹³¹ *Calendar of Wills*, vol. 1, pp. 517, 523.

Conclusions

What is clear from this examination of London wills is that widows could manipulate or circumvent restrictions placed upon them by the legal system. Whether it was the husbands obscuring jointly held property or the wives manipulating their dowered lands, testators wanted to secure their last wishes in the manner they felt best fitted their family circumstances. Furthermore, as the evidence from the wills has shown, there was a substantial amount of property held by these individuals. While this placed them within the wealthy elite of their communities, it also forced them to handle large estates, with a wide variety of property holdings. Given the complexity of the land market in London, this could be a difficult duty, especially since the restrictions of such ownership continued after death.

On their death, testators, both male and female, walked a fine line; they had to ensure their families were adequately taken care of, as well as follow the legal restrictions placed upon their property. Some were obviously better at manipulating the legal system than others. However, given the small number of claims to the wills, which was just under six per cent in both the men's and widows' wills, the testators enjoyed relative success. Perhaps the extralegal maneuvers helped perpetuate their success.

Regardless of the manipulation and duties involved as testators, the evidence from the wills supports the fact that the widows of the wealthy elite played an active role in the land market. The dotal system ensured that they were recipients of a substantial amount of their husband's property, and as such, they enjoyed all of the financial benefits that accompanied the position of landowner. In addition to their dowers, they also inherited

or purchased enough property to enable them to enroll wills in the Court of Hustings.

Based on this testamentary evidence, it is clear that the widows had a strong foundation from which to enter the land market. Would they continue to manipulate their dowered property?

CHAPTER 3

WIDOWS' PROPERTY HOLDINGS IN THE COURT OF HUSTING

Robert de Kelleseye's financial endeavors had created a profitable estate, and his death left Juliana Kelleseye a wealthy woman. She held property in more than twelve parishes, as well as additional real estate in trust for her sons. Juliana's dowered properties dominated her widowed holdings. All her appearances in the Husting deeds related to Robert's estate, and her will also mentioned only dowered lands.¹³² Using the deeds widows enrolled in the Court of Husting, this chapter focuses on those widows who, when granting property, revealed the source of their ownership. Like Juliana, the majority of the widows handled property related to their late husbands' estates. Widows did, however, have other sources for their property holdings. They inherited property from family and even purchased it themselves. How much of this property did widows combine with other holdings? And out of their holdings, what types of property were they most likely to use for their own profit? Widows may have enjoyed property from multiple sources, but the evidence from the deeds shows that most of their property had an attachment to the dotal system. While dower provided the impetus for most of their grant transactions, either as the executors of their late husbands' estates, or simply

¹³² *HR 64* (141-143); *Calendar of Wills*, vol. 1, p. 511.

clarifying their dower claims, the father's influence is also present. Fathers granted and devised property to their daughters that the women retained through their widowhood. The dotal system provided an economic safety net that passed from the fathers to the husbands and sheltered women when they were most financially vulnerable, when widowed. The widows' property holdings demonstrate that for London's wealthy citizens, the dotal system benefited their widows.

The Deeds

As the city court for land claims, the Husting housed citizens' property deeds. For a fee, citizens brought their records of property transactions to clerks, who created a registry of the deeds in question.¹³³ Registry of deeds began at the end of the twelfth century, but surviving rolls date only from 1252.¹³⁴ By 1272, the court had regularized its written procedures, with all the deeds in each roll almost always conforming to the regnal year.¹³⁵ The sheer volume of deeds enrolled in the Husting demonstrates its popularity among citizens, who enrolled more than 30,000 deeds in the period from 1252

¹³³ Caroline M. Barron, *London in the Middle Ages: Government and People, 1200-1500* (Oxford, 2004), p. 129.

¹³⁴ *Calendar of Early Mayor's Court Rolls, 1298-1307*, ed. A.H. Thomas (Cambridge, 1924), p. xiii; G.H. Martin, *The Husting Rolls of Deeds and Wills, 1252-1485: Guide to the Microfilm Edition*, (Cambridge, 1990), p. 8. Before the Husting began using written records, citizens would appear in the court and have their transactions read aloud; witnesses could later testify that the property had been sold. Derek Keene and Vanessa Harding, *Historical Gazetteer of London Before the Great Fire* (Cambridge, 1987), p. xxv.

¹³⁵ Martin, "The Registration of Deeds of Title in the Medieval Borough," in *The Study of Medieval Records*, eds. D.A. Bullough and R.L. Storey (Oxford, 1971), p. 159. The exceptions can be found in rolls 54 and 63, which respectively cover two regnal years; rolls 76-77 cover one regnal year, that of 1349-1350; and finally, there is an extra roll, 105, for 1377.

to 1688.¹³⁶ By registering their deeds, citizens sought legal protection against any losses or thefts that could occur when their deeds had not been formally enrolled and were instead held privately. For instance, Roger de Broune returned from serving the King in Scotland, and found that he and his wife had been evicted from the tenement they leased from Avice le Haubergere. In his complaint, he recounted how Avice had claimed she lost her counterpart of the deed. When he brought her his deed, she refused to return it to him and he thus sought damages. Upon their discovery that Avice had torn Roger's deed, the jury awarded half a mark to Roger and imprisoned Avice.¹³⁷

Sometimes the mere storage of the deeds in private hands was an issue. When Agnes de Croydon died, her son-in-law sued her executor, John Ware, for property due to his wife from Agnes' husband's death. John appeared in court with forty-six deeds that he stored in four boxes and a hamper.¹³⁸ The possibility for displacement seems high when one thinks of John shuffling through the many deeds, producing the one's needed to settle Agnes' estate, and then having to safeguard the remaining deeds. Placing deeds

¹³⁶ Martin, *Guide to the Microfilm Edition*, p. 7. The number of them has deterred historical scrutiny, although at the beginning of the twentieth century Reginald Sharpe calendared and indexed the deeds up to 1485. Within the past twenty years, scholars have used the deeds for geographical and architectural reconstructions of the commercial areas in London. Derek Keene has done most of this research. See Keene and Harding, *Historical Gazetteer of London Before the Great Fire*. For conclusions regarding property transference in London see Keene's articles: "Tanners' Widows, 1300-1350," in *Medieval London Widows, 1300-1500*, eds. Caroline M. Barron and Anne F. Sutton (London, 1994), pp. 1-27, and "Landlords, the property market and urban development in medieval England," in *Power, profit and urban land: landownership in medieval and Early Modern northern European towns*, eds. Finn-Einar Eliassen and Geir Atle Ersland (Aldershot, 1996), pp. 93-119.

¹³⁷ *Calendar of Early Mayor's Court*, pp. 187-188.

¹³⁸ *Calendar of Plea and Memoranda Rolls, 1381-1412*, ed. A.H. Thomas, vol. 3 (Cambridge, 1932), p. 84.

in a box was a common means of storage. Many men gave deeds to others for safe-keeping. When Alan de Suttone claimed that Roger had defaulted on a quitrent, he noted that he had placed the grant with another man, William de Speresholte, to ensure its safety.¹³⁹ For widows this could increase their difficulty in proving dower claims, since some widows had to sue to recover the boxes.¹⁴⁰

Even citizens who turned to others for safe-keeping their deeds could become victims of fraud or deceit. John de Stratford initiated a case against Agnes, widow of Guy le Hurer. John had entrusted Guy with a deed for a house he had purchased from German Brid and his wife. After Guy died, Agnes gave the deed to German Brid's widow, who then held the sole proof that she had previously renounced her rights to the property she and German had sold to John. John was understandably upset and turned to the court for assistance. The ensuing judgment resulted in the imprisonment of Agnes until she recovered the deed.¹⁴¹ Luckily for John, the court upheld his right over the property, although if Agnes died in prison, his claim could still have been contested. Of course, not all citizens lost possession of their deeds. Alice Costantyn found herself accused of forging a lease. When called upon in court, she produced the lease, proved that it had not been altered, and subsequently won monetary compensation for her troubles.¹⁴²

¹³⁹ *Calendar of Letter-Books of the City of London: Letter Book D, 1309-1314*, ed. Reginald R. Sharpe (London, 1902), p. 249.

¹⁴⁰ Barbara A. Hanawalt, *The Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford, 2007), p. 168.

¹⁴¹ *Calendar of Early Mayor's Court*, p. 196.

¹⁴² *Calendar of Plea and Memoranda Rolls, 1364-1381*, ed. A.H. Thomas, vol. 2 (Cambridge, 1929), pp. 262-263. Forgery incurred severe penalties, such as the pillory.

To avoid these legal disputes and their associated time and expense, citizens enrolled their deeds. They then had the legal assurance that their property transactions could be used as evidence in the case of any disputes. For example, in 1342, in a possessory assize, a couple referred to a Husting deed that had been enrolled more than twenty years earlier, in 1310.¹⁴³ Indeed, the large number of enrolled deeds testifies that citizens found satisfaction in the legal protections the Husting court offered.

The deeds were records of a transaction that had already occurred, and they thus did not create the actual transfer of property. The language in the rolls uses the past tense.¹⁴⁴ When citizens entered the Husting court to enroll a deed, the clerk followed a prescribed process. After the purchaser brought a deed to the Husting and paid a fee, he handed it to the clerk. The clerk duly entered the information. First the seller, who either granted or quitclaimed a certain property to the purchaser, was listed. The property would be described without much detail, usually just listing a tenement with its appurtenances. Occasionally supplementary details were added, such as the addition of a courtyard, shops, or a garden. Following the property specifications, the clerk included the location of the tenement. This portion of the deed could be very detailed, with the property described from all surrounding markers. After establishing the tenement's

Thrupp cites the case of a skinner who forged a deed that would have cheated his step-children; he was expelled from all guilds within the city and his reputation ruined. Thrupp, *The Merchant Class of Medieval London* (Chicago, 1948; reprint, Ann Arbor, Mich., 1962), p. 25.

¹⁴³ *London Possessory Assizes: A Calendar*, ed. Helena Chew, London Record Society 21 (London, 1965), p.13. The Crown also found the recorded deeds useful; when investigating the use of mortmain, which were donations that went into religious hands, the city had to provide 400 deeds and wills to royal authority. Helena M. Chew, "Mortmain in Medieval London," *The English Historical Review* 60 (1945), p. 8.

¹⁴⁴ A.A. Dibben, *Title Deeds, 13th -19th Centuries* (London, 1968), pp. 4-5.

boundaries, the clerk would turn again to the purchaser and restate the terms of the grant. If the tenement contained any obligations of rent, this would be noted, and any charges assigned by the seller would follow. Rarely listed was the monetary exchange that most likely accompanied the transaction.¹⁴⁵ Finally, the deed would close with a list of witnesses, which included at least one alderman.¹⁴⁶ After the deed had been recorded, the purchaser asked for it to be read at the meeting of the Husting. Witnesses testified that they had heard the deed, and the process was finalized when the seller formally agreed to the transaction.¹⁴⁷ The recording and enrollment of the deed was then complete.¹⁴⁸

The Sample

In the five centuries that it enrolled deeds, the Husting experienced the highest volume in the fourteenth century, when citizens brought almost 13,000 deeds for enrollment.¹⁴⁹ To determine widows' activities in this busy period, it has been necessary

¹⁴⁵ Keene and Harding, *Historical Gazetteer*, p. xxxvi. This is true in other property deeds not enrolled in the Husting, see: S.J. O'Connor, Introduction to *A Calendar of the Cartularies of John Pyel and Adam Fraunceys*, ed. S.J. O'Connor, Camden Fifth Series 2 (London, 1993), p. 66.

¹⁴⁶ *Liber Albus: The White Book of the City of London*, ed. Henry Thomas Riley (London, 1861), p. 161.

¹⁴⁷ Martin, *Guide to the Microfilm Edition*, pp. 10-11.

¹⁴⁸ For the enrollment process in fourteenth-century Winchester, see Derek Keene, *Survey of Medieval Winchester*, (Oxford, 1985), vol.1, pp. 16-18.

¹⁴⁹ The approximate number of deeds is 12,700; I have taken the total number of deeds and wills enrolled in each roll and subtracted the wills listed in Sharpe's *Calendar* for that roll. The high volume of deeds brought in for enrollment began at the end of the thirteenth century and continued through the following century. Keene and Harding ascribe the decline in the 15th century to changed patterns of landholding in the city, arguing that as institutions held larger tracts of property for extended periods, there were fewer property transactions. Keene and Harding, Introduction, *Historical Gazetteer*, pp. xxv-xxvi.

to create a sample that spans the century. Starting at the beginning of the fourteenth century and moving forward every twenty years, the sample contains four eleven-year blocs that include all widows' transactions for the following years: 1300-1310, 1330-1340, 1360-1370, and 1390-1400. The resulting group is a cohort of 328 widows who participated in 546 property transactions (see Table 3.1). By beginning and closing the century, the sample avoids its most tumultuous years, namely the famine in 1317-1318, and the great plague in 1348-1349. The ensuing sample does not, however, avoid the

Years	Transactions (% of total)	Widows (% of the total)
1300-1310	71 (13%)	55 (17%)
1330-1340	113 (21%)	82 (25%)
1360-1370	236 (43%)	117 (36%)
1390-1400	126 (23%)	74 (22%)
TOTAL	546 (100%)	328 (100%)

Table 3.1: Widows' Deeds in the Court of Husting

repercussions of these catastrophes. The large number of deeds enrolled in the third sample, from 1360-1370, is undoubtedly related to a recent plague since additional outbreaks in the 1360s caused widespread deaths.¹⁵⁰ By this later date, however, one would expect that administratively and economically, the city had managed to resume some sense of normalcy.

The Widows

The 328 widows in the Husting sample were a privileged lot. All had been married to citizens, and their presence in the Husting Court indicates that they retained property holdings that they could buy or sell. In fact, many of the widows' late husbands were some of the most prominent men in contemporary London. Margaret Walleworth's husband, William, was the mayor during the Peasant's Revolt in 1381 and was knighted for his attack of the revolt's leader, Wat Tyler. He stabbed him twice before Tyler was subsequently killed by others.¹⁵¹ Another widow, Margaret Pycard, was born into the Gisors family, who had influenced London politics for almost three hundred years.¹⁵² Her husband Henry consistently loaned Edward III money for the Hundred Years' War,

¹⁵⁰ Francis Aidan Gasquet, in *The Black Death of 1348 and 1349* (London, 1908), notes that in 1361 the plague again broke out, almost rivaling the earlier destruction of the 1348-49 plague, p. 110. Then, at the end of the summer of 1369, a "third pestilence," occurred, Sharpe, Introduction to *Calendar of Wills*, vol. 2, p. 125. In the 101 rolls that cover the fourteenth century, the number of wills enrolled per regnal year only exceeded 60 on three occasions: 210 enrolled wills in 1349-50, 138 in 1349-50, and 129 in 1361-62.

¹⁵¹ Gordon Home, *Mediaeval London* (New York, 1927), pp. 152-153. Thrupp, *The Merchant Class of Medieval London*, p. 251. Chronicle accounts differ regarding the exact manner in which Wat Tyler was killed, but all agree that Walworth struck the first blow. See Nigel Saul, *Richard II* (New Haven, Conn., 1999), pp. 70-71.

¹⁵² Thrupp, *The Merchant Class of Medieval London*, p. 345.

and in return received a knighthood.¹⁵³ He became a part of London lore when accounts later claimed that he had hosted five kings at his mansion.¹⁵⁴ After his death, Margaret married Bartholomew Burghersh, who also had dealings with the king and was even imprisoned in France briefly.¹⁵⁵

Other widows had husbands whose deaths drew attention. Cecilia Banguelle's husband was a knighted alderman who died during Edward II's coronation in Westminster Abbey. He either fell while watching from a wall or was pressed to death by the crowd.¹⁵⁶ Isabella Pleydour married Richard Lyons, whose shady politics and flashy lifestyle made him a target for prosecution.¹⁵⁷ Convicted of embezzlement, he lost his property and later his life in the 1381 Revolt. Wat Tyler targeted Richard himself because of his infamous reputation.¹⁵⁸

While these widows represent the elite of the merchant class, not all citizens enjoyed similar wealth. Their level of financial comfort might have separated them from

¹⁵³ Anne Crawford, *A History of the Vintners' Company* (London, 1977), pp. 46-47.

¹⁵⁴ The purported kings were Edward III of England, John I of France, David II of Scotland, Peter de Lusignan of Cyprus, and Waldemar IV of Denmark. It is now thought that he hosted at least three kings, although not at the same time. See Crawford, *Vintners' Company*, pp. 263-267, and C.L. Kingsford, "The Feast of the Five Kings," *Archaeologia* 67 (1916), pp. 119-126.

¹⁵⁵ *Calendar of Letters from the Mayor and Corporation of the City of London, circa A.D. 1350-1370*, ed. Reginald R. Sharpe (London, 1885), p. 56.

¹⁵⁶ Thrupp, *The Merchant Class of Medieval London*, p. 277; *The Aldermen of Cripplegate Ward from A.D. 1276 to A.D. 1900*, ed. J.J. Baddeley (London, 1900), p. 11; Alfred B. Beaven, *The Aldermen of the City of London*, vol. 1, p. 406.

¹⁵⁷ Thrupp, *The Merchant Class of Medieval London*, p. 76. The marriage had been annulled prior to death, although this did not prevent Isabella from seeking dower. See Hanawalt, *Wealth of Wives*, p. 102 and *CPMR*, vol. 3, pp. 151-153.

¹⁵⁸ Home, *Medieval London*, p. 142. Saul, *Richard II*, p. 70.

London's poor, but the range of wealth found in the deeds does vary.¹⁵⁹ Some freemen came from the lesser companies, or worked as craftsmen, which meant a substantial reduction of income when compared with the wealthier mercers or goldsmiths. As a result, they appear infrequently in the records. A few emerge only when they became citizens.¹⁶⁰ Agnes Clerk's husband William paid a mark for his admittance to the freedom.¹⁶¹ Likewise, John de Wrytell was sworn in as a carpenter, promising to "give due consideration to all men in the city" in his work.¹⁶² Other citizens made their sole appearance as taxpayers. Agatha's husband, Adam de Draydon, paid 40d in the subsidy of 1319 and Beatrix's husband, Roger de Guldeford, owed 12d.¹⁶³ These men did not have the same economic clout as the Walleworths and the Pycards, but their widows still appeared in the Husting to enroll deeds. But did these men appear at the same rate as their more affluent neighbors?

To attain a quantitative measure of the husbands' wealth, we can look at their occupations as reflected in guild members. Those of the greater and lesser guilds are best represented in the deeds (see Chart 3.1). Of the 328 widows, 167 listed their husbands'

¹⁵⁹ For a discussion of London's poor and the difficulties of finding them within medieval records, see Barbara A. Hanawalt, "Reading the Lives of the Illiterate: London's Poor," *Speculum* 80 (2005), pp. 1067-1086. For London widows' wills enrolled in the Archdeaconry court, see Robert A. Wood, "Poor Widows, c. 1393-1415," in *Medieval London Widows*, pp. 55-67.

¹⁶⁰ Megson points out in her research on the Court of Orphans that the freemen represented there could come from "some very humble trades." Nevertheless, so long as they owned property, their heirs would be monitored. Because of this diversity, she argued that her study represented a broader section than Thrupp's merchant elites. Megson, "Life Expectations of the Widows and Orphans," pp. 19, 22.

¹⁶¹ *Letter Book D*, p. 79.

¹⁶² *Calendar of Letter-Books of the City of London: Letter Book C, 1291-1309*, ed. Reginald R. Sharpe (London, 1901), p. 86.

¹⁶³ *Two Early London Subsidy Rolls*, ed. Eilert Ekwall (Lund, 1951), pp. 280, 221.

occupations. Wealth may have fluctuated in London, but it is probable that the men of the greater companies enjoyed the most affluent lifestyles. It is thus not surprising that they comprise the largest sector at 42 percent.¹⁶⁴ Knights' widows appeared in 6 percent of the deeds, and heir husbands' wealth had likely corresponded to those of the greater companies. Of the ten knights, at least two were aldermen and one was a courtier.¹⁶⁵

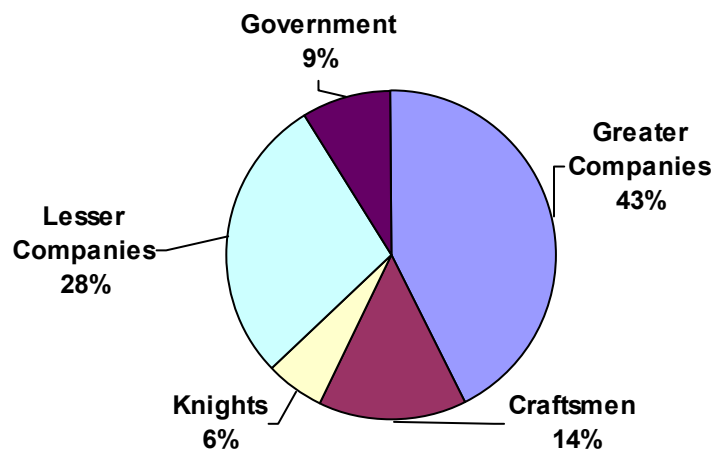


Chart 3.1: Husbands' Occupations in Deeds

¹⁶⁴ As mentioned in Chapter 2, these included a variety of guilds, including the mercers, pepperers, grocers, and fishmongers. Two recent studies on these companies include Pamela Nightingale, *A Medieval Mercantile Community: The Grocers' Company and the Politics & Trade of London, 1000-1485* (New Haven, Conn., 1995) and Anne F. Sutton, *The Mercery of London: Trade, Goods, and People, 1130-1578* (Aldershot, 2005).

¹⁶⁵ *Letter Book C*, p. 12; Alfred B. Beaven, "The Grocers' Company and the Aldermen of London in the Time of Richard II," *The English Historical Review* 22 (1907), p. 524; Thrupp, *The Merchant Class of Medieval London*, p. 266.

In a similar vein are the 9 percent listed under government employment. These included a range of offices and appointments, such as the king's cook and his sergeant of arms, as well as the pleader and court clerks. The lesser companies, with trades like the bakers and stonemasons, occupy the second largest sector at 28 percent. The 1332 tax subsidy shows that their wealth varied. The most successful owned shops while others could be found in the lowest tax brackets.¹⁶⁶ The final group consists of the craftsmen, whose widows comprise 15 percent of the deeds. Their husbands produced everything from tapestries to rosary beads. The craftsmen paid the least amount of taxes in 1332 and seemingly represent the poorest of the sample on the whole. A closer look at the 1332 subsidy, however, shows that even those citizens in the lowest tax brackets enjoyed a measure of social and economic success, with some acting as wardens and one even supplying food to the king.¹⁶⁷ Obviously, these men were not London's destitute poor. The range of wealth between a mercer's and a potter's wife would fall across the economic spectrum, but both had husbands who had been freemen and property owners. They enjoyed benefits and opportunities denied to the roughly three-fourths of London's population who did not have the freedom.¹⁶⁸

When compared with the husbands' occupations from the wills examined in chapter 2 (Chart 2.1), the percentages are similar (see Table 3.2). The widows whose

¹⁶⁶ Margaret Curtis, "The London Lay Subsidy of 1332," in *Finance and Trade under Edward III*, ed. George Unwin (London, 1918; reprint, New York, 1962), pp. 45-46.

¹⁶⁷ *Ibid.*, pp. 46-46.

¹⁶⁸ A.H. Thomas, introduction to *CPMR*, vol. 3, p. lxii. For York, Sarah Rees Jones found that it was hard to delineate between gentry and citizens, as "both were likely to use the acquisition of property to secure marriages and provide an income," "Property, tenure and rents: some aspects of the topography and economy of York," (Ph.D. diss., University of York, 1987), p. 277.

husbands had enrolled wills continued to be active in the land market and like their husbands, they turned to the Husting for registration of their records. The widows in the deeds' cohort fall within the same economic and occupational range as the men with enrolled wills. The level of wealth and prosperity does not indicate any substantial increase. The widows of craftsmen are represented slightly less in the deeds than in the wills, but so are the widows of men from the greater and lesser companies. These may have been the most privileged of widows, but from the occupational evidence, their status does not seem to have fluctuated significantly.

	Wills	Deeds
Greater Companies	45	43
Lesser Companies	30	28
Craftsmen	18	14
Government	5	9
Knights	2	6

Table 3.2: Comparison of Husbands' Occupations in Husting Wills and Deeds (in percentages)

Privileged or not, the widows could not escape paternal associations. In almost all the deeds, the widows are defined through their relationships with the men in their lives. For the majority of women, it was their husbands. A typical entry listed: "Margaret, who was the wife of Robert de Bury, former citizen and mercer of London."¹⁶⁹ Only nineteen widows had last names that differ from their husbands. Two

¹⁶⁹ "Margareta que fuit uxor Robi de Beri quondam civis mercer London," *HR*, 39 (87).

of those women may have continued their husbands' trade as bakers and adopted the occupational surname. Alienora le Baker's husband, Henry le Somerset, had been a baker, as had Matilda le Baker's husband, Geoffrey de Tuttebury.¹⁷⁰ The other seventeen women probably used their fathers' surnames because they were handling property they had inherited. Three women explicitly stated this. Avice de Hadestoke mentioned her husband, Robert le Sakkere, but in the deed revealed that the messuage she was granting had been her father's, Simon de Hadestoke.¹⁷¹ Avice's use of her paternal name must have been significant, because five years earlier, when she renounced a rent that had been a part of her dower, her name was simply listed as Avice, widow of Robert le Sakkere.¹⁷² Similarly, Johanna Poyntell also listed her husband, but used her natal surname to stress the fact that she was the sole heir to her father's estate.¹⁷³ When granting family property, widows may have felt the grantees' land titles were more secure if they formally listed their familial names. Of the twenty-five widows who listed their father's name in addition to their husbands, twenty were handling property that they had either inherited or been granted by family members. Only two widows listed their mother's name, and in both cases the property had devolved to them on their maternal sides.

When widows acted as grantors, they relinquished their rights to the property involved in the transaction. Of the 546 deeds that comprise this sample, widows granted property or property rights in 368 cases. Although it was not necessary to list how they

¹⁷⁰ In 1299 Henry swore to safeguard the craft. *Letter Book C*, p. 57; *HR*, 64 (134); *HR*, 64 (109).

¹⁷¹ *HR*, 38 (57).

¹⁷² *HR*, 33 (11).

¹⁷³ *HR*, 123 (90).

held the property, widows could include this information, and a majority did. Seventy percent of the widows revealed their ties to their property, which fell into four categories: property they held temporarily as their husbands' executors, property that comprised their dowers, property they had inherited or received from family members, and property they had received in a grant. See Table 3.3.

Property Source	No. of deeds
Unknown	110 (30%)
Executors	78 (21%)
Dower	78 (21%)
Grants	62 (17%)
Inheritance	40 (11%)
TOTAL	368 (100%)

Table 3.3: Widows' Property Holdings as Grantors

Widows as Executors

Twenty-one percent of the widows appeared in the Husting as their husbands' executors. Their appointment as executors was not unusual. Barbara Hanawalt has

found that 86 percent of London citizens appointed their wives as their chief executors.¹⁷⁴ Robert Wood found a similar rate, of 88 percent, in his study of ecclesiastical wills in London.¹⁷⁵ In one of the Husting deeds, Isabella Hyngston stated that she was the “principalis executrix” of her husband John’s estate.¹⁷⁶ As his executor, it was a widow’s responsibility to follow the instructions he left in his will. She rarely had to handle these duties alone, however, since the widow often shared this duty with other family members.¹⁷⁷ Of the 78 deeds with widows as executors, half appeared with other executors. The appointment of additional executors, often guildsmen and male family members, provided the testator with assurance that his last wishes would be enacted.¹⁷⁸ But the use of additional executors could also support the evidence found in the widows’ wills. The husbands wanted to ensure that the widows’ dowers reverted to the correct family members, or that the widows did not abuse their role as executor. After Richard atte Corner died, his executors included his widow Avice and his brothers. The brothers

¹⁷⁴ Hanawalt, “The Widow’s Mite,” in *Upon My Husband’s Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (Ann Arbor, Mich., 1992), p. 26.

¹⁷⁵ Robert A. Wood, “Poor Widows, c. 1393-1415,” p. 55.

¹⁷⁶ *HR*, 91 (124).

¹⁷⁷ Ann J. Kettle, “My Wife Shall Have It’ Marriage and Property in the Wills and Testaments of Later Mediaeval England, in *Marriage and Property*, ed. Elizabeth M. Craik (Aberdeen, 1984), p. 100.

¹⁷⁸ J.A.F. Thomson has pointed out that without surviving executors’ accounts, it is not known how many met the requests of testators. He cites Stow, who noted that “the residue left in trust to their executors: I haue knowne some of them hardly (or neuer) performed....”, “Piety and Charity in Late Medieval London,” *The Journal of Ecclesiastical History* 16 (1965), p. 179.

complained that Avice had appropriated money due to Richard's son. When summoned, Avice admitted that she had kept £23 9s. of the boy's money.¹⁷⁹ The additional executors had provided a safeguard against deceit.

Immediately after her husband died, as his executor, the widow would be expected to make funeral arrangements and carry out any pious donations.¹⁸⁰ Richard Bacon stipulated in his will that certain tenements be sold within a year of his death and that part of the money collected be used for the good of his soul. A year later Juliana, with another executor, granted the tenement to a chaplain.¹⁸¹ Though they did not say so in the deed, they likely dispersed the money as Richard requested. In addition, the executor would have to settle outstanding debts owed by the deceased, which required the widow to be familiar with her husband's creditors. In this duty, the widow could find herself occupied for years.¹⁸² Isabella Hyngston had a long period of settling her husband's estate. When John died in 1349, he wanted the debts owed to him to be

¹⁷⁹ *Calendar of Letter-Books of the City of London: Letter Book F, 1337-1352*, ed. Reginald R. Sharpe (London, 1904), p. 103.

¹⁸⁰ Archer and Ferme recount the case of Agnes Forster, whose duties as an executor were particularly onerous. Her husband requested that every secular priest in London receive 10d. for praying for his soul in the seven days following his death. He also asked that anyone willing to give a public sermon at S. Paul's Cross would receive 2d. R.E. Archer and B.E. Ferme, "Testamentary Procedure with Special Reference to the Executrix," *Reading Medieval Studies* 15 (1989), p. 14. For another case in which the husband left insufficient funds for his pious requests, see Rosalind Hill, "A Chaunterie for Soules': London Chantries in the Reign of Richard II," in *The Reign of Richard II: Essays in Honour of May McKisack*, eds. F.R. H. Du Boulay and Caroline M. Barron (London, 1971), p. 253.

¹⁸¹ *Calendar of Wills*, vol. 2, pp. 79-80; *HR*, 92 (166).

¹⁸² Mavis E. Mate, *Daughters, Wives and Widows after the Black Death: Women in Sussex, 1350-1535* (Woodbridge, Suffolk, 1998), p. 106. Marjorie McIntosh discusses widows' capabilities as executors regarding debt collection. See "Women, Credit, and Family Relationships in England," *Journal of Family History* 31 (2005), pp. 143-163.

divided three ways: for prayers for his soul, for Isabella, and for his children. Before his bequeathal could be undertaken, though, the debts John owed to others had to be paid and he was uncertain as to the amount. He left his son a tenement but directed that if needed, it should be sold to pay his debts. If not, the tenement descended to his other children, namely his son, Simon, and the baby that Isabella was carrying. Fourteen years later Isabella granted that property to Sir William Wydelok, a chaplain. In the deed, she explained that all of John's debts have been resolved, leaving her free to grant the property as his executor. Presumably, his children had died.¹⁸³ Her continued awareness of his debts, as well as the need to justify the subsequent sale of the tenement, indicates that she was still fulfilling her duties as his executor.

Isabella was not the only widow who appeared years after her husband died. Idonia Cantebrige claimed she was acting as her husband Reginald's executor twenty-eight years after his death. Likewise, Margaret Cortenhale enrolled a deed twenty-nine years after her husband's death. She listed herself as the executor and was still handling property he had mentioned in his will.¹⁸⁴ These women, however, were the exception rather than the rule. Of the 78 deeds in which widows acted as executors, 73 can be compared with their husbands' enrolled wills in the Husting. See Chart 3.2.¹⁸⁵

¹⁸³ *Calendar of Wills*, vol.1, p. 584. *HR*, 77 (79); 91 (124)

¹⁸⁴ *HR*, 34 (100); 91 (96); *Calendar of Wills*, vol. 2, p. 66.

¹⁸⁵ Of the 73 widows: 36 enrolled a deed within 1 year, 20 in 2-5, 9 in 6-10, 4 in 11-20, and 4 in 20+ years.

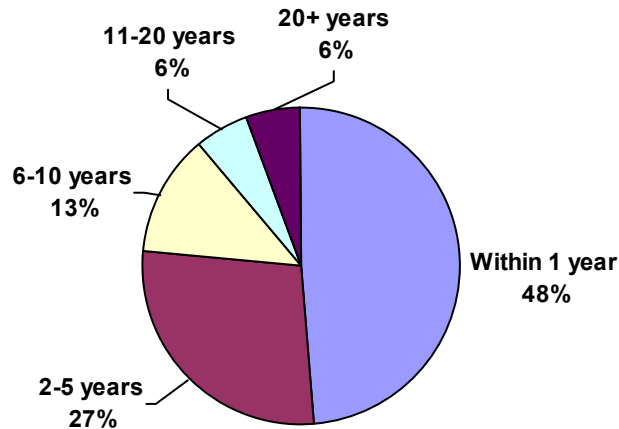


Chart 3.2: Years between Widows' Deeds and Husbands' Deaths

Almost half of the widows enrolled deeds within a year of their husbands' deaths, with another twenty-seven percent following the husbands' deaths within five years. These widows handled their husbands' probates in a reasonable time frame. The percentages fall after that, with thirteen percent of the deeds enrolled within ten years of the husbands' deaths, and six percent following within twenty and then thirty years respectively.

Their enrollment after so long a time span can probably be attributed to changed circumstances, such as the death of heirs to whom the property would have gone. Elena Croydon's husband, John, died in 1379, leaving behind a daughter from a previous marriage. In addition, Elena was pregnant. John left his wife a shop with an overhanging solar, or attic, with the instructions that after her death the shop would be handed over to his daughter Elena. If his daughter died, it would descend to his unborn child, and if that

child died, his executors were to sell the property and use the proceeds to purchase prayers for his soul.¹⁸⁶ Twenty-one years later Elena granted the shop to two chaplains. In the deed she included ample information to justify her sale of the property. She noted that his daughter and her child had both died. In addition, John's other executors had died, leaving her the sole executor.¹⁸⁷ It was thus her responsibility to sell the shop and use the received money as he wished, particularly since it related to provisions for his soul. In this she fulfilled her duties, like many of the widows acting as executors. Clive Burgess has described widow executors as the "spiritual lieutenants" of their late husbands. With its many specified tasks, the role of an executrix was certainly a difficult undertaking for the widows.¹⁸⁸ The frequency with which husbands appointed them, however, underscores the husbands' confidence in their spouses.¹⁸⁹ They deemed their wives capable of these duties. Furthermore, the widows' role as executors illustrates that they handled portions of their husbands' estates that were not included in their dowers.

Widows' Dowered Properties

The deeds support the evidence found in chapter 2, which showed that husbands left their wives substantial dowers in their enrolled wills. In the deeds' sample, widows entered the Husting with their dowered properties at the same rate they did as executors,

¹⁸⁶ *Calendar of Wills*, vol. 2, p. 207

¹⁸⁷ *HR*, 128 (71)

¹⁸⁸ Clive Burgess, "Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered," in *Profit, Piety, and the Professions in Later Medieval England*, ed. Michael Hicks (Gloucester, 1996), p. 21.

¹⁸⁹ Archer and Ferme, "Testamentary Procedure with Special Reference to the Executrix," p. 5.

twenty-one percent. They had less autonomy over their dowered property, however, since their possession was limited to their lifetimes only. They thus could not freely dispose of their dowered property, even though it probably represented a substantial portion of their property holdings as a whole. While the system of *legitim* granted widows anywhere from one-third to one-half of their husbands' estates, couples could have concurrent agreements as well. The widow's dower might have been promised in the contract that preceded the marriage. Or the husband may have announced it publicly at the church prior to the ceremony, in which case witnesses could later attest that the property had been allotted for dower.¹⁹⁰ Widows could thus later claim possession of specific properties. There were attempts to mitigate future disputes over the widow's claims to the husband's estate. Whenever a wife and husband enrolled a deed in the Husting, the Court held a separate interview with the wife, who had to renounce voluntarily any future claims to the property she and her husband were alienating. The deed itself would bear the mark of her agreement with *forisaffidatio* written in the margin.¹⁹¹ Only then would the deed be registered.

Not all citizens enrolled their deeds. Some took other steps to prevent widows from placing claims on their property. Nicholas de Wyght insisted that Ralph de Cauntebregge pledge a bond of £20 to guarantee that Nicholas and his wife Matilda "be allowed peaceable enjoyment" of a tenement and rents in the parish of St. Mary de

¹⁹⁰ Hanawalt, *Wealth of Wives*, pp. 62-63. Property most often could be found in secular marriage contracts. For the difference between secular and ecclesiastical marriage contracts see R. H. Helmholz, "Marriage Contracts in Medieval England," in *To Have and to Hold: Marrying and Its Documentation in Western Christendom, 400-1600*, eds. Philip L. Reynolds and John Witte, Jr. (Cambridge, 2007), pp. 260-286.

¹⁹¹ Martin, *Guide to the Microfilm Edition*, p. 11.

Wolnoth. Ralph also had to promise that his wife would never disturb Nicholas and Matilda “on account of dower.”¹⁹² Clearly there was a fear that widows could jeopardize property possession. Some widows used this to their advantage. Those who were aware that their husbands’ past grants had not been enrolled might make a claim after their husbands died.¹⁹³ For this reason, citizens would ask widows to quitclaim their rights over specific properties.¹⁹⁴ Citizens paid for this extra assurance, since they had to first compensate the widows for the quitclaim and then pay another fee to have the resultant deed enrolled in the Husting.¹⁹⁵

Many were willing to pay the price. In 63 of the 76 deeds involving dowered property, widows were simply quitclaiming their dower rights. Forty-four of the deeds specifically state that they were renouncing their dowers. Katherine de Burdeaux promised William Baldewyne that she had no right or title “or account by my dower” to four shops that had previously been her husband’s.¹⁹⁶ Since William Baledwyne already possessed those four shops at the time of the quitclaim, it is likely that he initiated the quitclaim after Katherine’s husband died. Margery Berkyng, within a year of her husband Stephen’s death, quitclaimed a tenement in St. Andrew de Eastchepe to Richard

¹⁹² *Calendar of Letter-Books of the City of London: Letter Book E, 1314-1337*, ed. Reginald R. Sharpe (London, 1903), p. 256.

¹⁹³ See Hanawalt, “The Widow’s Mite,” pp. 33, 43 for widows found guilty of this deceit.

¹⁹⁴ Maitland and Pollock note that it is from the “quietum clamare” that the later phrase “to call quits” emerged. Sir Frederick Pollock and Frederic William Maitland, *The History of English Law*, 2nd ed. (Cambridge, 1898; reprint, London, 1968) vol. 2, p. 91. Quitclaims primarily involved property, but this was not absolute. When Richard de Wandlesworth died, his executors quitclaimed the apprenticeship of John Lefhyng de Whaddone. For this, John had to pay 1 mark. *Letter Book D*, p. 156.

¹⁹⁵ Both of these fees are in addition to the original price they paid for the property. Hanawalt, “Wealth of Wives,” p. 103.

¹⁹⁶ “*aut ratione dotis mee*,” *HR*, 90 (83).

de Lambeheth and Gilbert de Bruera, the Dean and chaplain of St. Paul's. In the deed, it was noted that the tenement had previously been granted to her husband, but at the time of his death Richard held it from a grant of Gilbert's.¹⁹⁷ Stephen had probably previously granted it to Gilbert, but Gilbert had not enrolled the deed at the Court of the Husting. We do not know whether Margery initiated a claim on the tenement, but she could have done it informally, perhaps as a verbal threat. The speed with which Richard and Gilbert initiated the quitclaim indicates their intention to avoid any potential legal dispute.

The other nineteen deeds quitclaiming dower may not include the exact phrase, but within the deed the widows revealed that the property had previously been their husbands'. Alice, the widow of Nicholas Marchaunt, renounced her right to a portion of a tenement at the corner of S. Lawrence lane. She noted that this had come to her as dower after Nicholas's death.¹⁹⁸ Margaret Bury quitclaimed a messuage with 7 shops and a cellar located in the parish of St. Sepulchre, Newgate, that her husband Robert had held during their marriage.¹⁹⁹ One woman simply renounced all her husband's estate. Alice Wethersfeld gave John Lovekyn and his wife Margaret a quitclaim that covered all of the lands and tenements that had been her husband's.²⁰⁰ Presumably, she had other property for her residence.

The high number of quitclaims in widows' dowered holdings, 63 out of 76, is proof that there was a general wariness about widows' property transactions. Although the widows received a fee for quitclaiming their property rights, it was not a transaction

¹⁹⁷ *HR*, 65 (92).

¹⁹⁸ *HR*, 121 (28).

¹⁹⁹ *HR*, 39 (87).

²⁰⁰ *HR*, 95 (58).

they would have initiated. The widow's financial need had not created the impetus for the quitclaim, but instead reflected the purchaser's desire to eliminate any claims the widows could later make on the property. The high number also initially suggests that the lifetime restriction placed upon widows' dowered lands did indeed prevent them from fully engaging in the property market with that bloc of their holdings.

Widows' Inherited and Granted Holdings

Of the remaining widows who granted property, seventeen percent of the widows had purchased or been granted the land, while eleven percent had received the property as inheritance. The familial presence overlaps in both of these categories, making it difficult to distinguish between the two. Widows most often inherited land from family, but their family members did not just transfer property on their own deaths. They also granted property to widows throughout their own lives. With their inherited lands, widows received property from both their mothers and fathers, although fathers figured more prominently (see Chart 3.3).²⁰¹

²⁰¹ The numerical breakdown of the sources of widows' inherited property: of the 40 deeds, 24 list the father; 9 list individuals of unknown or peripheral relations; 3 list the mother; 3 list the brother; 1 lists both parents.

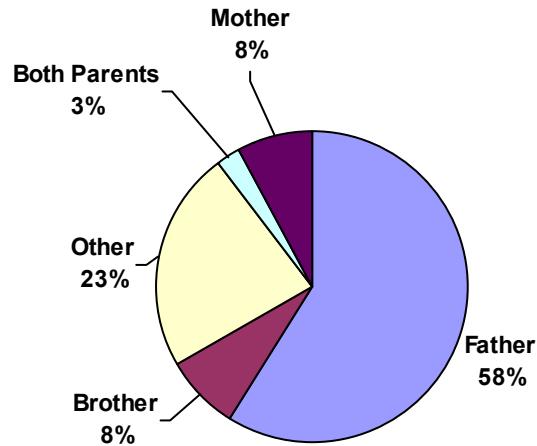


Chart 3.3: Sources of Widows' Inherited Property

These findings conform with a study done by Kathryn Staples, who analyzed the wills that both men and women had enrolled in the Husting from 1300 to 1500. She found that 23 percent of male testators left bequests to their sons and 18 percent to their daughters. Mothers followed a similar pattern, with 18 percent of their bequests directed toward their sons compared to the 16 percent left for their daughters.²⁰² The majority of these bequests contained property, although sons received more.²⁰³ Even when widowed, women continued to favor their sons. In the widows' sample of 276 wills discussed in chapter 2, a high percentage, 40 percent, left bequests to their children. While 24 percent

²⁰² Kathryn Jean Staples, "Daughters of London: Inheritance Practice in the late Middle Ages," (Ph.D. diss., University of Minnesota, 2006), p. 48.

²⁰³ Of the female testators who left bequests to their children, 76 percent left property to their daughters compared to the 88 percent that they left their sons; similarly, the fathers left property to their daughters in 78 percent of the wills and to their sons in 88 percent. Staples, "Daughters of London," p. 51. It is worth noting that the high levels of property bequeathals conform with the nature of the source, since wills enrolled in the Husting primarily handled property dispersals.

of those bequests devolved to both their sons and daughters, the widows gave more to their sons than their daughters, with percentages of 42 percent and 34 percent, respectively. The numerous quantitative results indicate that sons held more property than their sisters, but high death rates, particularly among direct male heirs, meant that property often descended to females.²⁰⁴ In addition, London law did not always distinguish between male and female heirs. If a testator did not specify the children's bequests, the property was to be divided equally among the living heirs, male or female.²⁰⁵ As a result, daughters often inherited a portion of their fathers' estates.²⁰⁶ In the deeds, the majority of the widows' inherited property derived from the paternal line.²⁰⁷

For some of these widows, the attrition that caused their fathers' property to devolve to them is evident. In 1309, Sarah, widow of Peter Audham, sold Robert le Kelleseye rents, houses, and buildings located on Cordwainer Street and Basing Lane in the parish of St. Mary Alderman. The rents derived from a property called "Tanners' sold." Robert paid Sarah sixteen marks for the property. In the deed Sarah revealed that she had received the property from both her father's will and from a donation from her

²⁰⁴ Hanawalt found that sisters-in-law particularly benefited, "The Widow's Mite," p. 30.

²⁰⁵ *Borough Customs*, vol. 2, pp. 136-137.

²⁰⁶ For an examination of noblewomen's inheritance patterns, in which daughters increasingly inherited familial property, see S.J. Paying, "Social Mobility, Demographic Change, and Landed Society in Late Medieval England," *The Economic History Review* 45 (1992), pp. 51-73.

²⁰⁷ Mavis Mate argues that even though women may have received property, their husbands' management of it lessened the benefits for the females, *Daughters, Wives and Widows after the Black Death: Women in Sussex, 1350-1535* (Woodbridge, Suffolk, 1998), pp. 80-81.

sister.²⁰⁸ Her father, Stephen Constantyn, died in 1280. In his will, he left his wife, Juliana, a house in Basing Lane, shops in Cordwainer, and rents from Tanners' seld to hold for her life. After Juliana's death, the property would revert to his five daughters, with Juliana determining the division of the estate. Stephen also mentioned his son, John, who was to receive the main house when he came of age.²⁰⁹ How Sarah eventually held her father's entire estate is unknown. Her mother may have favored her and left her the majority of the property. Or, Sarah's siblings died, leaving her the sole survivor. In such cases, familial property descended to the direct heirs, regardless of their gender.

Of the deeds containing widows' inherited property, the majority of the widows simply state that they received the property after their fathers died. Margaret Payn granted a portion of a messuage in Baynard Castle Ward near Love Lane to Sir William de Retford. In the deed she noted that this property "fell to me on the death of my father Adam Fayhood."²¹⁰ Her sister had probably received the other portion of the messuage. Parents might not have devised property to their sons and daughters equally because they had already granted their daughters land. After all, in terms of life transitions, it was not just through death that women received familial property; marriage also acted as a seminal moment.²¹¹ As discussed above, many fathers granted their daughters property in the form of their dowries. These dowries likely represented their inheritance

²⁰⁸ *HR*, 37 (108).

²⁰⁹ *Calendar of Wills*, 1:46.

²¹⁰ "michi accident pro mortem Ade Fayhood quondam patris mei," *HR*, 89 (274).

²¹¹ For cases that are related to death, see Hanawalt's coverage of female orphans and their inheritances, *Wealth of Wives*, pp. 51-55.

portions.²¹² Since dowries were so infrequently mentioned in the men's enrolled wills, it is probable that previous proprietary transfers had already occurred, usually in the form of a marriage contract which stipulated what property and household goods the wife brought to the marriage, and what her dower would be if the husband predeceased her.²¹³

The deeds in this study consist solely of widows' transactions, and as a result, any property transactions occurring around women's marriages are obscured. Even so, there are a few glimpses of the property gifts fathers bestowed upon their daughters, particularly when looking at land widows held jointly with their husbands. First, though, an understanding of jointure is needed. The practice of jointure stretches back to the second half of the thirteenth century.²¹⁴ The procedure went one of two ways: the property was either granted to the couple, or if the husband already owned the property, he would grant the land to a group of feoffees, who would then re-grant the property to him and his wife.²¹⁵ Both the wife and husband had equal shares in the property while alive. The husband could not alienate the land without his wife's permission. Yet the benefits of co-ownership increased exponentially for the wife if she became widowed.²¹⁶

²¹² Hanawalt, *Wealth of Wives*, p. 56.

²¹³ Staples found that only 2 percent of the wills enrolled from 1300-1500 mentioned dowries specifically, "Daughters of London," p. 83. Hanawalt, *Wealth of Wives*, p. 59. In an example of the value placed upon property, some husbands had to promise it when their future father-in-laws instead provided cash or occupational assistance. Thrupp, *The Merchant Class of Medieval London*, pp. 105-106.

²¹⁴ Chris Given-Wilson, *The English Nobility in the Late Middle Ages: The Fourteenth-Century Political Community* (London, 1987), p. 139.

²¹⁵ Mavis Mate, *Women in Medieval English Society* (Cambridge, 1999), p. 79.

²¹⁶ For a detailed historiographical look at the advantages and disadvantages of widows' use of jointure, see Mate, *Women in Medieval England Society*, pp. 78-82.

Her legal possession of the property continued unabated after her husband died, since the land was not considered dower and thus could not be placed under her late husband's probate.²¹⁷

The widows' continued residence must have eased their husbands' minds, since the popularity of jointure increased throughout the fourteenth and fifteenth centuries.²¹⁸ While widows may have enjoyed immediate occupancy of the property, they were not always guaranteed full possession. As in dower, they might have only lifetime rights to the land. Much depended on the terms of the grant. When the husband and wife purchased the land, the grant listed to whom the property devolved after the decease of the grantees. This was called a remainder, since the property was not returned to the grantor but instead "remained out" to a third party.²¹⁹ The purchasers determined the remainder and clearly stated it in the deed, with the most general remainder simply noting that the property descended to the grantees' heirs and assigns. As the surviving spouse, this remainder gave the widow the most control over the property's devolution. The

²¹⁷ R.E. Archer, "Rich Old Ladies: The Problem of Late Medieval Dowagers," in *Property and Politics*, ed. A.J. Pollard (Gloucester, 1984), p. 19.

²¹⁸ Peggy Jefferies notes that this was particularly comforting to men afraid of sudden death that "might leave a woman pregnant or with young child." In later periods, a practice known as the use would replace or coexist with jointure, and this did not always bode well for the widows' property holdings. See chapter five for further discussion of the implications this had for widows. Peggy Jefferies, "The medieval use as family law and custom: the Berkshire gentry in the fourteenth and fifteenth centuries," *Southern History: A Review of the History of Southern England* 1 (1979), pp. 51-53.

²¹⁹ Aside from the remainder, there was also the reversion; this usually referred to the practice whereby land reverted back to the original grantor. However, the terms became interchangeable through the years. Maitland and Pollock, *The History of English Law*, vol. 2, pp. 21-22.

widow could independently determine to which of their heirs the property would pass, even if her husband had designated a specific heir in his will. Furthermore, if all surviving heirs had died, she could freely alienate the land.

London laws protected widows' rights to their bequeathals of jointly-held property containing this remainder, as seen in the discussion of widows' claims on their husbands' enrolled wills in chapter Two. London courts even offered advice to other boroughs. In 1327, the city of Oxford wrote a letter to London officials asking for assistance in a dispute over jointure. The case revolved around land that Philip de Wormenhall and his wife, Eleanor, had bought jointly in fee simple for themselves and their heirs. When Philip died, he bequeathed the remainder of the property to their son, Thomas. Eleanor disregarded his wishes and in her will devised it to their daughter, Margaret. Thomas disputed this, claiming that Philip's will had clearly designated him as the heir. London officials disagreed and wrote that the property was under the control of Eleanor, since she was the surviving owner. While she could not grant the land to anyone other than her and Philip's heirs, she was free to choose which of the children received the property.²²⁰ Not all widows enjoyed this autonomy, however. If the property had been limited to the heirs and assigns of the husband only, then the widow's possession was restricted to her lifetime. Any devises made by the husband would be protected by city laws.²²¹

²²⁰ The letter is quoted in both Sharpe's introduction to *Calendar of Wills*, vol. 1, pp. vi-vii, and in *Borough Customs*, vol. 2, pp. 106-107.

²²¹ Sharpe, introduction to *Calendar of Wills*, p. xxxviii.

When turning to the deeds, widows held half of the property they had received as grants in jointure – 30 of the 62 deeds. With the exception of two deeds, all the widows held the property with their husbands.²²² The majority of the widows did not have any restrictions on their jointly-held land. In their jointure deeds, they made it clear that they were handling transactions with lands both they and their husbands had purchased. When Katharine, widow of Richard Toppescroft, granted Hugh de Hereford a tenement in 1310, she noted that it “had been held by the aforesaid Richard, formerly my husband, and me from a gift and feoffment from Robert, former goldsmith of London, and Matilda, his wife.”²²³ If Katharine profited from this transaction, it is not listed. The other deeds follow similar patterns, with the widows declaring both that the property had been jointly held and from whom they had been granted that property. It is surprising that more deeds do not contain this information, since its inclusion provided a safeguard for purchasers by ensuring it was not dowered land. It is possible that widows did not hold much property in jointure, but it is more likely that the other jointly-held property devolved to the husbands’ heirs.

Seventeen percent of the widows held jointure to their husbands’ heirs.²²⁴ The devolution to their husbands’ heirs can not be solely attributed to their husbands. Fathers put limitations on property as well. As seen in Chart 3.4, 15 percent of fathers granted

²²² The two exceptions were one widow who held land with her brother, and the other with an unknown male.

²²³ “Habuius predictus Ricardus quondam vir meus et ego de dono et feofamento Robi de Mora quondam aurifaber London et Matild uxoris eius,” *HR*, 39 (165).

²²⁴ See the next chapter for the widows’ transactions with these lands. Interestingly, all five cases are found in the last sample, from 1390 to 1400. The possible reasons are discussed in chapter 5.

property to their daughters.²²⁵ Fathers attempted to keep the property within the family. The most common restriction was the entail, in which the property would descend to whoever the father designated. It could be tail male, tail female, or tail general, depending on whether he wanted the men, women, or any members of the family to inherit.²²⁶

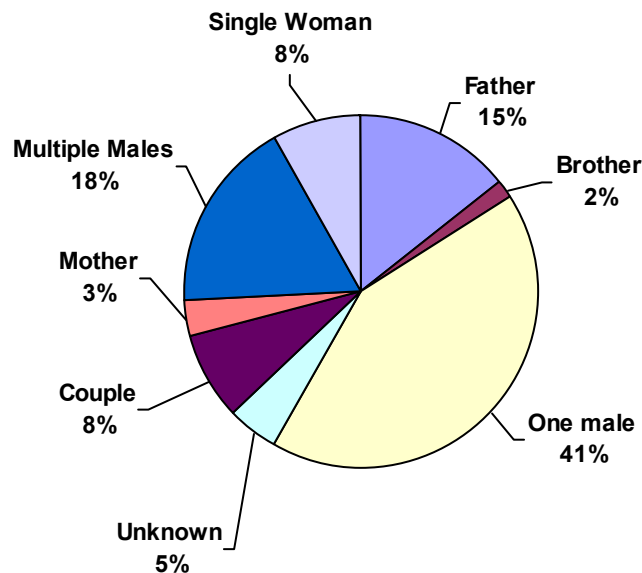


Chart 3.4: From Whom Widows Received Granted Property

The entail was not the only weapon in the father's arsenal. For example, John de Kynton granted his daughter Johanna and her husband John a tenement in "frank

²²⁵ Of the 62 deeds handling granted property, widows attributed their ownership to the following: 26 from one man; 11 from multiple men, 9 from their fathers, five from couples, five from a single woman, two from their mothers, and one from their brother.

²²⁶ A.W.B. Simpson, *A History of the Land Law*, 2nd ed. (Oxford, 1986), p. 90.

marriage.”²²⁷ Property granted with the “frank marriage” condition could not be freely alienated until it had descended through three generations of the grantee’s legal heirs.²²⁸ Unless she had no children, Johanna would not be able to alienate that property. Once Johanna’s husband died, her father quitclaimed this stipulation, allowing Johanna to sell the property. No children were mentioned in John de Kent’s will and this may have affected Johanna’s father’s decision.²²⁹ Johanna’s deed was the only one to mention “frank marriage,” so fathers more commonly simply granted the property. In addition, some fathers continued to grant their daughters property throughout their lives. Whether by themselves or with their new husbands, their families realized the financial significance that property holdings could grant.²³⁰

Some fathers could be ruthless when acquiring property. In 1291 Walter Cote brought a complaint to the Mayor’s Court, claiming that his father-in-law, Roger de Evere, had disinherited him. Walter had been under the wardship of Roger, and during that period he argued that Roger had forced him to marry his underage daughter, Alice. Walter then claimed that Roger compelled him to relinquish his claim to his own property. Although Roger granted the property back to Walter, he also included Alice as the co-owner of the property. In addition, the reversion of the property went to Alice’s heirs, not Walter’s. Roger had been deprived of his proprietary rights. The manner was

²²⁷ *HR*, 65 (14).

²²⁸ Simpson, *A History of the Land Law*, pp. 82-84. London courts enforced the restrictions of frank marriage. In 1307, a man tried to leave the reversion of a shop to his sisters, but since he and his wife held the shop in frank marriage, the devise was overturned. *Liber Albus*, p. 595.

²²⁹ *Calendar of Wills*, vol. 1, pp. 418-419.

²³⁰ Thrupp, *The Merchant Class of Medieval London*, p. 123.

resolved in 1305, when Walter admitted his guilt.²³¹ Alice must have benefited from her father's generosity. After Walter died in 1331, she quitclaimed various properties in two transactions.²³² Then, when her father died in 1336, he left all his tenements in the city to his four daughters.²³³ The same year, Alice made a larger transaction, involving lands and tenements, which she granted to her son.²³⁴

The paternal concern Roger had toward Alice may have manifested itself in deviant behavior, but the case is telling in terms of fathers' control over their daughters' initial property holdings. Fifty-eight percent of the deeds containing inherited lands came from widows' fathers. If daughters received additional property in their dowries, it is likely that they held significant portions of their fathers' estates. There must have been a concern driving this paternal protection, perhaps stemming from a fear that the daughters would need these property holdings for economic sustenance at some point in their lives, particularly if they became widowed. In contrast, a negligible number of deeds refer to maternal property. Only 8 percent of the deeds refer to their mothers' inherited property and an even smaller amount had property their mothers had granted them, 3 percent (see Chart 3.4). Similarly, widows received property from their brothers in only 2 percent of the deeds. Those widows entering the land market with inherited lands were thus most likely to be using property that had devolved from their fathers. Here the dotal system again affects the women, providing property that they can carry into their widowhood.

²³¹ *Letter Book E*, pp. 203-204.

²³² *Calendar of Wills*, vol. 1, p. 363, *HR*, 63 (23), 60 (70), 63 (252).

²³³ *Calendar of Wills*, vol. 1, p. 393.

²³⁴ *HR*, 63 (23).

When turning to the property that the widows had received from grants, the father's presence dwindles. The widows instead primarily handled property they had purchased themselves. Forty-one percent of the widows had purchased property from an unidentified male, 18 percent from multiple men, 8 percent from a woman, and 8 percent from a couple (see Chart 3.4). None of these grantees are listed as family members. With this property widows would have faced none of the restrictions inherent in dowered properties, or any that might have been lurking in jointure or inherited properties, as detailed above. Given the relative freedom they had over these lands, it is surprising that widows' purchased properties do not dominate their grants. Perhaps they did not have a high purchasing power? It could point to the economic vulnerability of the widows, since it suggests that they did not have substantial holdings that they had personally contributed to their estates. It may indicate instead, though, that the widows' dowered properties did provide them with sufficient financial support.

Conclusions

Widows in fourteenth-century London held diverse estates comprised from multiple sources. While 30 percent of the sources for widows' holdings were not listed in their granted deeds, the remaining 70 percent revealed the types of properties widows used when entering the land market. The majority of the widows' involvement stemmed from their husbands' estates. Widows appeared as executors for their late husbands and, armed with their husbands' directives, could sell their husbands' property. In some cases, the legal weight attached to executor status may have allowed them to escape the scrutiny

usually placed upon widows' transactions; chapters four and five will delve further into this. When not acting as executors, widows still handled properties their husbands had left them as dower. With these lands widows could enjoy a profit, but it usually did not derive from the dowered property itself. Instead, the widows capitalized on the fear that they could claim additional property as dowers. Widows could boost their incomes in the lucrative quitclaim market, and from the high number of quitclaims, it seems they were more than willing to do so.

The husbands' influence continues to linger in the deeds containing property that the widows had been granted, since they had held almost half of them with their late spouses. When added to the property they had inherited, most notably from their fathers, it is clear that the dotal system provided a safety net for widows, one that seems predicated on the notion that it would sustain them through widowhood. How well the widows fared is hard to determine, since by studying enrolled deeds, the focus will be on those widows who successfully navigated the economic uncertainties of widowhood. Turning to their activities with their property holdings, however, should illuminate the manner in which they effected this navigation.

CHAPTER 4

‘IN MY PURE WIDOWHOOD’: WIDOWS’ PROPERTY TRANSACTIONS IN THE FIRST HALF OF THE FOURTEENTH CENTURY

When Juliana Kelleseye entered the London Court of Husting in 1337, she was there at her late husband’s directive. In his will enrolled the previous year, Robert Kelleseye had asked his executors, of which she was one, to sell a number of his properties within the city, with the profits funding his movable bequests.²³⁵ Juliana conceded and that year she and Robert’s other executors, their sons Robert and Henry, granted tenements consisting of shops and houses and an attached garden to John and Agnes Hamond.²³⁶ Immediately after enrolling this deed, Juliana made an additional transaction, where it was recorded that Juliana, in her “pure widowhood” quitclaimed any proprietary rights over the tenement, stressing particularly that she could not claim it as her dower, or her legal portion of Robert’s estate.²³⁷ It was this concord that finalized the grant, assuring John and Agnes that they enjoyed full possession of their tenements. Juliana’s activities in the Husting deeds typify many of the widows’ experiences. This

²³⁵ *HR*, 63 (194). *Calendar of Wills*, vol. 1, pp. 412-413.

²³⁶ *HR*, 64 (141).

²³⁷ “pura viduitate,” *HR*, 64 (142).

chapter focuses on the first two samples of the fourteenth century Husting Court deeds, 1300-1310 and 1330-1340. One hundred and thirty-seven widows appeared in the Court of Husting, participating in a total of 184 property transactions. The widows granted, quitclaimed, and leased property. While they held property from multiple sources, it was their dowers that figured most prominently in their transactions. Widows rarely deviated from borough customs regarding the use of their dowers, but they still managed to find profit in both their dowered holdings and potential dower claims. A few widows ventured further, manipulating the dower customs to suit their own needs. Throughout all the transactions, widows exercised their potential for economic profit.

Property in the City

In London, residential and commercial properties often overlapped, particularly in areas where trade occurred. Tenements located on street frontages held shops facing directly to the street.²³⁸ At the beginning of the 14th century, merchants plied their trade at about 400 shops that lined the street in Cheapside, one of the city's most commercial areas.²³⁹ Near the shops were selds, or large covered areas that held individual trading stations, where merchants sold their goods from a box or chest. Such areas may have held up to 2,000 more trading sites.²⁴⁰ Residences could be found above or behind these

²³⁸ Derek Keene and Vanessa Harding, *Historical Gazetteer of London Before the Great Fire* (Cambridge, 1987), p. xvi.

²³⁹ Caroline M. Barron, *London in the Middle Ages: Government and People, 1200-1500* (Oxford, 2004), p. 238.

²⁴⁰ The term sold derived from the idea that people sat there. Derek Keene. "A New Study of London Before the Great Fire," *Urban History Yearbook* (1984), p. 14; Barron, *London in the Later Middle Ages*, pp. 238, 252.

commercial sites, with the work spaces overflowing into the residential spaces of the house.²⁴¹ In their rooms, wives and husbands made goods that they sold from adjacent shops, wine was stored in their cellars, and courtyards held cloth or other goods.²⁴² Using the Assizes of Nuisance, which recorded housing complaints, Diane Shaw cited a case from 1314 in which a couple filled the space to the side of their tenement with building and commercial goods. Their neighbor could not enter her own tenement, impeding her ability to “transact her business.”²⁴³ The demarcation between Londoners’ work and home spaces was blurred, shifting to accommodate the needs of its inhabitants.²⁴⁴

As the number of city inhabitants increased, so did the demand for property. Construction began on new roadways, most often in the form of small lanes or alleys. Buildings also moved up horizontally, with stories added onto existing structures.²⁴⁵ The

²⁴¹ Much depended on the wealth of the shop owner. The more affluent had separate work spaces, while others built living spaces above or below their shops, Sylvia Thrupp, *The Merchant Class of Medieval London* (Chicago, 1948; reprint, Ann Arbor, Mich., 1962), p. 131. Keene discusses a case in 1288 where the shop owners built above and below their workplaces, “Shops and Shopping in Medieval London,” in *Medieval Art, Architecture and Archaeology in London*, ed. Lindy Grant (British Archaeological Association Conference Transactions for 1984), p. 36.

²⁴² Thrupp, *The Merchant Class of Medieval London*, p. 135. See Anne Sutton for a description of the mercers’ living spaces, “The Shop-Floor of the London Mercery Trade, c.1200-c.1500: The Marginalisation of the Artisan, the Itinerant Mercer and the Shopholder,” *Nottingham Medieval Studies* 45 (2001), p. 12.

²⁴³ Diane Shaw, “The Construction of the Private in Medieval London,” *The Journal of Medieval and Early Modern Studies* 26 (1996), p. 449.

²⁴⁴ Sarah Rees Jones has discussed the manner in which gender affected the design and flexibility of medieval homes; see “Women's Influence on the Design of Urban Homes,” in *Gendering the Master Narrative: Women and Power in the Middle Ages*, eds. Mary C. Erler and Maryanne Kowaleski (Ithaca and London, 2003), pp. 190-211.

²⁴⁵ Derek Keene, “Landlords, the Property Market and Urban Development in Medieval England,” in *Power, Profit and Urban Land: Landownership in Medieval and Early Modern Northern European Towns*, eds. Finn-Einar Eliassen and Geir Atle Ersland (Aldershot, UK, 1996), p. 98.

top floor was called an attic, while the second floor termed a solar, and the cellar usually meant a fairly high basement.²⁴⁶ At the back of these residences there might be a courtyard or garden.²⁴⁷ The most common properties were narrow tenements, with houses inside holding two rooms for each floor.²⁴⁸ Given the complexity of these building structures, the terminology is fluid, with words like tenement encompassing multiple divisions within the property. A garden might refer to a small plot of land suitable for growing plants, or it might refer to an additional work space behind a shop where craftsmen could labor outdoors.²⁴⁹ Even the word “shops” did not necessarily mean the areas located on the street frontage. It could instead describe “small houses built in rows for letting rather than for purely commercial premises.”²⁵⁰ The diversity of the available property meant that residents used buildings for multiple purposes, mixing commercial and residential elements as it suited them.

²⁴⁶ Using the Coroner’s Rolls, John Schofield found that while the solar often served as the bedchamber in a household, it could still be used for work purposes, *The Building of London: from the Conquest to the Great Fire* (London, 1984), p. 89.

²⁴⁷ Morley DeWolf Hemmeon, *Burgage Tenure in Mediaeval England*, Harvard Historical Studies 20 (Cambridge, 1914), p. 102. Gardens were found extensively throughout London in the 13th century, particularly near the wall. W.J. Loftie, *History of London* (London, 1883), p. 111. Schofield mentions an herb garden found within the middle of town in 1304, *The Building of London*, p. 97.

²⁴⁸ John Schofield, “London: Buildings and Defences 1200-1600,” in *London Underground: The Archaeology of a City*, eds. Ian Haynes, Harvey Sheldon and Lesley Hannigan (Oxford, 2000), p. 231.

²⁴⁹ Sylvia Thrupp, *The Merchant Class of Medieval London*, p. 131.

²⁵⁰ Derek Keene, “Tanners’ Widows,” in *Medieval London Widows, 1300-1500*, eds. Caroline M. Barron and Anne F. Sutton (London, 1994), p. 19.

Changes in the Fourteenth Century

Residential conditions could be crowded, and this was only compounded by the continuing construction. In 1314, Richer de Refham complained that the additions to the city's buildings had added undue complications: there was overcrowding, too many landlords, and as the final insult, no repair of areas in disarray.²⁵¹ One widow, Isabel Godchep, was upset that a new renter in her building had piled up his firewood, obscuring the "light, view, air and clarity" of a window in her house.²⁵² The expansion of existing structures and the continual subdivision of the same structures may have created stress amongst Londoners, but it underscores the expansion the city enjoyed at the turn of the fourteenth century.²⁵³ The growth would not last. John Schofield pinpoints 1330 as the highpoint in "London's medieval fortunes."²⁵⁴ While new construction did not cease, the demand considerably reduced as droughts, famine, and eventually the plague took a toll on the demand for urban land.²⁵⁵

²⁵¹ Shaw, "The Construction of the Private in Medieval London," pp. 448-449.

²⁵² *London Assize of Nuisance, 1301-1431: A Calendar*, ed. Helena M. Chew (London, 1973), pp. 68-85. Shaw also listed other cases where privacy is invaded through prying eyes, including this case of Isabel Godchep, see "The Construction of the Private in Medieval London," pp. 453-457.

²⁵³ Similar expansion occurred in Norwich, but instead of building upon existing structures, they subdivided the buildings and undertook new builds in marginal sites. See Elizabeth Rutledge, "Landlords and tenants: housing and the rented property market in early fourteenth-century Norwich," *Urban History* 22 (1995), pp. 7-24. Rodney Hilton found that by the thirteenth century, while not all plots had been built upon, the existing structures had gone through extensive subdivision, with additional buildings placed above them, "Some Problems of Urban Real Property in the Middle Ages," in *Socialism, Capitalism and Economic Growth: Essays Presented to Maurice Dobb*, ed. C.H. Feinstein (Cambridge, 1967), pp. 328-329.

²⁵⁴ Schofield, "London: Buildings and Defences 1200-1600," p. 235. Derek Keene places the peak "soon after 1300." Keene, "Landlords, the Property Market and Urban Development in Medieval England," p. 98.

The year 1330 may have been the peak of the city's development, but problems emerged earlier. Beginning in 1315, a combination of colder and wetter weather resulted in poor harvests, plunging England into a famine. Prices rose precipitously, with staples like wheat and salt sold at rates more than eight times their previous prices.

Governmental regulation proved ineffective, leading the canon of Bridlington to observe that prices followed "the fertility of the soil and not the will of man."²⁵⁶ Mortality rates were high, particularly for those located in less wealthy rural areas.²⁵⁷ London itself was not immune to the privations caused by the famine. A chronicle reported in 1315 that "people without number died of hunger; and there was also a great pestilence among the rest of the people." The following year the "great dearth continued," but was accompanied by heavy rainstorms that flooded the Thames. The storm destroyed houses and bridges, with many lives lost.²⁵⁸

London officials responded swiftly in an attempt to stem the ensuing economic instability. In 1315 they increased enforcement of forestalling, a practice whereby traders

²⁵⁵ Ibid. Similar property contractions can be found in Westminster, Winchester, Oxford, Leicester, Colchester, and Battle; see Richard Britnell, "The Black Death in English Towns," *Urban History* 21 (1994), pp. 196-198.

²⁵⁶ May McKisack, *The Fourteenth Century, 1307-1399* (Oxford, 1959), pp. 49-50. Mark Bailey also found an increased number of storms during this period, which he conservatively postulated contributed to the devastation wrought by the famine, "*Pre impetum maris*: natural disaster and economic decline in eastern England, 1275-1350," in *Before the Black Death: Studies in the 'crisis' of the early fourteenth century*, ed. Bruce M. S. Campbell (Manchester and New York, 1991), pp. 184-208.

²⁵⁷ Christopher Dyer cited a rate of up to 17-18 percent in Wiltshire. Other areas with high mortality rates ranged from 10 to 15 percent. He pointed out that starvation was not the cause of death; individuals, weakened by hunger, suffered from an epidemic of disease that struck during the famine years, *Making a Living in the Middle Ages: The People of Britain, 850-1520* (New Haven and London, 2002), pp. 232-233.

²⁵⁸ *Chronicles of London*, ed. C.L. Kingsford (Oxford, 1905), p. 252.

sold goods outside of normal trading regulations.²⁵⁹ The economy still suffered, and unemployment continued to rise throughout the crisis years. By 1321, the number of weavers' looms had fallen from 300 to 80.²⁶⁰ There were also religious reactions, as monks and priests began a weekly procession from their various religious houses to the Church of Holy Trinity; they walked barefoot, carrying consecrated Hosts and relics.²⁶¹ The famine clearly had an impact on Londoners, but how high did mortality rates actually reach?

Harry Miskimin studied the Husting wills in an attempt to gauge the impact the famine had on mortality rates. Since the number of enrolled wills did not increase during the decade in which the famine occurred, he has postulated that the famine's impact on London may have been lessened because of the relative wealth of city inhabitants. He noted, though, that analysis of only the wills is skewed, since they derive from London's affluent citizens.²⁶² Furthermore, Miskimin looked at the number of wills enrolled by decades, rather than a year-by-year analysis.

²⁵⁹ William C. Jordan, *The Great Famine: Northern Europe in the Early Fourteenth Century* (Princeton, 1996), pp. 135-136. Jordan discussed why the urban poor were the most vulnerable early in the famine on pp. 141-142. Mavis Mate also found that London citizens were vulnerable to food shortages, "Property Investment by Canterbury Cathedral Priory, 1250-1400," *Journal of British Studies* 23 (1984), p. 90n.

²⁶⁰ Pamela Nightingale argued that these problems had been compounded by political insecurity within the city over the rebellion against Edward II; see "The growth of London in the medieval English economy," in *Progress and problems in medieval England: Essays in Honour of Edward Miller*, eds. Richard Britnell and John Hatcher (Cambridge, 1996), p. 99. W. M. Ormrod also discussed the negative effect that royal taxation had on the economy in "The crown and the English economy, 1290-1348," in *Before the Black Death*, pp. 149-183.

²⁶¹ Jordan, *The Great Famine*, p. 157.

²⁶² It was not just wealth that provided a barrier to the famine. He also credited "access to world markets, and the presence of foods other than grain..." Harry A. Miskimin,

A closer look at the enrolled wills for each regnal year reveals that there was a spike in deaths from 1316-1317 (see Chart 4.1). The deaths may have occurred more frequently during the onset of the famine, when the most vulnerable were compromised. In addition, the number of enrolled deeds increased as well, suggesting greater activity in the land market.

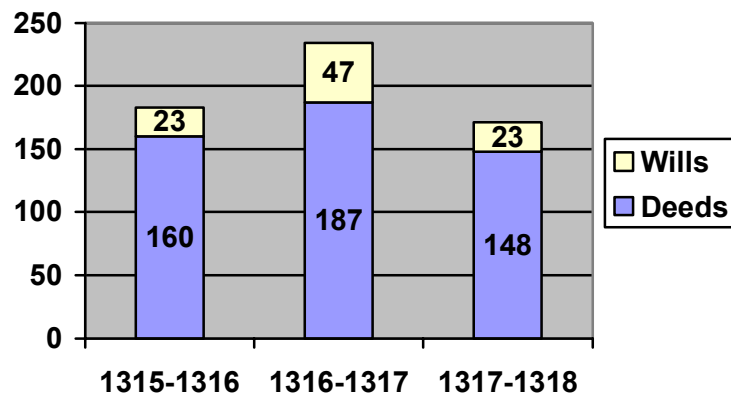


Chart 4.1:
Deeds and Wills Enrolled in the Court of
Husting

Christopher Dyer found a post-famine spike in land sales in a manor in Suffolk. He suggested that the sales had been predicated by the need for food. Poor peasants either sold their lands to wealthier neighbors in exchange for food, or they may have

“The Legacies of London: 1259-1330,” in *The Medieval City*, eds. Harry A. Miskimin, David Herlihy and A.L. Udovitch (New Haven and London, 1977), pp. 212-214. For a similar interpretation, see also Jens Röhrkasten, “Trends of Mortality in Late Medieval London, 1348-1400,” *Nottingham Medieval Studies* 45 (2001), p. 184.

defaulted on loans, leaving them hungry and homeless.²⁶³ In London, it is possible that the increased number of deeds reflects a similar boom in property sales. After the famine, the number of deeds enrolled drops, but not to pre-famine levels (see Chart 4.2). The famine must have affected the city's real estate. Citizens may have desired that extra insurance that the enrollment of their deeds provided in times of economic uncertainty. The increased number of deeds also reflects the saturation of the real estate market after 1330, which Schofield has pinpointed as the peak point in London's fourteenth-century expansion. With new building on the decline there were a greater number of purchases and sales of existing property. The net result was an overall, but not dramatic, increase in the enrollment of deeds in the Husting court.

²⁶³ Dyer, *Making a Living in the Middle Ages*, p. 231.

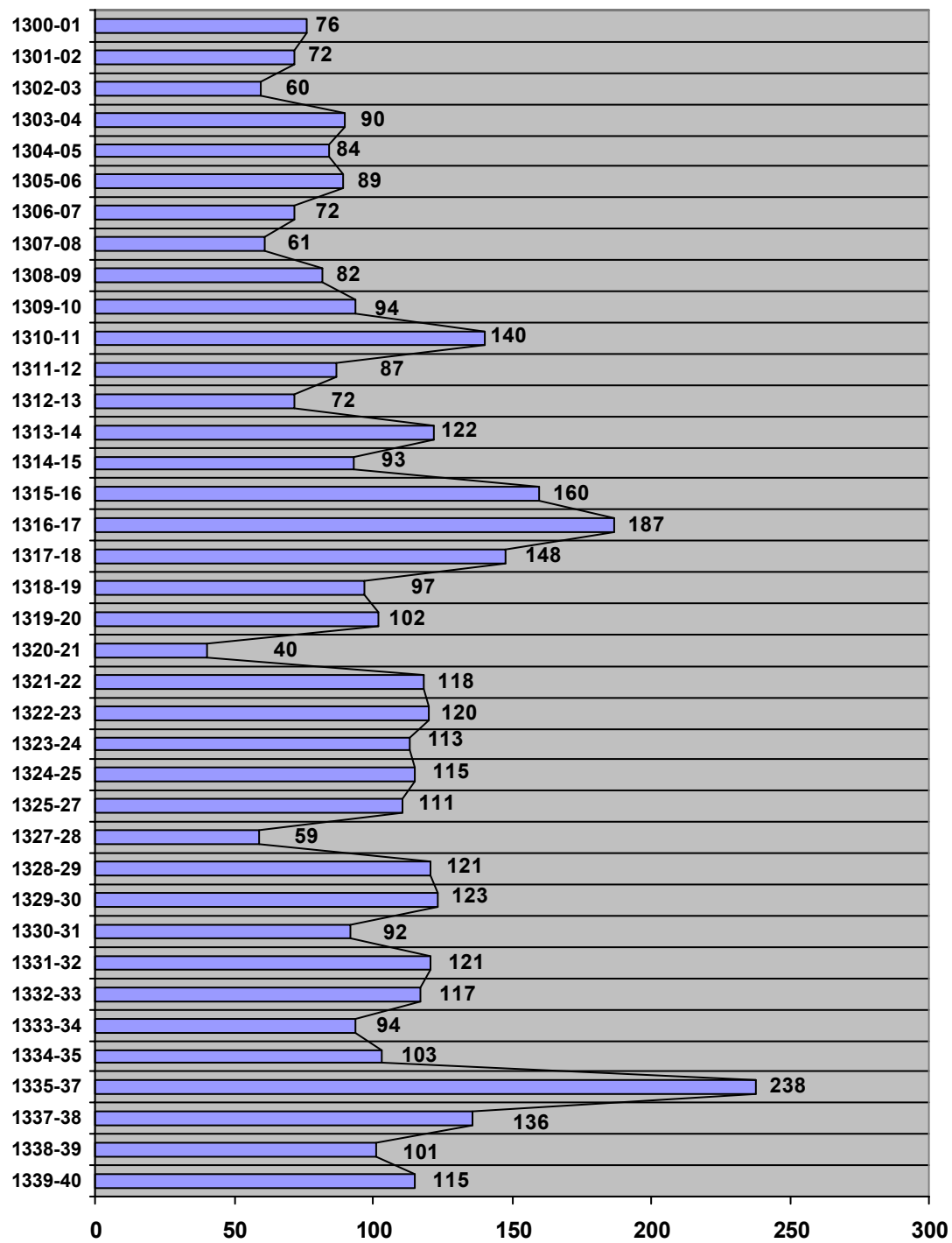


Chart 4.2: Deeds Enrolled from 1300-1340

Widows in the Husting Deeds

Over the first half of the fourteenth century, widows' activities in the Husting also increased. To best gauge their involvement in the land market, the two samples were chosen to avoid the tumult that the famine caused during its crisis years. The first sample, 1300-1310, opens the fourteenth century, while the second sample, 1330-1340, occurs after the famine but before the plague that struck London in 1348. When the two samples are combined there are a total of 137 widows who participated in 184 property transactions. Separating the two samples reveals that there was an increase in both the number of widows and deeds enrolled in the 1330 sample (see chart 4.3).

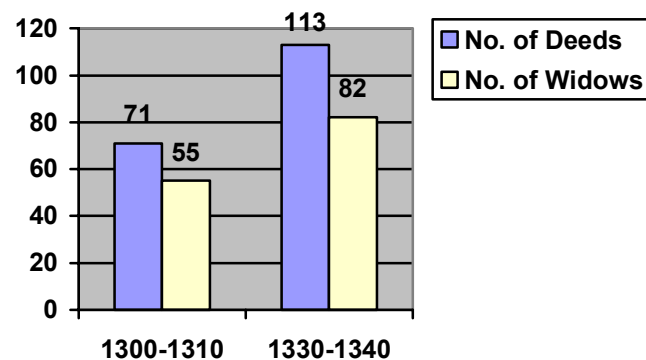


Chart 4.3: Number of Widows and their Grant Transactions

This growth corresponds with the increased number of deeds enrolled as a whole, as seen in chart 4.2. The widows' activity thus reflects an overall increased enrollment of property transactions, rather than a phenomenon limited to the women themselves.

Within the deeds, the widows primarily participated in simple grants or quitclaims, with the two accounting for 88 percent of their activities (see table 4.1).

Grants	110 (60%)
Quitclaims	71 (38%)
Leases	3 (2%)
Total	184 (100%)

Table 4.1: Widows' Transactions 1300-1310 and 1330-1340

The only remaining transaction, those of leases, account for only a small proportion of the widows' transactions (2%). The leases resemble our modern day rental agreements. The two parties agreed to the transfer of property for a specified time frame and amount of money. All three of the leases found in the sample limited the lease to the lifetime of one of the parties and included a rent as payment.²⁶⁴ For instance, Alice, widow of William de Gartone, entered into a lease with Gilbert Fraunceys and his wife, Anna. Alice held, as part of her dower, a third part of tenements located in the parish of St. Pancras. In the lease, she allowed Gilbert and Anna the use of the tenements for her

²⁶⁴ A.A. Dibben discusses leases, particularly the problems associated with lifetime tenures, in *Title Deeds, 13th -19th Centuries* (London, 1968), pp. 6-8.

lifetime. In return she received an annual rent of 30s.²⁶⁵ The small number of leases enrolled reflects a larger trend. Derek Keene has argued that leases grew in popularity as the fourteenth century progressed, so the small number of leases in the sample reflects how little citizens used them in the early fourteenth century.²⁶⁶

London Property in the Widows' Deeds

The widows in the sampled deeds had holdings in more than half of the 109 parishes that comprised the city of London.²⁶⁷ The property within the deeds varied in description, but the most common was a tenement. We have seen how the tenement could encompass multiple buildings, so when a tenement is listed in the deeds, it likely had houses or shops that were attached to the main tenement.²⁶⁸ The decision to add extra details of the property probably rested with the grantors. Occasionally additional information will be given, such as when Agnes Lucas purchased a "stone house with

²⁶⁵ *HR*, 66 (90).

²⁶⁶ The evidence from the widows' samples taken from the last half of the fourteenth century supports Keene's findings, with leases figuring more prominently in widows' transactions (see chapter 5), *Survey of Medieval Winchester*, Winchester Studies 2 (Oxford, 1985), vol. 1, p. 192. Elizabeth Rutledge also found that few leases were enrolled in Norwich, "Landlords and tenants," p. 7. In York, however, Sarah Rees Jones found that leases were used throughout the century, "Property, tenure and rents: some aspects of the topography and economy of York," (Ph.D. diss., University of York, 1987), p. 289.

²⁶⁷ They held property in 69 parishes, with the most transactions occurring in St. Alphage within Cripplegate and St. Sepulchre without Newgate; each had seven.

²⁶⁸ In Derek Keene's study of Winchester, he followed the changing entomology of the term tenement. In the thirteenth century, it referred to the tenure of the holding, but by the end of the fourteenth century, the term related to the physical characteristics of the holding, *Medieval Winchester*, vol.1, pp. 137-138.

cellar.”²⁶⁹ Most chose instead a formula similar to the following: “all of that tenement with houses and buildings and all its other appurtenances.”²⁷⁰ The appurtenances and buildings could vary widely, ranging from solars and cellars to gardens and courtyards. Chart 4.4 shows the types of property listed in the deeds.²⁷¹

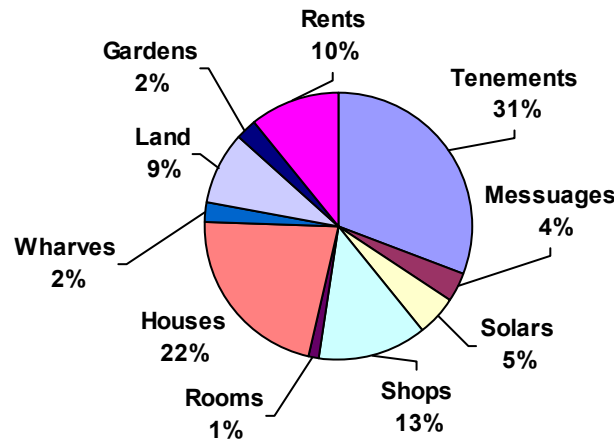


Chart 4.4: Property Descriptions in Husting Deeds from 1300-1310 and 1330-1340

The widows’ transactions primarily contained residential property, with tenements, houses, and messuages comprising the majority (57%) of their exchanges. The residential buildings were in addition to their primary residences, since widows rarely granted their capital messuages. Even though they appeared in 11 percent of the

²⁶⁹ "domus lapideam cum celar," *HR*, 60 (71).

²⁷⁰ "Totum illud ten[ementum] cum domi[bus] et edificiis et omni[bus] aliis p[er]tinent suis," *HR*, 40 (52).

²⁷¹ In total, there were 310 properties listed; 97 tenements, 69 houses, 11 messuages, 40 shops, 15 solars, 6 wharfs, 7 gardens, 3 rooms, 34 rents, and 28 references to land.

men's bequests to their wives (see chapter 2), only two deeds refer to the couple's primary residence. In 1332, Avise, daughter of William son of Richard, granted Alice, widow of John de Warle, a quitrent of 2 marks. The rent was attached to Alice's current residence, her capital messuage.²⁷² In the other deed, the terminology used differs. In 1307, Matilda, widow of Simon de Oxon, granted a rent attached to the "capital house."²⁷³ The lack of capital messuages in the deeds indicates that dower restrictions effectively kept widows' dowers out of the land market. The widows may have been able to grant the property for their lifetime, but they were reluctant to part with their dwelling house, particularly while they remained single.

Widows also granted property that can more easily be designated as commercial. Shops and rents accounted for 23 percent of the property transactions. The widows primarily sold the shops and except for two widows, did not provide detailed descriptions. Margery Berkyng bought and sold a "brewhouse" that had been her husband's, and Basilia Wodere granted a messuage called a "bakehouse."²⁷⁴ The commercial value of the shops can be seen in some of the widows' transactions. Alice, widow of Robert de Colebrok, granted shops in the parish of St. Lawrence Jewry to Ralph de Bracghing. She had previously purchased the property from William, son of

²⁷² *HR*, 60 (58). She probably lived in the capital messuage for the rest of her life. She wrote her will, enrolled in 1361, from her dwelling house in the same parish. *Calendar of Wills*, vol. 2, pp. 63-64. The manner in which rents were attached to properties will be discussed later in this chapter.

²⁷³ "capitali[bus] d[om]us" *HR*, 35 (52).

²⁷⁴ "bracinum," *HR*, 65 (96); "pistrinum," *HR*, 34 (51).

Henry le Callere, and Henry's wife, Agnes.²⁷⁵ Similarly, Gena, widow of Gilbert Mullyng, granted a tenement with houses and shops in Eastcheap. She revealed in the deed that she held the property from a grant of John Frank.²⁷⁶ Neither of the widows probably physically occupied the shops, but instead rented or leased them. The ease with which shops could be bought and sold made them popular forms of investment.

Another type of investment was the quitrent, which widows also bought and sold. Quitrents represented a freehold tenure. They were created by those who had free title to property and wanted to capitalize on these holdings by attaching a perpetual rent, or a quitrent. Those who were granting their property would be most likely to retain a quitrent, since they could continue to reap financial benefits. The amount of the quitrent was usually nominal.²⁷⁷ Quitrents differed significantly from regular rents in that while they were attached to specific properties, there was no physical transfer of the property as in a rental exchange. Quitrents instead represented financial sums that could be bought or sold without affecting the residency of their attached properties. The terminology reflects the purchaser's freedom, as the individual is "quit," or free, of any duties related to the actual residence. The purchaser did not occupy the residence, nor was he or she

²⁷⁵ *HR*, 30 (92).

²⁷⁶ *HR*, 38 (99).

²⁷⁷ Hemmeon posited that the existence of such a rent would allow those who alienated their property to have a right of escheat, but given the tenuous relationship that the quitrent had to the property, this seems doubtful. More likely is his suggestion that the rents initially reflected a "feudal version of holdership." See below for more discussion of quitrents' feudal overtones. Hemmeon, *Burgage Tenure*, p. 80.

responsible for its upkeep.²⁷⁸ Quitrents, or *quietus redditus*, emerged at the end of eleventh century, but became popular in urban economies during the thirteenth century.²⁷⁹

Quitrents became increasingly complex in that there could be multiple rents attached to one property. In his study of Winchester, Derek Keene offered an example of one tenement that held three such rents. During later sales, when the tenement was subdivided, there was confusion over which portions of the property contained the quitrents. In such a situation, the door to a property could be listed with an attached rent. In practicality, however, Keene posited that it was the land itself from which the quitrent derived.²⁸⁰ Similar confusion ensued when individuals defaulted on the quitrents. Since the quitrents had only an abstract connection to the property with which they were

²⁷⁸ *Black's Law Dictionary*, ed. Bryan A. Garner, 8th Edition (St. Paul, Minn, 2004), p. 1283. Keene, *Medieval Winchester*, vol. 1, pp. 186-187.

²⁷⁹ Keene found that, for large urban landlords, particularly institutional ones, they comprised the majority of their incomes, "The Property Market in English Towns," *D'une ville a l'autre: structures materielles et organisation de l'espace dans les villes europeennes (XIII-XVI siecle)*, ed. Jean-Claude Maire Vigueur (Ecole Francaise de Rome, 1989), p. 211. With the exception of Derek Keene's study of Winchester, the impact that quitrents had on borough economies has not been covered extensively. Elizabeth Rutledge discussed them briefly, but her article is focused on rental properties. See Rutledge, "Landlords and tenants," p. 15. Quitrents did, however, exist in a feudal context. Freeholders would pay the lord a quitrent in lieu of services. It usually consisted of a "trifling amount" that could be paid in kind with flowers or roots of ginger. Joshua Williams, *Principles of the law of real property: intended as a first book for the use of students in conveyancing* (London, 1901), p. 55; J.D. Alsop, "A Late Medieval Guide to Land Purchase," *Agricultural History* 57 (1983), p. 164. See W. Warde Fowler, "Study of a Typical Medieval Village," *The Quarterly Journal of Economics* 9 (1895), p. 170, for an example where the free tenants, or *liberi tenentes*, paid a "nominal quitrent" that could be comprised of a pound of pepper. For a different view on quitrents, Shael Herman argued that these types of rents masked interest-bearing loans caused by the prohibition of usury, *Medieval Usury and the Commercialization of Feudal Bonds* (Berlin, 1993).

²⁸⁰ Keene, *Medieval Winchester*, vol. 1, p. 186.

attached, grantors had few options when the grantees defaulted on the rent. In London, citizens could sue for recovery under a writ of Gavelet, which the *Liber Albus* defines as “a writ as to recovery of rents in the Court of Husting in London; as called from the Saxon *gavel*, a yearly payment.” Those found at fault had to pay double the arrears.²⁸¹ The creation of new quitrents halted after 1290, when the statute of *Quia Emptores* “forbade the creation of new tenures upon the grant of a fee simple.”²⁸² Since the quitrents held a separate title from the property itself, property owners could no longer create them by attaching them to their transactions.²⁸³

Existing quitrents, however, could still be bought and sold. The value of the quitrents varied, but on the whole, they were not exceptionally high, which attracted individuals looking to repay small loans or build capital quickly.²⁸⁴ Citizens also devised

²⁸¹ The remnants of its feudal origins are clear in that the quitrents are referred to as rent-service. The monetary nature of the rents indicates that no services were required, however. *Liber Albus: The White Book of The City of London*, ed. Henry Thomas Riley (London, 1861), p. 55. In later years, citizens sued for recovery under an assize of novel disseisin, a possessory action for those who had been deprived of seisin of specific properties. During the fifteenth century, more than two-thirds of the assizes concerned quitrents. Helena M. Chew, Introduction, *London Possessory Assizes*, ed. Helena M. Chew (London, 1965), pp. xviii-xix.

²⁸² A.W.B. Simpson, *A History of the Land Law*, 2nd Edition (Oxford, 1986), p. 22.

²⁸³ There is evidence that the statute could be disregarded. Simpson noted that perpetual rent-charges could still be attached to grants, *A History of the Land Law*, p. 78. Keene offered examples of such maneuvers in *Medieval Winchester*, vol. 1, p. 189. Quitrents could also be used for religious purposes, such as obit rents. A.J. Scrase, “Working with British Property Records: The Potential and the Problems,” in *Power, Profit and Urban Land: Landownership in Medieval and Early Modern Northern European Towns*, eds. Finn-Einar Eliassen and Geir Atle Ersland (Aldershot, England, 1996), p. 19.

²⁸⁴ Joseph P. Huffman noted that those who wanted to raise capital could purchase multiple quitrents. If they later experienced financial troubles, they might lose the rents through default, but this was more favorable than the risks incurred with a mortgage, where the property was permanently lost, *Family, Commerce, and Religion in London and Cologne, Anglo-German emigrants c. 1000-c.1300* (Cambridge, 1998), p. 69.

their quitrents for religious purposes, or left them to their widows as dower. The widows themselves, however, do not seem to have participated heavily in the city's lively trade of quitrents. Within the Husting deeds, quitrents represented 10 percent of the widows' transactions. The values ranged, but were not excessively high. Thirteen held a value equal to or under £1, four fell within the £2 and £3 range, and the last was the most expensive, at over £10. For these widows, the quitrents would have provided income they held in addition to their dowered property. It is possible that widows handled quitrents not found in the deeds. Citizens may have been reluctant to pay enrollment fees for rents that held nominal values and were traded frequently. Further study on the role of quitrents in London's economy is needed, but the widows' limited trade in them indicates that it was not a commercial venture with which the widows involved themselves.

Like the city itself, the property within the widows' deeds contained a mix of residential and commercial buildings. The demarcation between the two could also be blurred. Residential property may have dominated their holdings, but when widows bought or sold this property, they were using it for commercial purposes.

Keene, "Landlords, the property market and urban development in medieval England," pp. 105-106. Derek Keene found that their low values resulted in a "busy traffic of buying and selling them," "The Property Market in English Towns A.D. 1100-1600," p. 211.

Widows as Grantors

Widows who entered the land market relied on their property holdings for financial sustenance. They were far more likely to sell their property as grantors than to purchase property as grantees (see Chart 4.5). When needed, then, the widows turned to

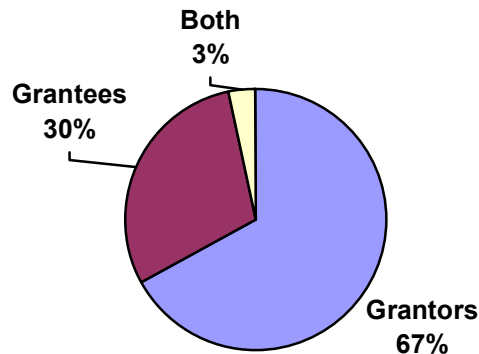


Chart 4.5: Widows as Grantors or Grantees

the land market for profit. Their profit is not known, though, since the deeds rarely include the purchase prices.²⁸⁵ Of the 184 deeds, 42 (23%) mention the exchange of a *gersum*. In a study of similar deeds in Winchester, Keene found that the *gersum* recorded the payment that the grantors received.²⁸⁶ Only six of the Husting deeds divulge the financial details of the *gersum*, and they varied widely, with the lowest at 20 marks and the highest at 200 marks. Even then, the money exchanged may have only represented a down-payment, as the *gersum* did not have to contain the entire price of the property's

²⁸⁵ Keene and Harding, *Historical Gazetteer*, pp. xxxv-xxxvi.

²⁸⁶ Keene, *Medieval Winchester*, vol.1, p. 10.

sale.²⁸⁷ Felicia, widow of Wolmar de Essex, granted a wharf with a room above it, located near Billingsgate, to Richard Wolmar and Leticia his wife. In return, Richard and Leticia gave her a *gersum*, as well as a rent worth one-half mark sterling that they were to pay quarterly.²⁸⁸ From her sale of the property, Felicia enjoyed a lump sum, as well as continued income.

A few widows received payment in kind. Sabina Poyntel quitclaimed land in the parish of All Hallows London Wall to John de Kelyngworth. Sabina's father, Nicholas, had left her the property, which had been sold in the interim. In return for her quitclaim, Sabina reserved for her and her heirs a rose that was to be given at the Feast of St. John the Baptist. After twenty years, the rose would convert into a rent of 20s.²⁸⁹ The deed did not refer to any *gersum*. Sabina's payment in the form of both a rose and nominal rent, does indicate, however, that a sum of money had exchanged hands. Similar cases can be found in leases enrolled in the *Calendar of Patent Rolls*. In 1324, William de Insula granted Robert de Aston the lifetime use of a moiety of a manor in the county of Gloucester. In return, William received an annual rose at Midsummer for ten years. Thereafter, Robert owed a rent of 10 marks, also due at Midsummer.²⁹⁰ The payment of

²⁸⁷ Keene argued that the size of the *gersum* would have been determined on whether the grantor wanted "immediate capital or a long-term income," *Medieval Winchester*, vol. 1, p. 186.

²⁸⁸ *HR*, 31 (34).

²⁸⁹ *HR*, 65 (18).

²⁹⁰ *Calendar of Patent Rolls, Edward IV (1321-1324)* (London, 1904), p. 397.

a good in kind, whether it was a rose or a pound of pepper, served as a marker that acknowledged that the true financial worth had already been paid, or at least partially paid.²⁹¹

The financial terms of those agreements were not recorded, however. More often, the deeds simply acknowledged that money had already changed hands. Fifty-nine deeds (32%) contain a phrase similar to that given by Hugh de Causton, who had purchased a tenement from Sarah de Salle: the “aforesaid Sarah has given to me a certain sum of money beforehand.”²⁹² While their profit varied, the widows granting property did receive some monetary compensation. By contrast, the smaller percentage of widows purchasing property (29%) suggests that on the whole, widows did not widely invest in property, most likely because they lacked the necessary financial resources. Their participation in the market thus resulted in the loss, rather than a gain, of their property holdings.

Men, on the other hand, invested in much higher rates in the land market. Barbara Hanawalt’s sample of the Husting deeds has shown that men more often acted as grantees, versus grantors. Before 1324, her statistics reveal that on average, men purchased property about 18 percent more often than they sold it. After 1330, men continued to purchase at a greater rate, but more men sold their property as well, with the

²⁹¹ Hemmeon, *Burgage Tenure*, p. 80; Hanawalt found that when mothers passed on dowry property to their daughters, the daughter gave their mothers an annual rose to signify their clear title, *Wealth of Wives*, p. 56.

²⁹² “dedit michi p[re]facta Sarra quendam pecunie su[m]mam p[re] manib[us],” *HR*, 39 (103).

difference between the two falling significantly, to 4 percent.²⁹³ The drop may reflect a change in their property purchases with their wives. There is a corresponding decrease in the number of husbands and wives selling property. While married couples more often acted as the grantors before 1324, about 10 percent of the time, they entered the market about evenly as grantors and grantees after 1330 (with a difference of 3% more as grantees). In other words, husbands' sales increased when couples' sales decreased. Men may have excluded their wives from the deeds, knowing that the wives would have a greater chance of later quitclaiming, and thus profiting from, the transactions. Or, it is also possible that the evidence again reflects a shift in land sales after 1330. The peak of construction had been reached, perhaps prompting men to sell property at higher rates. Regardless, though, the percentage of men purchasing property did not differ, remaining in the mid-60 percentile range. Hanawalt's evidence thus shows that men used the market for their own financial purposes, rather than from economic need. Unlike their widows, they did not solely need to alienate portions of their estates, but instead continued to expand upon their existing holdings. Widows did not have this luxury, as they more often relinquished portions of their estates as grantors.

²⁹³ Hanawalt took 18 five-year samples based on a calendar of the rolls containing the deeds. Only the evidence from the first 5 five-year samples are discussed above, since the dates conform with my sample. Her sampled deeds, for the first half of the fourteenth century, cover 1300-1304, 1310-1314, 1320-1324, and 1330-1334, Hanawalt, *Wealth of Wives*, p. 164.

Family Connections in Widows' Grants

When granting property, widows participated in all the transactions mentioned above: grants, quitclaims, and leases (see table 4.2). The majority of their activities, however, consisted of simple grants, where the widows alienated their property holdings. Since the deeds' sole purpose is to record the transactions, there are few clues to the motivations behind the widows' grants. It is clear, though, that the widows' property holdings were solely theirs. When granting property, they almost always appeared alone. The widows claimed that in "pure widowhood" they had the legal right to grant property.

Grants	76 (59%)
Quitclaims	50 (39%)
Leases	2 (2%)
Total	128 (100%)

Table 4.2: Widows' Transactions as Grantors

The primary exception was those widows who acted as their husbands' executors. Nine widows appeared with the other executors of their husbands' estate, all of whom were male, and granted property that their husbands had devised. The executors carried out their duties shortly after the enrollment of the husbands' wills.²⁹⁴ The only other widow who granted property jointly was Roisia, widow of William Godale. She and her

²⁹⁴ Of the executors, 3 granted property within a year of the testator's death, 4 within one year, 1 within two years, and 1 within three years.

son-in-law, Richard Godale, granted land and houses in the parish of All Hallows that her husband had previously held.²⁹⁵ The other 67 widows did not hold property jointly with other family members and their grants thus originated from their own personal holdings.

The lack of familial intervention extends to the recipients of the widows' grants. Family members may have felt more secure in their transactions with widows and not desired the protection afforded by formal enrollment. Only eight widows (10%) granted property to their relatives, and in almost all of them, it was the widows' children. Five of the widows transferred property to their daughters, two to their sons, and one likely went to a grandson.²⁹⁶ Parents often granted property to their children throughout their lives, not just when they wed, and this can be seen in the widows' grants to their daughters, who were all married.²⁹⁷ The grants may have been a portion of the daughters' inheritance, or, as is clear in two of the deeds, part of their dowries. In 1331, Agnes, widow of William le Clerk, potter, granted to John de Romeneye, potter, a tenement with attached rents in the parish of St. Botolph Aldgate. Agnes had inherited the tenement from her father, Alan de Suffolk, potter. When Agnes died in 1337, she mentioned in her will that her daughter had married John de Romeneye, so the grant likely comprised a portion of Alice's dowry.²⁹⁸

²⁹⁵ *HR*, 60 (136).

²⁹⁶ Cecilia, widow of William Pykeman, granted a tenement to Adam Pykeman in 1330. Her husband had died seventeen years earlier, in 1313, and in his will, mentioned five children. Adam was definitely related to William, and could easily have been a grandchild or nephew. *HR*, 58 (95).

²⁹⁷ Hanawalt gives examples of parents who granted property to children after their marriages. See *Wealth of Wives*, p. 53.

²⁹⁸ *HR*, 59 (106); *Calendar of Wills*, vol. 1, p. 425.

The second widow also granted a marriage portion, but managed to secure herself an annual income in the process. When Geoffrey Scot died in 1334, he asked that one of his shops be given to his daughter, Johanna, for her marriage. His widow, Johanna, had been named as one of the executors of his estate. Three years later, as his executor, Johanna granted that shop to William, son of John de Honylane, and Johanna his wife, also Geoffrey's daughter. It was the same shop that Geoffrey had left for his daughter, but in the deed, Johanna claimed that the shop had been part of her dower. While Johanna did grant the property to Geoffrey's daughter, she attached an annual rent of 1 mark to the grant, payable for her life. Her claim of dower is dubious, since Geoffrey had clearly indicated that the shop was to descend to his daughter. But Geoffrey's daughter had been underage when he died and placed under Johanna's guardianship.²⁹⁹ Johanna may have had undue influence over the young girl. Regardless, the grant clearly represented a portion of the daughter's dowry.

While widows may not have granted much property to family members, they also did not purchase it from them. Widows who purchased property continued to participate most often in grants (see Table 4.3). Of the thirty-four widows who purchased property, only three involved relatives. All three dealt with the reallocation of property that had previously been held by either their families or their husbands' families. Agatha de Fonte, widow of Thomas, the King's Cook, bought a tenement in Thames Street from Henry de Fonte. She did not mention Henry's relation to her husband.³⁰⁰

²⁹⁹ *Calendar of Wills*, vol. 1, p. 402; *HR*, 63 (125).

³⁰⁰ *HR*, 31 (33).

Grants	34 (56%)
Quitclaims	25 (41%)
Leases	1 (1.5%)
Other	1 (1.5%)
Total	61 (100%)

Table 4.3: Widows' Transactions as Grantees

Christina, widow of Robert de Armenteres, participated in a series of grants involving her late husband's family. With her and Robert's son, Nicholas, she received the reversion of rents and tenements in the parish of St. Hallows the Less. The property had previously been held by John de Armenteres, who had left it to his grandson in his will. His grandson then granted the reversion to Christina and her son. He specified in the deed that after Christina died, the reversion would descend to Nicholas and his heirs.³⁰¹ The deed represented an attempt to keep the property within the family, but Christina did have primary ownership of the property, even though it was not dowered land. The other widow, Alienora la Bakere, purchased property from her sister that had previously been held by their mother.³⁰² The three widows did not seem to be investing in property, but rather solidifying titles to family lands.

³⁰¹ *HR*, 59 (6).

³⁰² *HR*, 64 (134).

These widows were in the minority. On the whole, widows did not involve family members in grant transactions that were subsequently enrolled in the Husting. It is hard to believe that widows did not participate in more familial transactions, so it is likely that the level of trust among family members was high enough to eliminate the need for the formal enrollment of their deeds. The widows close relationship with their families can also be seen when they enter into disputes over their dowers. Widows rarely sued their family when recovering dower.³⁰³ When deeds were enrolled, they primarily involved non-blood family members. Death severed contacts, and the widows' husbands' family wanted to ensure that land descended to the proper heirs. Similar motivations probably lay behind new family members, the widows' children's spouses, who wanted to ensure that the granted property fell to their heirs as well. If family members did not dominate the widows' grant transactions, who did?

Dower in Widows' Transactions

The majority of those who participated in grant transactions with widows did not divulge their relationship or ties to the widows. With grants comprising the majority of widows' property transactions in the Husting, the most compelling argument for the high enrollment can be attributed to the precautions of the purchasers. At first glance, this wariness seems unwarranted. While the majority of widows' property holdings derived from their dowers, widows only temporarily possessed the property. London law

³⁰³ When recovering dower, they sued family members in only 10% of the cases, but that percentage includes their husbands' family members as well. Hanawalt, *Wealth of Wives*, p. 100.

prohibited them from alienating this property, and specified that those who purchased property illegally from lifetime holders would find little protection in the court.³⁰⁴

Widows could, however, grant the property for their lifetimes without violating the law.

Eight grant transactions contained a lifetime restriction, and in three of those the widows specified that they were granting their dowered holdings. Isabella Gate granted a tenement to her late husband's daughter for the term of Isabella's life.³⁰⁵ The property would have likely descended to the daughter after her death, so Isabella was simply transferring the property earlier than her husband had anticipated. Such was a similar case with Agnes, widow of Richard Sakker. She granted a tenement to a couple, with the term limited to her lifetime. The couple wanted to keep the property after Agnes's death, so in the following deed Richard's executors confirmed Agnes's grant and ensured that the couple retained the reversion of the property.³⁰⁶ The need for the executors' confirmation highlights the widows' precarious position within the real estate market, particularly when they handled their dowered property. The widows could legally alienate the property, so long as they conformed to lifetime terms, but the other parties sought additional legal assurance.

The last widow to grant her dower was Agnes, widow of Nicholas Lyntone. Her multiple grants also underscore the wariness of the grantees. When Nicholas died in 1306, Roger de Ramesseye contested his will. Nicholas had left his wife multiple

³⁰⁴ *Liber Albus*, pp. 425-426.

³⁰⁵ *HR*, 35 (59-60).

³⁰⁶ The executors made it clear that Richard's son had died, leaving no heir. As such, Richard had designated the property to be sold, and the executors would spend the proceeds as he had directed. *HR*, 58 (65-66)

quitrents, along with a tenement in the parish of St. Mary Woolnoth. Roger objected to the will, claiming that Nicholas should not have left Agnes the tenement, since Roger had a stronger claim. The resolution of his claim is not recorded with the enrollment of Nicholas's will, but within a few months, Agnes granted Roger a tenement in the same parish for her lifetime. In return, she received a certain sum, although the amount was not listed. Shortly thereafter, Agnes had remarried and with her new husband, re-granted the property to Roger. In that deed she reiterated that the property had been left to her by Nicholas, but that she was granting it to Roger for her lifetime. To make her renunciation clear, she even included a quitclaim within the grant. Agnes's motivation for alienating her dower rested on a previous dispute over the property. She may have had little choice but to grant the property to Roger. In return, however, she benefited financially. In both grants, she noted that Roger had already paid her a sum of money.³⁰⁷ Roger also had to pay all the enrollment fees. The costs must have been worthwhile, since he received a secure title to property that had previously been a source of contention. It is merely speculation to wonder if all the deeds would have been required if Agnes had been a man.

In the other five deeds containing lifetime limitations, the widows' property holdings were not as clearly described. In three of the deeds, the widows granted the property for their lifetime only, divulging no further information. The remaining two were likely dowered lands. For example, in 1331 Edith, widow of Philip Fitz-Peter, granted Simon Fraunceys a tenement with a shop on Coleman Street for her life. Edith stated that Thomas de Ulflet had previously granted her this property. No mention was

³⁰⁷ *Calendar of Wills*, vol. 1, p. 178. The tenement is not mentioned in the Calendar, *HR*, 34 (64, 86, 98).

made of her husband, but when he died in 1325, he had left Edith all his tenements on Coleman Street as her dower. After her death the property was to go to his children.³⁰⁸ Whether this was her dowered property is not clear, but with the lifetime restriction, its origins were not relevant. The restrictions' inclusion protected both the purchasers and the widows' husbands' heirs, and this protection is reflected in the small number of deeds enrolled with the lifetime limitation.

Widows generally conformed to borough restrictions with their dowered holdings. Relatively few widows granted their dowered property, and when they did, they limited the term to their lifetime. Widows' other holdings figured more prominently in their granted transactions. They granted property they had inherited or held jointly with their husbands. By comparison, dower figured much more prominently in their quitclaims.

Grants may have accounted for the majority of the widows' activities (54%), but there were also a significant number of quitclaims (37%). The majority of the quitclaims, 59 percent, involved the widows' dowered property. In Chapter 3, it was shown that wary purchasers were willing to pay the widows, along with the additional enrollment fee in return for a secure title to their land. For the widows, this could be a lucrative exchange. They received financial compensation for property that their husbands had probably alienated before they died. Sometimes the property had even passed to a third party. Johanna, widow of Stephen de Bercote, quitclaimed a tenement with cellars and solars to Richard le Chaucer in 1339. In the deed she noted that while the tenement had

³⁰⁸ *HR*, 58 (76); *Calendar of Wills*, vol. 1, pp. 315-316.

formerly been her husband's, Richard currently held the tenement from the grant of Thomas Heyron.³⁰⁹ Johanna suffered no property loss and could only have benefited from the fee she received from Richard.

Widows could be asked to quitclaim their rights to dowered property at any time during their marriage, but the majority of them did so shortly after their husbands died. Only seven of the quitclaiming widows had husbands who enrolled their wills at the Court of Husting. Five of those widows had quitclaims enrolled within a year of the husbands' deaths, while the other two quitclaimed property at eleven and fifteen years' post-mortem. In one of the quitclaims, the reason for the delay is evident. John de Sabrichesworth died in 1317. In his will mentioned two houses, one of which was the "principal house." He left his wife, Isabella, the main house for her life, with remainder to his son, Richard; if Richard died without heirs, then the property would descend to his daughter, Constance. John also left Richard and Constance a house in the same parish that they were to hold together, so long as they paid Isabella a lifetime rent of 13s. 4d.³¹⁰ John's desire to create financial stability for his wife is clear. By 1332, however, family circumstances had changed. Richard must have died, since Constance had full ownership of the additional house. She granted that house to William de Iford and his wife, Margaret, along with her remainder in the main house in which her mother still resided. Immediately after, Isabella quitclaimed her rights to the first house, thereby confirming

³⁰⁹ *HR*, 66 (88); Richard was married to Geoffrey Chaucer's grandmother Mary. Thomas is also related to the Chaucer's, as he was the son of Mary's first husband. For more details, see Vincent B. Redstone and Lilian J. Redstone, "The Heyrons of London: A Study in the Social Origins of Geoffrey Chaucer," *Speculum* 12 (1337), pp. 182-195.

³¹⁰ *Calendar of Wills*, vol.1, p. 271; the additional house is not included in the calendar, *HR*, 45 (187).

her daughter's sale.³¹¹ The rent is not mentioned and Isabella probably lost that income. Isabella's quitclaim may have been related to her dower, but it was her daughter's actions that necessitated the transaction in Husting.

In the other delayed quitclaim, the widow was more directly involved in the related transactions. When William de Sperceholte, a Chandler, died in 1327, he left his wife, Alice, numerous tenements for life in two parishes, including property located on Fleet Street in the parish of St. Brigid, with remainder to his son. Should his son die, he directed the executors to sell the property, with the profit going for pious purposes. By 1338, Alice had quitclaimed to Hugh Marberer her rights to those tenements on Fleet Street. In the deed, she revealed that, as William's executor, she had previously granted Hugh the tenement.³¹² That deed is not enrolled, but it probably occurred not long after William's son died. As William's widow, she would have been unable to alienate the property, since she held it for only her lifetime. As his executor, however, she was free to do so since the death of the remainder freed the property of future ties. The widow lost her possession of the property, but so long as she followed the terms of her late husband's will, she could permanently alienate the land he had left her as dower.

Widows' financial circumstances likely predicated their decision to don the hat of executor. Otherwise, they could have simply alienated the property for their lifetimes only. Alice Sperceholte, for example, held multiple properties and thus had little need for the tenements in Fleet Street. When her husband died, he directed that his tenement in the parish of St. Mary de Alder-marichurch be sold to pay his debts, but asked that his

³¹¹ *HR*, 61 (39-40).

³¹² *Calendar of Wills*, vol. 1, p. 324; *HR*, 66 (4).

wife be the preferred purchaser.³¹³ William must have known that she had sufficient financial resources for the purchase. She held additional property in the parish of St. Michael atte Queneheth that is not mentioned in his will.³¹⁴ In addition, in the 1332 London lay subsidy, she paid 6s. 8d., which meant that her possessions had been assessed at a value between £3 15s. to £7 10s. in 1332.³¹⁵ Alice continued to be active in the real estate market. In 1342, she and her grand-daughter's husband, Roger de Wodhull, leased two chambers above a shop for ten years at a rate of 23s. 4d. They had sufficient wealth to pay two years upfront. Shortly thereafter, they again rented a tenement for a term of twenty-four years for an annual payment of 25s.³¹⁶ Alice's financial stability allowed her to alienate her dowered property. While the other executors would have ensured that the funds received were directed to the pious purposes indicated by William, her quitclaim to Hugh demonstrates that she did profit from the transaction.

Not all of the widows' quitclaims handled dowered lands. At least nine were associated with family property. Unlike the dower cases, though, the incentives for these quitclaims are not as easily discerned. Quitclaims could resolve court disputes, with the enrolled deed acting as the final concord.³¹⁷ It was thus an end point of the resolution, with few details given within the deed. There was little need when the matter had

³¹³ *Calendar of Wills*, vol. 1, p. 324.

³¹⁴ *Assize of Nuisance*, p. 69.

³¹⁵ Margaret Curtis, "The London Lay Subsidy of 1332," in *Finance and Trade under Edward III*, ed. George Unwin (London, 1918; reprint, New York, 1962), pp. 70, 44-45. William had paid 5s. in the 1319 subsidy. *Two Early London Subsidy Rolls*, ed. Eilert Ekwall (Lund, 1951), p. 264.

³¹⁶ *Calendar of Plea and Memoranda Rolls, 1314-1364*, ed. A.H. Thomas, vol. 1 (Cambridge, 1926), p. 206; *Calendar of Letter-Books of the City of London: Letter Book F, 1337-1352*, ed. Reginald R. Sharpe (London, 1904.), p. 82.

³¹⁷ Martin, *Guide to the Microfilm Edition*, p. 11

recently been handled by a court, or perhaps through informal negotiations. The deeds reflect this. When Cristina, widow of Walter Thoby, quitclaimed John Beseville of her rights to shops with solars in the parish of St. Michael Bassishaw, she made no reference to the reasons for the quitclaim. Shortly thereafter her daughter also quitclaimed John of her proprietary rights for the same shops and solars.³¹⁸ Similarly, in 1300, Alice, widow of Henry le Wympler, quitclaimed her title of a tenement in the parish of St. Michael Cornhill. In the following two deeds her daughter and son-in-law and son respectively quitclaimed their titles to the same tenement. Walter and Agnes Poyntel purchased all three quitclaims, but the amount is not given.³¹⁹ While the motivation for these quitclaims is not known, it is evident that multiple family members had claims to the same property. It is also clear that quitclaims could both resolve disputes and create clear property titles, with the latter being particularly attractive to those purchasing from widows.

Widows' Use of their Husbands Property

A widow's dower provided an important economic safety net. Its financial worth is demonstrated in the limited number of widows who alienated any portion of their dowers, since they were free to do so with a lifetime limitation. Furthermore, when widows entered the land market as grantors, they did not illegally grant their dowered property. Instead, they more often profited from the threat of their potential dower claims, as seen with the large number of quitclaims widows granted during the first half

³¹⁸ *HR*, 62 (63, 98).

³¹⁹ *HR*, 80 (89-91).

of the fourteenth century. A deeper examination of widows' use of their dowered holdings is possible, however. Thirty-six widows (26%) had husbands whose wills were enrolled in the Court of Husting. By comparing the husbands' enrolled wills to the widows' subsequent grants, the devolution of the husbands' property, including the portions the men designated as dower, can be tracked. To better trace the property, all of the widows' enrolled deeds have been included, even those that occurred outside of the sample periods. All of the widows' transactions with their husband's property can thus be analyzed. Using qualitative cases illustrates the options available to some women when faced with widowhood.

The majority of the widows (31%) participated in transactions that did not deviate from borough customs (see Table 4.4). They also fulfilled their husbands' bequests. We have seen that Juliana Kelleseye participated in a series of grants shortly after her husband, Robert, died in 1336. All the transactions had been predicated by Robert's requests in his will.³²⁰ Similarly, when Alfred le Wodere died in 1305, he designated that his bakehouse be sold. The following year, Basilia and another of Alfred's executors granted the bakehouse.³²¹ Shortly after their husbands' deaths, the widows helped distribute the estates as the men had desired.

³²⁰ *HR*, 63 (194). *Calendar of Wills*, vol. 1, pp. 412-413; *HR*, 64 (141-142).

³²¹ *Calendar of Wills*, vol. 1, p. 172; *HR* 34 (51).

Completed husbands' devises	11 (31%)
Made money early from property	10 (28%)
Handled different property	8 (22%)
Retained additional holdings	6 (17%)
Property relation unclear	1 (3%)
Total	36 (100%)

Table 4.4: Widows' Use of Husbands' Property

For one widow, the motives may have been self serving. Richard Sawyer's will was enrolled in 1309, and in it, he left his wife, Alice, tenements for life in the parishes of St. Mary Abchurch and All Hallows de Colmanchurch so long as she maintained a chantry in his honor. He devised the remainder to Alice's son, Ralph Balauncer. Richard made no mention of his daughter, Juliana, but immediately after the enrollment of his will, Alice and Ralph obtained a quitclaim from her. In it, Juliana renounced any hereditary claims to the tenements.³²² Ralph benefited from his step-father's generosity, as he retained the tenement in the parish of St. Mary Abchurch. At his death in 1320, he devised it to his valet, charging the valet to maintain Richard's chantry.³²³ Alice's assistance led to her son's eventual ownership of the property.

Another widow was thrust into the position of sole executor. Nicholas le Bokbindere had made his wife, Amicia, an executor of his will, along with William de

³²² *HR*, 38 (83-84).

³²³ *HR*, 49 (1).

Notlegh and Robert de Lincoln. In his will, Nicholas asked his executors to sell his tenement in the parish of St. Augustine near St. Paul's Gate, with Amicia receiving five marks from the proceeds. At the time of the will's enrollment in 1306, however, William and Robert declined to administer the estate, leaving Amicia alone as Nicholas's executor. The following year she secured a quitclaim for the tenement, presumably so that she could then alienate the property.³²⁴ One presumes that she limited her proceeds to five marks, but without additional executors, she may have appropriated more of the funds than allotted.

The desire for additional income likely prompted 28 percent of the widows to alienate their dowered property. When acting in "pure widowhood," the women could grant the property for their lifetime, as we have seen above. Alianora Fitz-Pierres did so after she had remarried. Her husband, John, had died in 1290, leaving her various houses and rents. With her next husband, Pentecost Russel, Alianora granted much of this property to others for a term of her life. From 1304 to 1306, she and Pentecost participated in numerous transactions, including a quitrent of sixteen marks, land with houses, and a shop. All were for the term of her life.³²⁵ The various grants demonstrate how new husbands could profit from their wives' widowed property.

While widows who granted property in "pure widowhood" faced restrictions upon their alienation of their dowered property, widows who acted as their husbands' executors could bypass lifetime restrictions. These widows presented themselves as executors in the deeds, vested with full authority to fulfill the deceased's bequests. In

³²⁴ *HR*, 34 (10), 35 (81); *Calendar of Wills*, vol. 1, p. 175.

³²⁵ *HR*, 32 (78, 86, 96, 107), 33 (99), 34 (87); *Calendar of Wills*, vol. 1, p. 91.

these deeds, the widows do not refer to themselves as “pure” widows. As we have seen with Alice Sperceholte, the widows still faced restrictions upon their alienation in that they should not have been able to deviate from their husbands’ directives. Even when acting as executors, however, widows often had to subsequently verify the grant with an additional quitclaim.

Widows thus often issued two grants for the same property: one as executor and one as widow. We have seen this was required of Juliana Kelleseye. Margery Payn is another example. Her husband, John Payn, died in 1331, leaving a variety of tenements to her and his two daughters. She enjoyed the lifetime use of the property, but after she died, he requested that it be sold by his executors. Four years later, Margery granted a tenement in the parish of St. Botolph Aldgate to Alexander Cobbe. In the deed, she introduced herself as the executor of John’s will. She reiterated the terms the will, clarifying that the grant conformed to borough custom. Margery’s work was not done, however. In the next enrolled deed, she quitclaimed her rights to the tenement to Alexander. She made no mention of the fact that she had been John’s executor.³²⁶ Even though she had the authority to alienate the property as John’s executor, Alexander needed a quitclaim from her as the widow. Only then did he obtain a secure title.

As their husbands’ executors, widows could alienate dowered property prior to their deaths but they should not have been able to collect any of the profits from such sales, since the money was to be spent as the deceased directed. One widow, along with another of her husband’s executors, found a way to earn additional income. Margery

³²⁶ *HR*, 59 (50), 63 (25-26).

Paris held as dower tenements and shops in the parish of St. Pancras. Roger asked his executors to sell them after her death. Margery and the other executor sold them prior to her death, and stated in the deed that the money they collected would be dispersed as indicated by the will. In addition to that fee, however, they attached a rather significant rent to the property. For the duration of her life, Margery would receive an annual rent of £4.³²⁷ Margery may have alienated her dower, but she buffered the loss with guaranteed financial compensation.

Whether acting as executors or not, widows did not violate borough customs when handling their dowered lands. There is evidence, however, that a few widows attempted to gain a clear title of their dowered property and thus avoid the attached lifetime limitation. Seventeen percent possessed property that either their husbands had not left them as dower or if they had, the widows held it in fee simple. When William de Berkhamstede died in 1332, he left his wife Johanna a tenement in the parish of St. Lawrence in the Jewry for life. When she died, the tenement would be sold, and the money collected divided between his daughters and for pious uses. If the executors wanted to sell the tenement before Johanna died, he directed that half of the profits go to his wife and the other half to pious uses. Three years later, Johanna enrolled a deed in which she assumed the role of executor. In the deed, she and another executor, Philip Gentil, junior, granted the tenement to Philip Gentil, senior, noting that William had directed in his will that it be sold. Shortly thereafter, Johanna and Philip Gentil, senior,

³²⁷ *HR*, 50 (39), 60 (86); *Calendar of Wills*, vol. 1, pp. 290-291. Roger Paris was a mercer who is discussed in Anne F. Sutton's *The Mercery of London: Trade, Goods and People, 1130-1578* (Aldershot, 2005).

entered a lease. Philip Gentil, senior, granted her the use of the tenement for her life, so long as she paid an annual rent of four marks.³²⁸ Johanna and Philip Junior must have orchestrated the property exchange, since it benefited both Johanna and Philip Senior. Even though Johanna alienated the property before she died, she retained possession of the tenement and also received half of the proceeds from its sale. Her only penalty was the annual rent, which provided income for Philip's father. Philip Senior continued to reap benefits from the tenements after his death. In his will, he directed the proceeds from the sale of a tenement be used to maintain a chantry.³²⁹

The other widows made similar transactions. After Johanna Scot's husband died, she followed his wishes and, as his executor, granted in 1337 a shop in the parish of St. Nicholas Coldabbey to Sir John de Pykeryng. In 1342, however, she purchased the shop from John, paying him a gersum. Johanna held the shop until her death, when she asked that it be sold for pious purposes.³³⁰ Without the extra maneuvers, Johanna could not have legally devised the property, which she would have held for her lifetime only. Similarly, Margery Berkyng was able to sell a brewery and houses to Robert de Donham in 1340. Two years earlier, she had purchased the property from Robert atte Gate and Felicia, his wife. In the deed, Robert and Felicia revealed that they had just bought the property from the executors of Margery's husband, Stephen. That deed was never enrolled. In another deed, however, Margery had acted as Stephen's executor, so it is

³²⁸ *HR* 61 (30), 63 (99, 101); *Calendar of Wills*, vol. 1, p. 384.

³²⁹ *HR* 73 (84).

³³⁰ *HR* 65 (20), 69 (47); *Calendar of Wills*, vol. 2, pp. 72-73.

likely she had participated in the previous sale to Robert and Felicia.³³¹ By granting the property to a third party, Margery held the property in fee simple, with no restrictions. Both Margery and Johanna could thus profit from these holdings.

For one of the widows, the manipulation stemmed from a dispute over dower. Alice Seccheford had been appointed as one of the executors of her husband Henry's estate, but when he died in 1339, she was displeased with the terms of his will. At the will's enrollment she placed a claim upon the will, asserting that tenements he had devised for sale should have devolved to her as dower. The resolution of that dispute is not known, but Alice's subsequent transactions suggest that she did not retain the property as her dower. She and John de Tyddeswell, another of Henry's executors, proceeded to sell the property, as the will dictated, to Margaret le Rous. None of these grants were enrolled. Instead, when Alice purchased the tenements from Margaret le Rous in 1340, it was noted in the deed that Margaret had just purchased the property from Alice and John. The executors had granted other property to Margaret as well. In 1339, Alice charged Nicholas de Tame and John de Bristoll, junior, with tearing a deed that had recorded their sale of a quit-rent to Margaret le Rous. Clearly, the two had been transferring property to Margaret, who then re-granted it to Alice. When Alice remarried in 1340, to John Frembaud, a knight, she held these properties without any hindrances.³³²

By circumventing the restrictions placed upon their dowered property, the widows retained their holdings in fee simple and could thus sell or devise them as they desired.

³³¹ *HR*, 65 (74, 96), 67 (46).

³³² *HR*, 66 (116), 67 (60); *Calendar of Wills*, vol. 1, p. 435; *CPMR*, vol. 1, p. 114; Thrupp, *The Merchant Class of Medieval London*, p. 364.

Not many widows accomplished this undertaking. Only four percent of the widows within the Husting sample obviously manipulated their late husbands' estates. If the executors honestly fulfilled their duties, then the funds collected from their sales covered the costs mandated in the deceased's wills. The widows thus needed the financial resources to re-purchase the property. For some widows, this might take time. It took Johanna Scot five years to purchase back the shop she had sold as her husband's executor.³³³ It had not been a quick two-step transfer.

The majority of the widows whose husband had enrolled wills followed borough customs. The incidence of widows' manipulation was thus not high, but it did occur. More importantly, it happened more frequently in the second sample. Of those widows who purchased their dowered property, 83 percent can be found in the 1330 sample. In addition, of those widows who earned money from their dowered property by alienating it prior to their deaths, 70 percent came from the 1330 sample. Widows found more leverage for additional opportunities related to dower between the ensuing samples. The shift in the land market, caused by the aftereffects of the famine and the peak of construction, led to changes in the ways that widows could participate in grants in the Court of Husting.

Conclusions

For many elite London widows, their husbands' deaths left them with diverse property holdings from which they could derive substantial profit. Profits accumulated from a myriad of sources. Widows collected *gersums* when they granted property. They

³³³ *HR*, 63 (9), 65 (20), 69 (47); *Calendar of Wills*, vol. 1, p. 402

also attached rents to their property holdings, thus ensuring themselves of an annual income. They even received financial compensation for simply renouncing their rights to property, in quitclaims. This income was needed. When compared with their male counterparts, widows granted property at much higher rates. Their property holdings thus helped sustain the women through the economic uncertainties brought by widowhood.

While widows held property in a variety of ways, it was their dowers that figured most prominently in their transactions. Within the widows' grants, quitclaims, and leases, the commonality linking all three can be found in the other participants. They were cautious of participating in grants with widows. The lack of familial grants highlights this caution. Family members were less likely to enroll grants amongst themselves. Strangers did not have this luxury. In all the deeds, the implied threat of dower looms large. Widows' temporary possession of their dowered holdings meant that those purchasing property from widows sought extra assurance that the sale was legitimate. The high number of widows' enrolled grants reflects this fear. Dower also acted as the impetus for the majority of widows' quitclaims. After a husband died, those to whom he had sold property scrambled to secure their titles from even the possibility of a dower claim. For widows, the wariness regarding their dowers contributed to their financial sustenance. They could capitalize on the fear and the high number of quitclaims demonstrates their willingness to do so.

CHAPTER 5

CHANGES BROUGHT BY THE PLAGUE: WIDOWS' PROPERTY TRANSACTIONS IN THE SECOND HALF OF THE FOURTEENTH CENTURY

In April of 1348, Juliana Kelleseye drew up her will. Within a year, she would be dead, most likely a victim of the plague. In her last testament, Juliana remained steadfast to her husband, Robert, who had died thirteen years previously. She confirmed a reversion he had made in his will. Robert had left Juliana a tenement in St. Lawrence Jewry Lane as dower, with reversion to their son Thomas. Juliana confirmed that Thomas would retain the tenement. She also granted additional property to her son, John, but he died within a year.³³⁴ The death toll of the plague had been high for the Kelleseye family, as it was for many in London. The social and economic upheavals that the plague caused directly affected citizens' property holdings. Surviving citizens found ample opportunities to expand their holdings, which in turn benefited their widows. Focusing on the second two samples of the Husting Court deeds, 1360-1370 and 1390-1400, this chapter tracks the changes and continuities of widows' property transactions in the post-plague economy. As the land market went through an initial boom, the number of deeds

³³⁴ John died before he could include his mother's devised property in his own will. *Calendar of Wills*, ed. Reginald R. Sharpe (London, 1889), vol. 1, pp. 511, 518.

increased substantially, and widows' deeds rose accordingly. The resulting samples consist of 362 deeds, almost double the number from the first two samples. The volume of their deeds may have increased, but in their transactions, the widows retained characteristics similar to their earlier counterparts. They participated in grants, quitclaims, and leases. Not all remained the same. Widows' larger holdings enabled them to enjoy greater profits from their dowered lands, as they alienated portions they did not need. The changes in property holding that followed the plague thus created greater economic opportunities for widows.

The Plague in London

The plague struck Europe in 1347. Termed the Black Death in the nineteenth century, the disease spread rapidly with disastrous consequences.³³⁵ It reached England in the autumn of 1348, moving into London by November. Like much of Europe, London suffered from the devastation wrought by the plague. During the initial two years of outbreak, the number of deceased outpaced the number of available burial plots. Officials established two new cemeteries at the city's fringes. Two centuries later, John Stow claimed that the number of dead had overwhelmed local resources, with one

³³⁵ Mortality rates have been much debated by historians. For England, it has been estimated that between one-third to one-half of the population died. Barbara E. Megson, "Mortality among London Citizens in the Black Death," *Medieval Prosopography* 19 (1998), p. 126. For additional mortality rates in both urban and rural areas see Colin Platt, *King Death: The Black Death and its aftermath in late-medieval England* (Toronto, 1996); Richard Britnell, "The Black Death in Durham," *Cleveland History: The Bulletin of the Cleveland and Teesside Local History Society* 76 (1999), p.48.

cemetery alone holding at least 50,000 victims.³³⁶ Recent evacuations have significantly reduced that figure. One of the cemeteries contained around 12,400 corpses, suggesting that the number of dead was less than had been previously reported. Furthermore, the manner in which the bodies were found suggests that the burial process had not been chaotic. Corpses were not dumped into a mass grave, but instead carefully laid out, with mothers buried with their children. There were even empty burial plots, indicating that the new cemeteries had sufficiently handled the number of deceased.³³⁷

The spiritual crisis caused by widespread death led many to attempt pilgrimages to Rome. The King quickly squashed any mass emigration by forbidding travel abroad, excepting those participating in trade. The king's reissue of the edict, twice in 1350, indicates that people still tried to leave. To discourage foreign travel, the city of London asked the Pope to nominate his chaplain in London to intercede in situations where individuals desired absolution and penance from his Holiness.³³⁸ While the city suffered from a large loss of population as people died or fled to the countryside, the city continued to function administratively.³³⁹ Court and guild meetings convened, with

³³⁶ Richard Britnell, "The Black Death in English Towns," *Urban History* 21 (1994), p. 198.

³³⁷ Francis Aidan Gasquet, *The Black Death of 1348 and 1349* (London, 1908), pp. 109-110; Pamela Nightingale, *A Medieval Mercantile Community* (New Haven, Conn., 1995), p. 194; Duncan Hawkins, "The Black Death and the New London Cemeteries of 1348," *Antiquity* 64 (1990), pp. 639-641.

³³⁸ Reginald R. Sharpe, introduction to *Calendar of Letter-Books of the City of London: Letter Book F, 1337-1352*, ed. Reginald R. Sharpe (London, 1904), pp. i-xxxvi; Megson, "Mortality among London Citizens in the Black Death," p. 130.

³³⁹ Royal sessions halted in Westminster, however, and did not resume until after spring. Jens Röhrkasten, "Trends of Mortality in Late Medieval London, 1348-1400," *Nottingham Medieval Studies* 45 (2001), pp. 188-189.

many merchants choosing to remain in the city and protect their goods from looting.³⁴⁰

Administrative breaks were taken, but given the severity of the plague, they were minimal. The Husting appears to have ceased meeting only during the month of April.³⁴¹ City officials did expire, of course. Among the most elite, the aldermen, at least thirteen died. Although they represented almost half of the court, the vacancies did not last long, since offices were quickly re-staffed.³⁴²

The Court of Husting continued its enrollment of deeds and wills and the high mortality of London citizens can be traced in its records. During the years 1348-49, the number of enrolled wills soared to anywhere from seventeen to eighteen times its yearly average.³⁴³ Extrapolating a mortality rate from these records can be difficult. Pamela Nightingale argued that the high enrollment reflected a fear of death, with more citizens enrolling their wills. Caroline Barron claimed that mortality rates would have been even higher among poorer populations.³⁴⁴ Including additional records can clarify the analysis. In an intensive study of the Grocers and their available records, Nightingale

³⁴⁰ Nightingale, *A Medieval Mercantile Community*, p. 206; Anne Sutton, *The Mercery of London: Trade, Goods and People, 1130-1578* (England, 2005), p. 96.

³⁴¹ Röhrkasten, "Trends of Mortality in Late Medieval London, 1348-1400," *Nottingham Medieval Studies* 45 (2001), p. 188.

³⁴² S.J. O'Connor, introduction to *A Calendar of the Cartularies of John Pyel and Adam Fraunceys*, ed. S. J. O'Connor (London, 1993), p. 15n. Caroline M. Barron found that the quick replacement was "a testament to the effectiveness of civic government," *London in the Later Middle Ages: Government and People, 1200-1500* (Oxford, 2004), p. 240.

³⁴³ Caroline M. Barron cited the number enrolled as eighteen times the normal amount, while Jens Röhrkasten quoted it as seventeen. Barron, "The Later Middle Ages," in *The British Atlas of Historical Towns*, eds. Mary D. Lobel and W.H. Johns (New York, 1989), p. 56n; Röhrkasten, "Trends of Mortality in Late Medieval London, 1348-1400," p. 182.

³⁴⁴ Nightingale, *A Medieval Mercantile Community*, p. 195; Barron, *London in the Later Middle Ages*, p. 239.

posited a death rate range of 28 to 34 percent.³⁴⁵ Barbara Megson compared the enrolled wills to an earlier tax assessment and concluded that at least 35 percent of London citizens died during the plague years.³⁴⁶ Clearly, the plague exacted a catastrophic toll for many Londoners, and it did not spare the merchant class.

Property in the Post-Plague Economy

The impact of the plague on the city's economy was widespread, but for this study, its effect on the land market is of primary significance. The short-term and long-term effects on property holding are at odds with one another. Immediately after the plague, opportunities abounded. Sales occurred within the city and prime real estate could be purchased at bargain prices so long as the purchasers survived to enjoy their new holdings.³⁴⁷ Merchants also increased their rural holdings, since sellers needed cash when their manors suffered from high population losses. One successful merchant, John Pyel, bought landed estates at significantly reduced prices.³⁴⁸ Commercially, the city's

³⁴⁵ Nightingale noted that this was "close to the national estimate but less than one might expect in the City." She conceded that the Grocers' wealth meant a higher standard of living, which probably skewed the mortality rates. She compared her findings to those of the 1660 plague, in which lower mortality rates were found for similar areas, *A Medieval Mercantile Community*, p. 196.

³⁴⁶ Megson, "Mortality among London Citizens in the Black Death," p. 125.

³⁴⁷ Nightingale gave an example of a man who bought a new shop in the parish of St. Antonin after its owner had died from the plague. Shortly thereafter the purchaser himself succumbed to the disease, *A Medieval Mercantile Community*, p. 197.

³⁴⁸ O'Connor, introduction to *A Calendar of the Cartularies of John Pyel and Adam Fraunceys*, p. 29; Ann Brown also found a higher turnover in property after the mid-14th century, with Londoners purchasing more property outside the city. As land prices dropped in Kent after the plague, Londoners purchased estates from established local families. See Brown, "London and North-west Kent in the Later Middle Ages: The Development of a Land Market," *Archaeologia Cantiana* 92 (1976), pp. 145-155.

real estate activity did not drop, especially in its most prosperous areas. In the marketable area of Cheapside, rents and investments remained about the same, or even increased slightly.³⁴⁹ While short term profits spurred property sales, the overall increase must be placed within the broader context of property trading prior to the Black Death. Property sales had been declining in the years leading up to the plague.³⁵⁰ As discussed above, the land market had peaked by 1330, slowly declining in the intermediary years before the plague. An increase in post-plague sales thus reversed the declining trend that had characterized the market.³⁵¹

Property sales continued to increase through the 1360s, when the plague re-visited London at least twice. In 1361-62, the recurrence of the disease, sometimes called the Grey Death, continued to ravage the city's population.³⁵² Contemporary sources claim

³⁴⁹ O'Connor, introduction to *A Calendar of the Cartularies of John Pyel and Adam Fraunceys*, p. 73.

³⁵⁰ Derek Keene, "Shops and Shopping in Medieval London," in *Medieval Art, Architecture and Archaeology in London*, ed. L. Grant (British Archaeological Association, 1984), p. 42.

³⁵¹ Similar patterns of increased trading following the Black Death can be found in Wells. See David Gary Shaw, *The Creation of a Community: The City of Wells in the Middle Ages* (Oxford, 1993), p. 48. The property market later declined in Wells in the fifteenth century, A.J. Scrase, "Working with British Property Records: The Potential and the Problems," in *Power, Profit and Urban Land: Landownership in Medieval and Early Modern Northern European Towns*, eds. Finn-Einar Eliassen and Geir Atle Ersland (Aldershot, England, 1996), p. 27.

³⁵² The plague had become endemic, causing frequent recurrences with higher mortality rates, Barbara Megson, "Life Expectations of the Widows and Orphans of Freemen in London 1375-1399," *Local Population Studies* 57 (1996), p. 19; P.J.P. Goldberg discussed the same phenomena, *Medieval England: A Social History, 1250-1550* (New York, 2004), p. 165; Gasquet, *The Black Death of 1348 and 1349*, p. 110.

that the plague particularly hit young children and men.³⁵³ Finally, in 1369, the last occurrence of the decade's plague struck, lasting three months.³⁵⁴ When turning to the Court of Husting, the high number of enrolled deeds suggests a market in expansion. The number of deeds increased during the post-plague period, reaching their highest point around 1377 (see Chart 5.1). From 1350-1376, the average number of deeds was 162, whereas from 1380-1400, the average dropped to 129. More telling, however, are the rolls that contain unusually high numbers of deeds for blocs of years. This can be seen in the early and latter years of the 1360s. While the number of enrolled deeds likely reflects the status of the land market, it is also possible that citizens were more apt to enroll their deeds during these years. With high death rates, citizens may have sought the security that they could purchase with enrollment.

³⁵³ Röhrkasten cited a modern study that quotes a mortality rate of 22 percent for the 1361-62 plague, "Trends of Mortality in Late Medieval London, 1348-1400," *Nottingham Medieval Studies* 45 (2001), p. 192.

³⁵⁴ *Calendar of Wills*, vol. 2, p. 125. The plague continued to revisit throughout the rest of the century. During the last decade of the fourteenth century, however, deaths caused by the plague reached their lowest point. Pamela Nightingale, "Money and credit in the economy of late medieval England," in *Medieval Money Matters*, ed. Diana Wood (Oxford, 2004), p. 56.

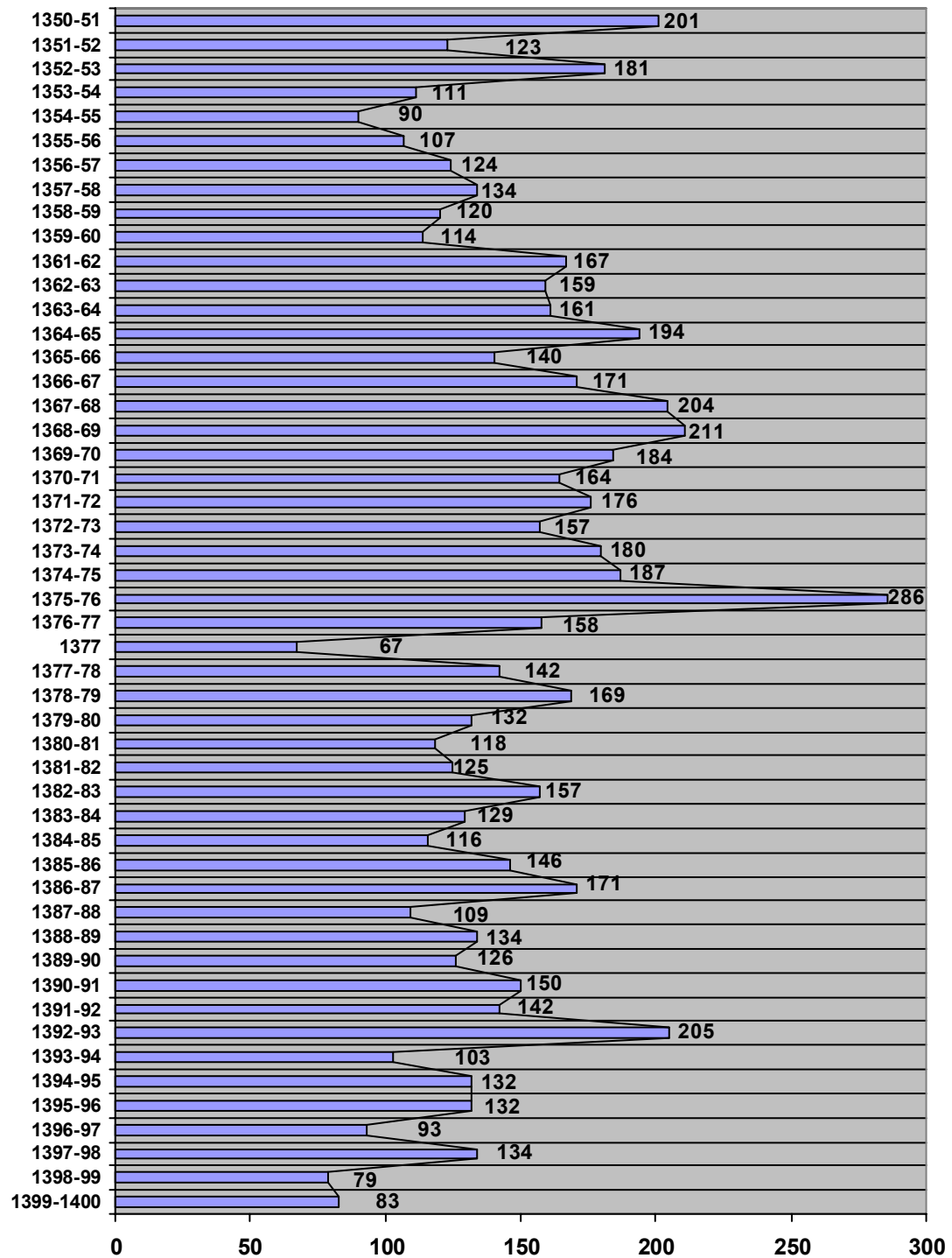


Chart 5.1: Deeds Enrolled from 1350-1400

In the long term, however, property trading declined significantly as increasing numbers of tenements remained vacant. Trading patterns also changed. Previously, real estate transactions consisted of numerous, smaller parcels of land. After the plague, these smaller parcels grew in size. High mortality rates left fewer individuals in possession of more property. Either through inheritance or their own enterprises, those that lived through the plague amassed greater estates.³⁵⁵

Commercial areas also underwent alterations, with whole rows of shops demolished or replaced by buildings. Derek Keene reported that by 1370, the value of the shops had fallen to half of what their worth had been in 1325. By the fifteenth century, the number of selds had similarly decreased by 50 percent.³⁵⁶ Civic officials responded. In 1378, the mayor advised the aldermen to find those tenements that were “empty and void.”³⁵⁷ Court records support the evidence of significant vacancies, with more citizens seeking damages for the condition of their rented tenements. The buildings had fallen into disrepair as their tenants had been negligent in their maintenance.³⁵⁸ The number of vacant buildings even prompted the city to lessen the entrance fee for citizens in the hopes of attracting viable residents.³⁵⁹ While the plague had initially buoyed the

³⁵⁵ Britnell, “The Black Death in English Towns,” p. 208

³⁵⁶ Keene, “Shops and Shopping in Medieval London,” p. 42.

³⁵⁷ Barron, *London in the Later Middle Ages*, p. 241.

³⁵⁸ Penny Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge, 2007), pp. 142-144. Similar problems with maintenance of rental property can be found in other urban areas. For Wells, see Shaw, *The Creation of a Community*, pp. 48-50 and for Canterbury, see Scrase, “Working with British Property Records,” p. 26.

³⁵⁹ Barron, *London in the Later Middle Ages*, p. 241. City officials seemed to desire citizens who could add economic value to local trade. They had previously issued ordinances to handle the criminals who had migrated to the city in large numbers.

property market, in the long-term, it changed the topography of the city, most importantly by altering citizens' land holding patterns. Citizens held larger blocs of property than they had prior to the plague. When they died, the division of their estates left their widows with larger dowered holdings.

Widows in the Post-Plague Economy

Historians have argued that women enjoyed a wider range of employment options in the post-plague economy. P.J.P. Goldberg claimed that women's work had previously been "absorbed into the familial economy." After the plague, women moved into employment that paid wages, in jobs separate from their families. Emigration to the city also increased, with women participating in greater numbers than before the plague.³⁶⁰ Marjorie McIntosh postulated that the period from 1348-1500 represented a time of economic opportunities for women, as the economy's need for labor granted women access to areas from which they had previously been restricted. Women may have found employment, but it was often in marginal areas of the economy, with jobs that had low wages and little status within the community.³⁶¹

Britnell, "The Black Death in English Towns," p. 205. One ordinance noted that the increased number of migrants affected the city's ability to aid those who could not work. P.J.P. Goldberg, *Medieval England*, p. 168. For a study on London's contribution to public health, see Carole Rawcliffe, "The Hospitals of Later Medieval England," *Medical History* 28 (1984), pp. 1-21.

³⁶⁰ Goldberg, *Medieval England*, pp. 170-172.

³⁶¹ Marjorie McIntosh, *Working Women in English Society, 1300-1620* (Cambridge, 2005). Cordelia Beattie, "The Problem of Women's Work Identities in Post Black Death England," in *The Problem of Labour in Fourteenth-Century England*, eds. James Bothwell, P.J.P. Goldberg and W.M. Ormrod (York, 2000), pp. 1-19. See also Mavis Mate, *Women in Medieval English Society* (Cambridge, 1999), pp. 27-38.

Widows had additional opportunities as well, with many left to run the family businesses.³⁶² For most widows, however, it was through their property holdings that they experienced the most financial improvement. As survivors to their husbands' estates, they retained their allotted dowers. The citizens' larger property holdings would have meant the widows' dowers increased as well. For family members due to inherit, the results could be economically devastating. Norman Cantor describes a worse-case scenario for a gentry family struck by the plague: "two or three heirs in rapid succession, father, son, and even grandson, and all married, to die in a pandemic leaving three hale and hearty widows with dower rights in the family estate." Any remaining males would inherit a diminished estate that would only become whole after the widows died.³⁶³ Widows' dower portions had always intruded upon children's inheritance portions, but with higher death rates and larger landed estates, the stakes had risen.

A mercantile family faced the same dilemma. In the years following the plague, citizens' financial worth in chattels and money had clearly grown. Barbara Hanawalt found that the average wealth per family was £80. Yet from 1349-1388 it had inflated to £410 and from 1389-1429 to £901. She noted that the widows' subsequent marriages would have only contributed to this concentration of wealth.³⁶⁴ Many of the widows also

³⁶² McIntosh, *Working Women in English Society*, p. 40.

³⁶³ Norman F. Cantor, *In the Wake of the Plague: The Black Death and the World it Made* (New York, 2002), pp. 128-129. For the resentment this could create among family members, see Martha Howell, "The Properties of Marriage in Late Medieval Europe: Commercial Wealth and the Creation of Modern Marriage," in *Love, Marriage and Family Ties in the Later Middle Ages: International Medieval Research, Volume II*, eds. Isabel David, Miriam Müller, and Sarah Rees Jones (Belgium, 2003), pp. 36-37.

³⁶⁴ Barbara A. Hanawalt, "The Dilemma of the Widow of Property for Late Medieval London" in *The Medieval Marriage Scene: Prudence, Passion, Policy*, eds. Sherry Roush

acted as guardians, granting them access to additional holdings of their husbands. In Barbara Megson's study of London citizens from 1375-1399, 70 percent of the widows retained guardianship of their children.³⁶⁵ Widows may also have survived additional outbreaks of the plague, increasing their survival rates over their husbands. Widows' property holdings would have thus been larger in the post-plague period, particularly for those with children. Would their larger holdings translate into increased participation in the land market?

Widows' Transactions in the Husting Deeds

As in the first half of the century, widows' transactions increased proportionally to the total number of deeds enrolled. While the two samples, drawn from 1360-1370 and 1390-1400, contain substantially more deeds than the 1300-1310 and 1330-1340 samples (see Chart 5.2, and for the comparison, Chart 4.3), a closer examination of each sample reveals that, in the more immediate post-plague period, widows' enrolled deeds actually decreased when compared to the total number of deeds enrolled that decade (see Chart 5.3). The only drop in their activity occurred during the 1360 sample, when their enrolled deeds dropped to 7% of the total deeds enrolled during that period. In the remaining samples, the number of enrolled deeds remained relatively stable, around 11%. Widows may have had more deeds enrolled in the Husting during that decade, but their

and Cristell L. Baskins (Tempe, AZ, 2005), pp. 141-142. For the affect that this had among the remarriage of guild members, see Hanawalt, *Wealth of Wives*, p. 109.

³⁶⁵ Guardians could charge 12d. for their weekly maintenance. Megson, "Life Expectations of the Widows and Orphans of Freemen in London 1375-1399," p. 23.

overall participation had dropped. Larger property holdings in the post-plague period had provided the widows with more financial security, lessening their need to sell or buy property.

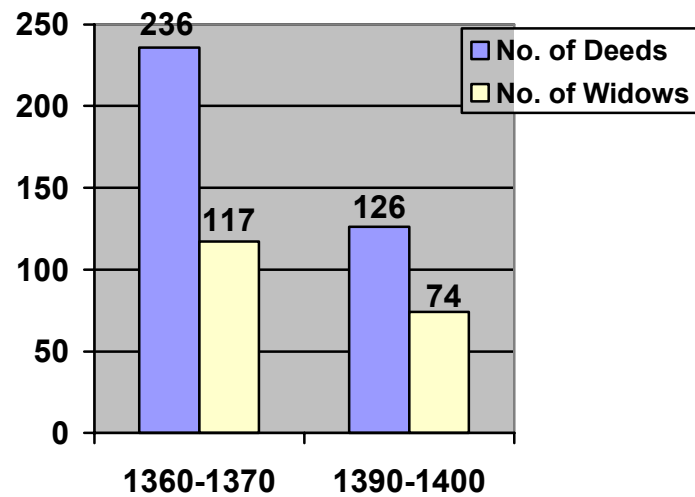


Chart 5.2: Number of Widows and their Grant Transactions

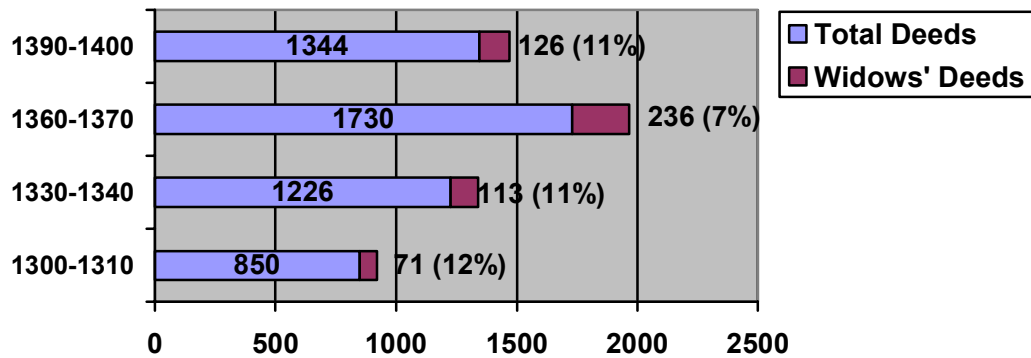


Chart 5.3: Percentage of Widows' Enrolled Deeds in the Husting

When widows did enter the land market, they most often participated in grants (see Table 5.1). Simple grants accounted for 55 percent of widows' total transactions. This figure roughly compares with the widows of the first two samples (see Table 4.1), whose grants similarly dominated their transactions (60%). The second most common transaction also remained the same, with quitclaims comprising 32 percent of the deeds (compared to an earlier rate of 38%). The most significant increase from the first two samples can be found in the number of leases, which jumped from 2 percent to 11 percent (from 3 leases to 39).

Grants	200 (55%)
Quitclaims	112 (32%)
Leases	39 (11%)
Other	11 (3%)
Total	362 (100%)

Table 5.1: Widows' Transactions 1360-1370 and 1390-1400

One explanation for the increase of leases can be ascribed to the enrollment process. Unlike the first two samples, the majority of the leases enrolled in the second half of the fourteenth century were submitted twice. In 1369, Johanna Bowe leased her land and tenements in the parish of St. Stephen Coleman Street to Henry Bray and

Dionisia his wife. The deed was enrolled twice, with the second deed titled: “Indenture between the same.”³⁶⁶ The enrolled deed was a copy of the original lease, called an indenture, which consisted of a parchment containing two copies of the contract. Afterwards the parchment was torn in half, in a jagged line that had a word written across the tear. Then the parties would each have their own copy of the lease.³⁶⁷ Presumably, once the term of the contract had been terminated, the lease would be returned to the grantor as evidence of its conclusion. In the 1360 and 1390 samples, fifteen widows had duplicate copies of their leases enrolled. Both they and the other parties must have chosen to enroll the deed, with each paying their respective fees. Considering how closely the deeds were enrolled, often consecutively, the parties may have even traveled to the Husting together.

The motivation behind each party’s enrollment probably stemmed from problems surrounding the legalities of the lease, rather than from any hesitancy over entering into a contract with widows. As discussed above, after the statute *Quia Emptores* had been enacted in 1290, landlords could no longer create quitrents out of property they held in fee simple. Landlords seeking additional income began instead leasing their property for a term of years. Milsom argued that the “lease was the simplest secure way of parting with the land in return for a fixed annual income.”³⁶⁸ As the lessors, the landlords

³⁶⁶ “*Indentur[a] int[er] eisd[e]m*” HR, 97 (94-95).

³⁶⁷ *Black’s Law Dictionary*, ed. Bryan A. Garner, 8th Edition (St. Paul, Minn, 2004), p. 785.

³⁶⁸ S.F.C. Milsom, *Historical Foundations of the Common Law*, 2nd ed. (London, 1981), p. 117; J.H. Baker, *An Introduction to English Legal History*, 3rd ed. (London, 1990), pp. 338-339.

retained seisin of the property and thus had not permanently alienated any portion of their holdings; they still held the title of the property. Leases filled the financial vacuum caused by the eradication of new quitrents.

The popularity of leases only became widespread after the plague. As quitrents lapsed and defaulted in the deflated post-plague economy, leases gained in popularity.³⁶⁹ Legal issues emerged, however. Landlords may have enjoyed the continuity of continued income, but their available avenues in the case of disputes had drastically altered. Legally, the quitrent was classified as a freehold, and thus had a clear proprietary claim. The lease, however, was considered a contract between the two parties. The proprietary interest was abstract. When leasing property, the landlord retained seisin (while not possession). Without a transfer of the freehold, the lease was classified as a leasehold, or a chattel.³⁷⁰ As a result of the different classification, disputes between the parties could not be resolved under existing proprietary remedies.³⁷¹ While a tenant who had been forcibly removed could seek damages and reimbursement in court, the court could not

³⁶⁹ For an example in Gloucester, where the three major religious houses had significant problems collecting rents, see Richard Holt, "Gloucester in the century after the Black Death," in *The Medieval Town: A Reader in English Urban History 1200-1540*, eds. R. Holt and G. Rosser (London, 1990), p. 155. For Winchester, where monks regained seisin and then resorted to leases, see Gervase Rosser, *Medieval Westminster, 1200-1540* (Oxford, 1989), pp. 44-45. Similar developments occurred in Wells, see Scrase, "Working with British Property Records," p. 24.

³⁷⁰ Wardships were also considered chattels, as they were considered an investment. A.W.B. Simpson, *A History of the Land Law*, 2nd ed. (Oxford, 1986), p. 72.

³⁷¹ Milsom, *Historical Foundations of the Common Law*, p. 117.

help the tenant regain possession of the property.³⁷² It was not until the end of the fifteenth century that the courts resolved the legal fiction that leases held no proprietary interests.³⁷³

Despite these restrictions, the number of leases rose precipitously in the second half of the fourteenth century.³⁷⁴ As investments, they offered many attractions. Leases could mask interest-bearing loans and be adjusted to suit the economy. Derek Keene found in Winchester that after the economy had rebounded from the plague, landlords raised the rents attached to their leases.³⁷⁵ Londoners may have also enjoyed the economic opportunities leases offered, but the duplicate enrollment of the leases illustrates their awareness that the contract had vulnerabilities. The contracts usually contained extensive clauses stipulating the tenants' maintenance responsibilities.³⁷⁶ When Richard de Chestrefeld, Richard de Tyssington, and William de Wakebrugg leased tenements to Johanna, widow of John Coupland, they stipulated that she was to keep any waste out of the tenements.³⁷⁷ William Palmer and his wife, Isabella, made a similar arrangement when they leased Matilda, widow of Martin de Excestre, a tenement and two

³⁷² What is unusual is that those who had lifetime seisin of a property could seek proprietary remedies. Simpson called the legal gap between lifetime terms and fixed-year terms "one of the great mysteries of the early common law." See Simpson, *A History of the Land Law*, pp. 71-72. Milsom argued that feudal customs created the separate remedies, *Historical Foundations of the Common Law*, p. 153.

³⁷³ The two categories were combined, classifying the leased land as a "chattel real," Simpson, *A History of the Land Law*, p. 76.

³⁷⁴ By the end of the middle ages, leases were the most common land transaction. Hemmeon, *Burgage Tenure in England*, p. 89. See also above, Ch. 4, n. 32.

³⁷⁵ Sir Frederick Pollock and Frederic William Maitland, *The History of English Law*, 2nd ed. (Cambridge, 1898; reprint, London, 1968) vol. 2, p. 122. Keene, *Medieval Winchester*, vol. 1, p. 192.

³⁷⁶ A.A. Dibben, *Title Deeds, 13th -19th Centuries* (London, 1968), p. 7.

³⁷⁷ *HR*, 98 (13-14).

attached shops in the parish of St. Martin Outwich. Matilda held the tenement for her lifetime, and was charged to keep the building at its current standards, even undertaking any necessary repairs.³⁷⁸ Repair was one of the expenses that eroded the value of rents or leases, and as tenants, widows were not exempt from household maintenance.³⁷⁹

Matilda and Johanna entered into leases for the term of their lifetimes, as did half of the widows in their leased deeds. The majority of these widows had previously granted the leased property to the other party. Johanna, widow of Thomas de Freston, leased a tenement with shops and all its appurtenances in the parish of St. Leonard Eastcheap from her daughter and son-in-law, William and Cecilia Lench. She held it for her lifetime. In two separate deeds, however, it is clear that the property had previously been Johanna's. Johanna had granted the tenement and shops to Cecilia and William two weeks earlier. No payment arrangements were disclosed, but in a second deed, also drawn up before the lease, William and Cecilia agreed to pay Johanna a substantial quitrent of 4 pounds for a term of six years.³⁸⁰ The lease represented a final concord to a previous exchange between Johanna and her daughter and son-in-law. Johanna lost seisin of the property, but retained possession. The payment due from William and Cecilia may have been a rudimentary form of a mortgage. Johanna designated the payment as a "quitrent," indicating that she had set the price and created the payment

³⁷⁸ *HR*, 98 (7-8)

³⁷⁹ In Canterbury, the cost of repairs appropriated a third of Christchurch's income. Scrase, "Working with British Records," p. 26.

³⁸⁰ *HR*, 92 (36, 39, 41).

schedule.³⁸¹ Her creation of a quitrent violated the statute *Quia Emptores*, but there is no subsequent evidence of objections. As quitrents morphed into leases, there may have been lapses in the terminology, with overlapping occurring.

The other widows' lease transactions varied in length, but the only fixed-year term leases came from the 1360 sample. Those leases ranged from ten years to forty years. By the 1390 sample, the leases had all been limited to the widows' lifetime. More research on London leases is needed, but the fixed-year leases may reflect the turbulent post-plague economy. The fixed-term leases descended to the deceased's heirs, who would then hold the property until the term concluded. When Adam Cope died, he left his son, John, a share of his lease. When Adam's widow remarried, she attempted to eject John from the property. John sued and eventually recovered the property.³⁸² Widows could not even claim leased property as their dower, as one persistent widow discovered. Roger Sayer and his wife Agnes leased four houses to Roger de Eure for a term of ten years. After her husband died, Agnes entered the houses, using force, and barred Roger's entrance. The mayor and the aldermen agreed that Agnes should be ejected from the property, since "recognizances here made in the paper by men and their wives, in manner already stated, would be of no effect, unless those receiving such tenements for a term of years could use and enjoy such term."³⁸³ Lessors would have wanted a guaranteed return on the leases and with the frequent recurrences of plague, lifetime leases would have offered little promise of a long-term lease.

³⁸¹ "*quieti redditus*" *HR*, 92 (41).

³⁸² *CMPR*, vol. 2, p. 213.

³⁸³ *Liber Albus: The White Book of The City of London*, ed. Henry Thomas Riley (London, 1861), pp. 292-293.

Like the sample as a whole, widows' lease transactions increased during the latter half of the fourteenth century. While leases did not represent a large proportion of their transactions, they do indicate that widows were involved in the changing land market. The only remaining category under their transactions, the "other" contains a variety of deeds. All had less tangible connections to property than the direct exchange found in a grant, quitclaim, or lease. They included Margery Broun and Matilda Rose, who both received royal licenses that allowed them to grant messuages in mortmain. The license allowed land to be donated to the church.³⁸⁴ In another two deeds, Margaret Refham and Katherine Flaun granted power of attorney to men who then transferred seisin of their property.³⁸⁵ The remaining "other" deeds primarily related to bonds or sums of money due from previous property grants. Massia Neuport enrolled a deed in which Stephen Spelleman and John Warner entered into a defeasance, whereby when she punctually paid the 7 pounds she owed from an earlier grant, a bond of 100 marks would be considered void.³⁸⁶ The variety of deeds found in the second sample, as well as the increased number of leases, marks a change from widows' Husting transactions in the

³⁸⁴ *HR*, 90 (110), 95 (152). Mortmain meant dead hand, since the land remained permanently in the hands of the church; the king lost the revenue from the land. After 1279, the Statute of Mortmain forbade grants to the church without royal license. Christopher Corèdon with Ann Williams, *A Dictionary of Medieval Terms & Phrases* (Cambridge, 2005), p. 197. The licenses were costly and incurred additional expenses, including beverages to celebrate the license. Scrase, "Working with British Property Records," p. 24. For additional studies on mortmain in London, see Helena M. Chew, "Mortmain in Medieval London," *English Historical Review* 60 (1945), pp. 1-15 and John M. Jennings, "London and the Statute of Mortmain: Doubts and Anxieties Among Fifteenth-Century London Testators," *Mediaeval Studies* 36 (1974), pp. 174-177.

³⁸⁵ *HR*, 91 (73), 123 (17). Pollock and Maitland noted that with a deed, an individual could appoint attorneys "to deliver and to receive seisin." Pollock and Maitland, *History of English Law*, vol. 2, p. 228.

³⁸⁶ *HR*, 122 (91). *Black's Law Dictionary*, p. 449.

first half of the fourteenth century, when they participated in only the main three transactions. In the post-plague period, the size and scope of citizens' property holdings had changed, as had the accompanying transactions. For widows, however, there were continuities in their transactions that survived the changing land market.

Continuities throughout the Century

Throughout the fourteenth century, the content of widows' property holdings did not change. When entering the land market, widows continued to buy and sell both commercial and residential property. Like their counterparts from the first half of the fourteenth century, their transactions consisted primarily of residential holdings (54%). The terminology remained roughly the same, although the term tenements was used more often. Widows exchanged more tenements than houses, which reflected the increasing popularity of the term, versus a change in building structures.³⁸⁷ They also did not grant any of their capital messuages, which had rarely happened in the first two samples (where only two women had traded these messuages). Dower restrictions still effectively kept their primary residential houses, their capital messuages, out of circulation during the widows' lives. Any subsequent sales likely concerned their additional holdings. When they thus sold residential houses, this portion of their holdings represented a commercial interest for the widows.

³⁸⁷ Keene, *Medieval Winchester*, vol.1, pp. 137-138.

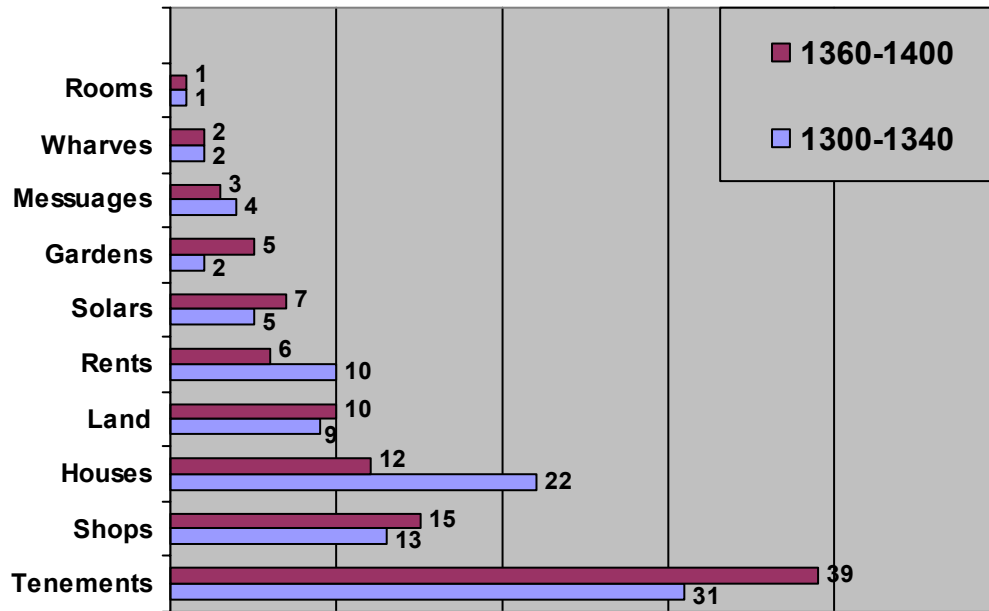


Chart 5.4: Comparison between Property Descriptions in the First and Last Two Samples, by Percentages

When handling strictly commercial properties, widows continued to exchange rents and shops much as they had in the earlier part of the century. Rents and shops accounted for 21 percent of their transactions, which compares roughly with the earlier two samples, where the percentage was 23. Rents dipped slightly, from 10 to 6 percent, but this was more directly related to overall legal changes caused by *Quia Emptores*. While quitrents still circulated in the 1330 sample, their presence dropped in the widows' deeds (see Chart 5.5) as they slowly withdrew from the property market.³⁸⁸

³⁸⁸ By the end of the medieval period, quitrents had all but disappeared. Hemmeon, *Burgage Tenure*, p. 61. As discussed above, this decline was offset by the use of leases. For examples in York, see Sarah Rees Jones, "Property, tenure and rents: some aspects of the topography and economy of York," (Ph.D. diss., University of York, 1987), p. 291.

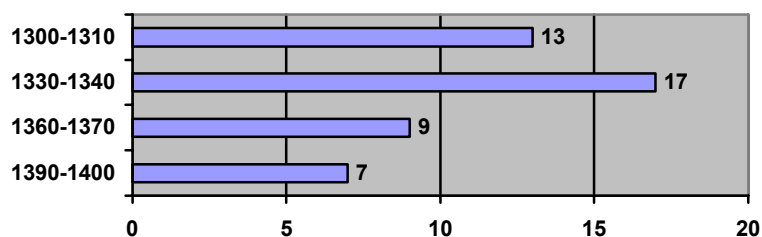


Chart 5.5: Percentage of Quit Rents in Widows' Deeds

Widows continued to exchange shops, but divulged little in the way of details. The only establishments clearly designated were brewhouses, which appeared in ten deeds. Two widows showed unusual possessiveness towards their shops. In 1362, Isabella, widow of Henry atte Wode, granted a house and a brewery with two shops and solars in the parish of St. Agnes Aldersgate to two men. When she described the property, she noted that it was “my brewhouse.”³⁸⁹ Hilda, widow of Thomas Cherlewode, demonstrated a similar sense of proprietary ownership when she referred to the shop she was selling as “my shop.”³⁹⁰ These differences are trivial, however, and related more to personality than to overall changes. As a whole, the buildings that comprised widows’ holdings did not undergo any significant alterations. The type of property exchanged was not the only continuity found in the widows’ deeds.

As in the first two samples, widows primarily used the land market for financial profit by selling their property holdings (see Chart 5.6). They acted as grantors in the majority, or 64 percent, of their deeds (comparable to an earlier rate of 67%). Once

³⁸⁹ “*bracinam meam*” HR, 90 (168).

³⁹⁰ “*shopam mea[m]*” HR, 120 (21).

again, they did not reveal the terms of the sale. Whereas earlier deeds had recorded a *gersum*, which indicated that a payment had been made, either in full or partial, there was no mention of the term in the post-plague deeds. Deeds instead referred to a sum that had already passed hands, but even this reference is less frequent and occurred in only nine percent of the deeds.³⁹¹ A sole widow purportedly received an in-kind payment for her property sale. In 1369, Margaret, widow of Richard de Worstede, granted a tenement

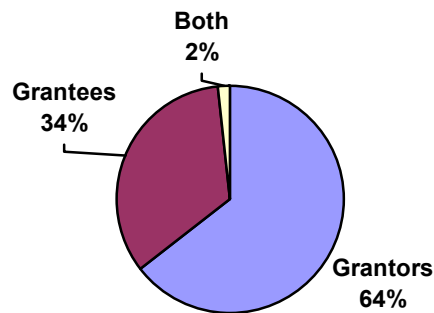


Chart 5.6: Widows as Grantors or Grantees

with overhead houses in the parish of St. Alphege without Cripplegate to three men. The same deed then recorded a related transaction, in which the men owed Margaret and her heirs an annual payment of a clove, due at Christmas. The men did not retain the property for long, and granted it two months later.³⁹² The rent, however, remained a condition of their subsequent sale. Like Margaret, they stipulated that they and their heirs would receive the same annual payment of a clove. If the rent was attached to the

³⁹¹ This percentage is a significant reduction from the 32% found in the first two samples.

³⁹² *HR*, 97 (116,119).

tenement, did its resale deprive Margaret of the clove? It seems unlikely that the clove would pass through multiple hands, as subsequent grants would only confuse its devolution. Instead, the clove probably represented an obligation that had previously been attached to the property and had fallen out of use, such as a nominal quitrent. Margaret thus would have received a different payment for her sale of the tenement, one that had not been included in the deed.

Widows must have received some financial value for the loss of their property, so the absence of payment information likely relates to changes in record-keeping. Derek Keene posited that parties drew up a second deed detailing the terms of the sale.³⁹³ If so, citizens would have avoided creating a legal record of the commercial exchange, since many may have charged interest or, as seen above with Johanna's quitrent, created payment options at odds with borough or royal standards. Regardless of why they needed money, widows would not have alienated their property holdings without some financial return.

Fewer widows had the funds to broaden their property holdings. Their property purchases remained relatively consistent throughout the fourteenth century. They appeared as grantees in 34 percent of the deeds, a slight increase from the 30 percent from the first two samples. Men's sales showed a similar consistency, with men continuing to use the land market as investors. In Hanawalt's sample of the Husting deeds, taken from 1350-1394, men purchased property on an average of six percent more often than they sold it. With their spouses, however, men more often acted as grantors.

³⁹³ Keene, *Medieval Winchester*, vol. 1, p. 10.

Husbands included their wives in their purchases in the immediate post-plague period, but the couples sales decreased after 1360. They then instead sold property, with the difference between the two averaging three percent.³⁹⁴ Men were thus more likely to use the land market as an economic resource, while women, whether widowed or with their husbands, used the market because they had to gain financial resources.

When widows did turn to the market for economic profit, they did not seem to grant their dowered properties. While the widows' dower would have represented a significant portion of their property holdings, they could not alienate the property permanently. Of the 191 widows who comprise the latter two samples, only eight widows disclosed that they were granting dowered property.

Five of the eight widows followed borough custom and granted the property for their lifetimes only.³⁹⁵ The type of property they granted reveals the disparities of wealth. In 1390, Matilda, widow of Stephen Cavendissh, granted a large tract of property to Thomas Duket for a term of her life. It consisted of two messuages and five shops in the parish of St. Bride in Fleet Street. Matilda held a dower of considerable size. Stephen had been an alderman who, when he died in 1372, had left her all his lands and rents in London for so long as she remained single.³⁹⁶ Matilda did not remarry and in 1386 began to grant portions of the dower in exchange for annual rents. The above grant to Thomas

³⁹⁴ The samples cover 1350-1354, 1360-1364, 1370-1374, 1380-1384, and 1390-1394. Hanawalt, *Wealth of Wives*, p. 164.

³⁹⁵ The other three widows either gave away their property before they died or deviated from borough custom, acting as if they held the property in fee simple; see section below on "Widows' Use of their Husbands' Property."

³⁹⁶ This restriction was rare, and found in only three percent of the wills; see Chapter 2. *HR*, 118 (113); *Calendar of Wills*, vol. 2, p. 149.

mentioned no rent, but in an earlier lease from 1389, she had granted him property in the parish of St. Dunstan in return for an annual rent of 24 marks 8s. 4d. Similarly, in 1386, she granted tenements and rents in the parish of S. Lawrence Jewry to two men who committed to an annual rent of £18 8s. Matilda mentioned in the deeds that all the property derived from her dower. The size of her dower had enabled her to alienate portions for financial gain. By her death in 1391, she had amassed enough income to leave charitable bequests.³⁹⁷ Clearly, Matilda's dower enabled her to enjoy a widowhood of financial comfort.

On the opposite end of the scale were widows whose property grants more likely stemmed from financial need. Johanna Suthcote granted a portion of a tenement in Candlewick Street to John Botiller and John Freussh. She noted in the deed that she did not currently reside in the tenement, but the small scale of the grant indicates that her holdings were not large.³⁹⁸ Whether rich or poor, the widows depended on their dowers for financial sustenance, and the infrequency with which they mention their dowers in their grants underscores the financial stability that dowers provided.

Grants were not the only means by which widows could garner income from their dowers. Like the widows from the first two samples, widows continued to participate in quitclaims. Of the 87 quitclaims in which widows acted as grantors, 46 percent related to their dowered property. The majority of the quitclaims occurred shortly after their husbands died. Sixteen of the widows had husbands with enrolled wills, and of those,

³⁹⁷ *HR*, 114 (140), 118 (32); Sylvia Thrupp, *The Merchant Class of Medieval London* (Chicago, 1948; reprint, Ann Arbor, Mich., 1962), p. 329.

³⁹⁸ *HR*, 123 (120).

nine granted quitclaims within a year of the deaths.³⁹⁹ The widows must have welcomed the additional income in their early days of widowhood, when executors were still settling their husbands' estates.

The upheavals of the fourteenth century altered the topography of the city and its citizens' property holdings. For the citizens' widows, however, much remained the same. Even with larger dowered holdings, they continued to participate in property exchanges much as they had during the first half of the century – as grantors who alienated residential or commercial property they held in addition to their primary residences. Not all was continuous, though. When looking more closely at widows' dowered property, there is evidence that the turbulent economy presented them with additional opportunities to profit from their holdings.

Widows' Use of their Husbands' Property

Widows may not have granted much of their dowered property, but they had to manage their holdings. To track their use of their dowers, their transactions will again be compared to the property that their husbands devised them in their wills. Seventy-three widows (38%) had husbands whose wills were enrolled in the Husting. As in the previous chapter, all of the widows' deeds have been analyzed, including those that fall outside of the 1360 and 1390 samples. The ensuing picture reveals that widows did act

³⁹⁹ The rest were broken down as follows: 3 in 3-5 years, 1 at 9 years, 2 at 10 years, and 1 at fifteen.

more aggressively with their dowers in the post-plague economy. Their larger holdings left them with more financial opportunities than widows during the first half of the century.

The majority of the widows (46%) used their dowered property to garner additional income (see Table 5.2). Their counterparts from the first half of the century had also profited from their holdings, but at a reduced rate (28% -- see Table 4.4). Citizens' larger holdings left their wives with more dowered property, giving their widows more opportunities to alienate portions of their dower they did not need. Matilda Cavendish is an excellent example of a widow with these options. While borough customs prohibited the widows from granting their dowered property outright, widows could grant the property in fee simple when acting as their husbands' executors, or with the permission of their husbands' executors.

Made money early from property	34 (46%)
Completed husbands' devises	13 (18%)
Retained additional holdings	13 (18%)
Handled different property	7 (10%)
Uses	6 (8%)
Total	73 (100%)

Table 5.2: Widows' Use of Husbands' Property

As executors, widows who granted their dowered property lost possession of the land, but they in turn received financial compensation. Some widows collected rents as Matilda had above. William de Burton died in 1368. That year, his widow, Alice, along with his other executors, granted a tenement in the parish of St. Margaret de Lothbury to William de Halden. They noted in the deed that William had designated the tenement be sold to pay his debts. Twelve years later, in 1380, Alice again participated in a grant, though the size of the property had increased. She granted tenements, shops, a solar and a garden in the parishes of St. John Zachary and St. Mary de Stanynglane to three men. William had left her the property as her dower, with reversion to his sons. During the interim, the sons had died. The other executors had already granted the reversion to the three men, so in her own grant, she made the transfer complete. Alice relinquished her possession of the property, allowing them to have it for her life, in return for an annual rent of £20. William had left her a manor in the countryside, so it is entirely possible that she left the city.⁴⁰⁰ Alice was fortunate in that she could spare significant portions of her dowered holdings while increasing her purse.

Other widows also used their appointment as executors to grant their dowered property before their own deaths. Legally, all funds collected from the sale would have been dispersed as their husbands had directed, but if the widows also sold their lifetime use of the property, they could keep the money from that portion of the transaction. Two years after her husband died, Anne, widow of William de Leyre, granted Adam

⁴⁰⁰ *HR*, 96 (147, 161), 109 (15-16).

Fraunceys and John Oskyn a tenement and rent that she held as dower. William had instructed his executors to sell the reversion while Anne was still alive. As one of his executors, Anne complied with his wishes, but also relinquished her lifetime claim on the tenement. In return, Adam and John owed her an annual rent of £6 13s. 4d., due in quarterly payments. Anne specified that if Adam and John fell behind on the rent, she would reclaim possession of the tenement.⁴⁰¹ When widows acted as their husbands' executors, they had more leverage over their alienation of the men's estates. Widows always had the option of alienating their property for their lifetimes, but by acting as both executor and widow, they could transfer the entire holding, essentially in fee simple, to the purchasing party.

Widows who were not executors could still grant their dowers outright, but they needed the support of their husbands' executors. John de Bristowe died in 1370. His widow, Agnes, remarried but survived that husband as well. In 1391, she granted her estate, which consisted of tenements and rents in the parish of St. Sepulchre within Newgate, that John had left her as dower. John had designated in his will that the tenements and rents were to be sold after her death. Agnes granted the property in fee simple, with no lifetime restriction. It was the next enrolled deed, however, that concluded the transfer. In it, John's executors confirmed her sale.⁴⁰²

Another widow granted property with her husband's executor. Gunnora, widow of Henry de Hardyngham, and Matilda, widow of Richard Toky, granted a tenement called *Les Stoples* in the parish of St. Michael upon Cornhull to John, son of Nicholas

⁴⁰¹ *HR*, 94 (92), 96 (69).

⁴⁰² *HR*, 98 (90), 119 (125-126).

Horn, and his wife Alice. Matilda's husband, Richard, had been Henry's executor. When Richard died, Matilda, as her late husband's executor, assumed his executor duties. In his will, Henry had left Gunnora the above tenement, with the remainder to be sold for pious uses. Like Agnes had, Gunnora and Matilda granted the tenement without a lifetime restriction. Since they were following the terms of Henry's will, there was nothing illegal about the transaction. John and Alicia paid Gunnora and Matilda an unspecified sum, but they had not completed the transaction. In the next deed, John and Alicia re-granted the tenement to Gunnora for her lifetime. In addition, she owed John and Alice an annual rose, payable on the feast day celebrating the birth of St. John the Baptist (June 24).⁴⁰³ Why John and Alicia insisted on the rose payment is not known. The rose most likely acknowledged that payment terms had already been satisfied in the original grant. Instead of living rent-free, the widow paid a nominal rent, that may or may not have been obligatory.

Further evidence in the deeds suggests that the rose 'rents' represented a payment that had already occurred. Within the two samples as a whole, only seven deeds referred to rose 'rents,' and of those, six of the widows had participated in transactions similar to Gunnora's. Each widow granted property to a purchaser who then re-granted it to the widows for their lifetimes, with an annual payment of a rose attached to the subsequent grant.⁴⁰⁴ In each case, the rose was due at the same time: on the feast celebrating the birth of St. John the Baptist (June 24), further indicating it may have been a formulaic inclusion.

⁴⁰³ *HR*, 85 (38), 96 (152-153); *Calendar of Wills*, vol. 2, pp. 694-695.

⁴⁰⁴ *HR*, 96 (152-153), 98 (6-7), 120 (17-18), 120 (21-22), 124 (17-18).

Agnes, widow of Lawrence Sely, was the sole widow who enrolled an additional deed detailing the actual financial terms of the sale. In 1363, Agnes surrendered her rights to Lawrence's son, John, of all the tenements and rents that Lawrence had left her when he died ten years earlier. John then granted her Lawrence's house for life so long as she remained widowed. If she remarried, she would retain only a portion of the house: one room, with a kitchen, and a solar. In addition, Agnes was to give John an annual rose on the feast celebrating the birth of St. John the Baptist. The two enrolled another deed, however, in which John granted Agnes an annual quitrent of £12, paid quarterly.⁴⁰⁵ The additional quitrent represented the actual terms of the sale. Whether she and the other widows actually handed over the rose 'rent' to the other parties is not known. Like the clove in Matilda Cavendish's deed, the rose may have been simply symbolic. Regardless of whether the widows actually granted the rose, the similarities between the payment of roses and cloves, along with accompanying quitrents, makes it clear that some type of financial transaction had exchanged hands.

Financial motivations must have acted as the impetus behind widows' decision to alienate their dowered lands. The majority of the widows within the sample would have had this option. Twenty-five percent of the widows in the 1360 and 1390 samples appeared as their husbands' executors, but many more of the sampled widows would have also been their husbands' executors. Anywhere from 86 to 88 percent of citizens appointed their wives as their executors, and the widows would have thus had the

⁴⁰⁵ *HR*, 91 (51-52, 54).

necessary authority.⁴⁰⁶ The remaining widows could have acted similarly, so long as they worked in collusion with their husbands' executors. The widows' financial security most likely spurred their premature alienation of dowered lands. Widows with extreme wealth would not have needed the extraneous lands. With larger holdings after the plague, these widows may have found that tidying up their husbands' estates prior to their own deaths brought them spiritual satisfaction, particularly when the husbands had designated the funds for pious purposes.⁴⁰⁷ Widows who had remarried might have had acted likewise. On the other hand, widows suffering from financial distress may have had little choice but to grant their property earlier in the hopes of additional income. Regardless of economic disparity, it is clear that more widows took advantage of this opportunity during the second half of the fourteenth century. In addition, a closer analysis of widows' handling of their husbands' estates has shown that they did exchange more of their dowered property than the evidence from the overall sample suggests.

The widows' larger holdings enabled them to profit from their dowered property, but it had other affects as well. Fewer widows entered into transactions that their husbands had orchestrated before their deaths. As Table 5.2 shows, 18 percent of widows followed their husbands' wishes, and settled the men's estates accordingly. This percentage is a significant drop from the first two samples, where 31 percent of the

⁴⁰⁶Hanawalt, "The Widow's Mite," in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (Ann Arbor, Mich., 1992), p. 26; Robert A. Wood, "Poor Widows, c. 1393-1415," in *Medieval London Widows, 1300-1500*, eds. Caroline M. Barron and Anne F. Sutton (London, 1994), p. 55.

⁴⁰⁷ As discussed in Chapter 3, Clive Burgess called the widows the "spiritual lieutenants" of their late husbands' estates. Burgess, "Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered," in *Profit, Piety, and the Professions in Later Medieval England*, ed. Michael Hicks (Gloucester, 1996), p. 21.

widows had done the same. Widows also participated in fewer transactions that did not involve their dowers. Whereas 22 percent of the earlier widows had participated in transactions with property other than dower, this number dropped considerably, to ten percent. Unlike their earlier counterparts, the widows in the latter two samples could use their dowers to profit within the land market.

Not all of their activities expanded, as the widows did not have more opportunities to attain clear title of their dowered property. The percentage of widows who manipulated borough custom remained relatively stable, rising only one percent (from 17 to 18 percent). For some of the widows, however, it was their husbands who had deviated from borough custom. As discussed in Chapter 2, men could leave their wives property in fee simple, and so long as no one objected during the will's enrollment, the widows received the property. John de Shirbourne did not directly bequeath his dwelling house to his widow, Margery, but instead alluded to her ownership. John directed her to sell the house and keep the proceeds. He then left the same house to his son, who was on a pilgrimage to the Holy Land, as long as it had not been "otherwise disposed of by his said wife."⁴⁰⁸ The oddity of this statement is reflected in a later record. In the Cartulary of Holy Trinity Aldgate, a list was drawn up of all who had paid quitrents. The deed recorded that Margery had taken over John's payment after he "bequeathed the tenement to Margery his widow as appears in his will."⁴⁰⁹ Ten years later, Margery granted property to John Tours and Dionisia his wife. In return, John and

⁴⁰⁸ *Calendar of Wills*, vol. 2, p. 680; *HR* 82 (69).

⁴⁰⁹ The rent had been attached to the property and was mentioned in John's will. *HR*, 82 (69); *The Cartulary of Holy Trinity Aldgate*, ed. Gerald A.J. Hodgett (London, 1971), p. 135.

Dionisia paid her an annual rent of 50 marks, due on feast celebrating St. John the Baptist's birth. In the deed, she made it clear that she could freely alienate the property and assured the Tours' couple that her executors would not place any later claims on it. She then granted another tenement to John. All of the property came from the same parish, St. Mary Aldermanbury.⁴¹⁰ Margery had likely sold the house in one of these transactions. John's sons may have since died, freeing her of any maternal responsibility. Her motivation is irrelevant, though. John had given Margery autonomy over any decisions regarding the sale of the house.

Many of the widows wanted to own their dower property in fee simple. The most common manipulation involved widows gaining free title of their holdings. In 1361, John de Bovyndon, a merchant, left his wife, Katherine, all his lands and tenements in two parishes for life, with remainder to his children and their heirs. If the children died, then he asked that the property be sold by his executors, with the proceeds directed towards South Mymmes, for both its church and its roads.⁴¹¹ He entrusted his three children to the guardianship of Adam Fraunceys. Within seven years, all of his children had died. Katherine immediately sold an annual rent of £7 12d. to Adam, who re-granted her the rent for her lifetime. Shortly thereafter, Katherine married a friend of Adam's, John Furneys.⁴¹² In 1371, Katherine and John granted the property to three men, one of whom was Adam. Katherine identified herself as her late husband's executor, but offered no additional confirmation regarding where the funds would be directed. Two years

⁴¹⁰ *HR*, 93 (1) (4) (7).

⁴¹¹ *Calendar of Wills*, vol. 2, p. 40.

⁴¹² *HR*, 96 (137-139); O'Connor, introduction to *A Calendar of the Cartularies of John Pyel and Adam Fraunceys*, p. 59.

later, the three men re-granted the property to Katherine and John, with remainder to John's heirs.⁴¹³ Katherine had not deviated greatly from borough custom. The death of John's children had enabled her to sell the property as an executor. The numerous exchanges with Adam, however, suggest that he had assisted her in attaining her dowered property in fee simple. The property would then descend to any children she had with her second husband.

Another widow ensured that her children would retain her dowered property. Amice, widow of John le Brun, held a tenement in the parish of Berkyngcherch called "la Stapeledehalle." John had left it to her for her life in 1330. After her death, he requested that the tenement be sold, with the profits divided evenly among his daughters. Thirty years later, Amice, acting as John's executor, granted the tenement to John de Stretlee. The next year, he re-granted her the tenement with a lifetime limitation. In the deed, however, he stipulated the remainder would descend to Amice's daughters, Elene and Agnes, and their heirs. John le Brun did not mention the names of his daughter in his will, so it is not known whether Elene and Agnes had been his children or Amice's from a second marriage.⁴¹⁴ Like Katherine Bovyndon, Amice worked in collusion with the other party and was able to successfully transfer seisin of her dower.

The majority of the women who re-claimed dowered property had acted as executors when granting their late husbands' estates. There were exceptions, however. Henry Galeys died in 1362, leaving his wife, Isabella, his tenement in Friday Street for

⁴¹³ *HR*, 100 (38), 102 (3).

⁴¹⁴ *HR*, 59 (8), 89 (30) (34).

her life “so long as she remain a chaste widow.”⁴¹⁵ Henry specified that his relative, Richard Galeys, held the remainder. The restriction regarding Isabella’s remarriage was rare and not found in many wills. Apparently Isabella chafed under this restraint as well. Three years later, she purchased a quitclaim from Richard Galeys in which he relinquished his right to the remainder of the tenement. Shortly thereafter, Isabella granted the tenement to Henry de Padyngton with no lifetime limitation.⁴¹⁶ She had successfully alienated property to which she should have had only lifetime rights. Henry should have profited from the tenement’s sale, but his quitclaim removed his claim, leaving Isabella to reap the profits instead. While Isabella and other widows found ways to retain clear title to their dowered property, on the whole, widows’ abilities to circumvent dower restrictions did not increase during the second half of the fourteenth century.

Within this smaller sample, widows did have additional opportunities to profit from their late husbands’ estates. The changes in property holdings that followed the plague had benefited the widows. By the end of the century, however, there are indications that property holdings were altering again. As seen in Chart 5.2, 8 percent of the widows participated in transactions that involved a property exchange called the use. While the number of widows is not large, all occurrences of the use can be found in the 1390 sample.

First, though, a definition and explanation of the use is needed. When creating a use, a citizen granted his entire estate to a group of individuals, who then held the title of

⁴¹⁵ *Calendar of Wills*, vol. 2, p. 73.

⁴¹⁶ *HR*, 93 (95), 94 (21).

the property during the citizen's life. The citizen retained possession of the property during his life, enabling him the 'use' of his lands. After his death, the group of individuals would then disperse the estate as the citizen had stipulated.⁴¹⁷ Before the plague, it was most frequently employed for men traveling abroad, leaving behind a group of feoffees to manage their estates.⁴¹⁸

The popularity of the use soared in the post-plague years, growing throughout the century in England.⁴¹⁹ Men found many benefits with the legal transfer. Once they had granted their property to a group of feoffees, the property was no longer subject to any post-mortem settlements. No debts could be collected from the deceased's holdings, since he no longer held seisin of the property.⁴²⁰ The feoffees would then distribute his estate as he had directed in his will. Through these maneuvers, citizens could donate property directly to the church, a devise previously rendered illegal of the Statute of Mortmain.⁴²¹ Presumably the number of feoffees deterred any appropriation of the deceased's estate. If the feoffees had mishandled the estate, there were legal remedies.

⁴¹⁷ Dibben, *Title Deeds*, p.9; Ann J. Kettle, "My Wife Shall Have It" Marriage and Property in the Wills and Testaments of Later Medieval England," in *Marriage and Property*, ed. Elizabeth M. Craik (Aberdeen, 1984), p. 91. For the origins and development of the use, see J.M.W. Bean, *The Decline of English Feudalism, 1215-1540* (New York, 1968), pp. 126-179 and Simpson, *A History of the Land Law*, pp. 174-207.

⁴¹⁸ Robert C. Palmer, *English Law in the Age of the Black Death, 1348-1381* (Chapel Hill, N.C., 1993), p. 118.

⁴¹⁹ Palmer, *English Law in the Age of the Black Death*, pp. 114-115.

⁴²⁰ J.L. Barton found that there had been attempts to collect debts from property in a use, but these were unsuccessful. Barton, "The Medieval Use," *Law Quarterly Review* 81 (1965), p. 572.

⁴²¹ Barton, "The Medieval Use," p. 565.

Chancery courts could issue a writ of fraud and deception to the feoffees.⁴²² Men found that, by employing the use, they retained more control over the post-mortem dispersal of their estates.

For the widows, however, the popularity of the use created severe consequences. Just as debts could not be drawn from property a citizen had alienated with the use, the practice also lessened any dower claims. The widow still had a theoretical claim to the property, but the process had become more complex. There are indications that some widows successfully sued for their dowers from feoffees, but their difficulty in reclaiming that property had increased.⁴²³ In London, one widow complained that the use had deprived her of needed income. Donyrna, widow of John Haucwood, a knight, complained that one of the feoffees of her late husband's lands had detained those lands, along with other goods and chattels. She noted that she had not received the profit accrued from the lands and chattels to her own financial detriment.⁴²⁴

In addition, the husband could have included stipulations that lessened her dower holdings, such as a guarantee of a certain residence so long as she does not claim another portion of her husband's estate. When Nicholas Brandon died in 1391, he instructed his feoffees in trust to deliver lands and tenements to his wife, Agnes. He added, however, that she also would receive rents from an additional tenement, called "The Lamb on the Loop" if she did not claim the tenements at Wighton as her dower. Agnes followed his

⁴²² Palmer, *English Law in the Age of the Black Death*, pp. 124-125.

⁴²³ Bean, *The Decline of English Feudalism*, pp. 136-137.

⁴²⁴ *Calendar of Plea and Memoranda Rolls, 1381-1412*, ed. A.H. Thomas, vol. 3 (Cambridge, 1932), pp. 257-258.

wishes. Shortly after his will had been enrolled, she purchased quitclaims for the rents attached to “The Lamb on the Loop.”⁴²⁵ Nicholas had successfully reached beyond the grave to limit his wife’s holdings.

Robert Palmer argued that the use increased paternal power. Husbands could threaten to limit widows’ later provisions. While marriage contracts could provide protections to the wives, those women who entered the marriage with little real property would have limited power in negotiations.⁴²⁶ They could thus enter into widowhood with a diminished dower. There are indications in the deeds that this occurred. William Tonge, in his will, directed that his feoffees in trust were to enfeof two men in fee simple, who would then enfeof his wife, Avise, to hold so long as she remained single.⁴²⁷ Citizens had previously included these restrictions, but their wives could still claim their dower if it fell within their third of the estate. Often it represented property they held in addition to their dowers. By employing the use, William had effectively limited the holdings available to Avise during her widowhood. The widespread growth of the use may have offered substantial advantages to the men who used the legal device, since they no longer had to divide their estates by *legitim*, but it left their widows in a more precarious position.

⁴²⁵ *Calendar of Wills*, vol. 2, pp. 293-294; *HR*, 120 (87).

⁴²⁶ Palmer, *English Law in the Age of the Black Death*, p. 120.

⁴²⁷ *Calendar of Wills*, vol. 2, pp. 278-279.

Conclusions

London real estate underwent significant transitions in the aftermath of the plague. In the two decades following the plague, the land market took an upswing, all the more marked in view of its decline in the previous decades. The citizens who survived the plague may have been emotionally scarred, but financially, many emerged unscathed. Their post-plague finances increased considerably, as did their property holdings. Property transactions also underwent alterations. Leases grew in popularity, forcing the legal system to adapt with new remedies. Throughout all these changes, widows benefited as well. Aside from any new employment opportunities, the widows enjoyed additional financial security from their larger dowers.

The implications of their larger dowers were twofold. First, widows' dower holdings determined the level of their participation in the land market. With more property, their presence in the land market diminished as their dowers provided more of an economic cushion. Widows were not compelled by financial need to alienate portions of their dower for their lifetimes. Within both the 1360 and the 1390 sample, widows' dower grants decreased. The women's presence within the market did rebound, however, and by the 1390 sample they were again granting property at rates comparable to the first two samples. Once again, the property market had changed. The slump of the 1370s, when tenements went vacant and commercial properties declines, must have affected the widows' financial well-being. The additional changes in landholding that accompanied the growth of the use would have also affected their dower holdings.

Second, widows who did choose to enter the land market found greater opportunities for profiting from their late husbands' estates. While financial need may have driven widows to grant dowered property, financial greed prompted others to grant that same property. The smaller study of the widows whose husbands had enrolled wills demonstrated that significantly more widows alienated their dowered holdings in return for annual incomes, in the form of either rents or leases. Widows did not, however, circumvent borough customs at higher rates, indicating that the customs continued to effectively limit their holdings to their lifetime. Instead, the widows simultaneously acted as executors and "pure widows," transferring both possession and seisin to interested parties. The evidence does not suggest a 'golden age' for widows, but there are clear suggestions that widows' economic participation expanded in the post-plague years. Again, however, the appearance of the use in the widows of the 1390 sample hints at future changes, ones that would limit widows' autonomy over their dowered lands.

CONCLUSION

A woman's transition from wife to widow would have been wrought with turmoil. The dotal system could assist women during this transition by providing economic security when a woman was at her most vulnerable. As this study has shown, London borough customs ensured that citizens' widows received a significant portion of their late husbands' estates – anywhere from one-third to one-half of the husbands' property holdings that the women held for their lifetimes. In their wills, men generally conformed to these customs, dividing their estates as the law required. The widows' will also reveal that the women did not violate the system of *legitim*. Widows bequeathed property that they had inherited or purchased, either separately or with their husbands.

During their widowhood, however, widows took more advantage of their possession of dowered property, participating in transactions that suited their economic needs. Quitclaims were the most lucrative of these transactions. Any property the husbands had previously granted to other parties could be in jeopardy of a future dower claim. To avoid any potential legal disputes, grantees purchased quitclaims from widows that secured their property titles. The high number of quitclaims in widows' transactions may have provided widows with additional financial resources, but it also highlights the uncertainty of transactions that might contain dowered lands. Any property transactions

involving widows would have fallen under additional scrutiny, as purchasers would have sought assurances that the sale had been final. Purchasers' precautions increased when they were not related to the widows, as evident in the few deeds containing family members.

The wariness was not entirely warranted. This study has shown that widows' property transactions generally followed borough customs. In their grants, quitclaims, and leases, widows clearly designated their single status as "pure widows." During the fourteenth century, their participation in the land market fluctuated according to the city's economy. During the first half of the fourteenth century, their dowers provided an essential safety net. Few widows granted their dowered property, even for their lifetimes. They instead relied on the property to sustain themselves economically. This trend continued in the latter half of the fourteenth century, when widows enjoyed larger dowered holdings due to the upheavals caused by the plague. Throughout the century, widows consistently granted more property than they purchased. While the dowers thus provided the widows with a measure of economic security, it was not enough to permit them regular investments in the land market.

Widows found much more autonomy in the land market when acting as executors. With this additional legal authority, the women could alienate extraneous portions of their dowers. Few widows chose this option in the first half of the fourteenth century, but in the post-plague economy, more widows participated in transactions where they designated themselves as their husbands' executors, versus their 'pure widows.' When acting as executors, widows more often circumvented the restrictions placed upon their

dowered lands. They managed to attain free titles, often through multiple transactions. Once the economy rebounded, however, their ability to manipulate borough customs diminished. Men seized control of their property holdings and avoided the system of *legitim* through a property device called the use. By transferring their holdings to a group of men, husbands gained greater control of the land they could designate as dower. Widows no longer had the borough customs to support their dowered properties.

GLOSSARY

Alienate: To relinquish full title of specified property

Entail: A restriction a grantor placed upon property that limited possession to the grantee's heirs; see Fee Female, Fee General, and Fee Male

Escheat: Right to reclaim property when the possessor died without heirs

Fee simple: Tenure of property in which the owners could alienate the property as they wish

Frank marriage: A restriction a grantor placed upon property that limited the devolution of property to the grantee's heirs for three generations

Gersum: Fee exchanged during a property transaction; it could represent either a partial payment or the full amount

Jointure: Property that husbands and wives held together, often as stipulated in marriage contracts

Legitim: Tripartite division of husbands' estates in London; widows received one-half of their husbands' estates, or, if there had been children, one-third, for the term of their lifetime

Mortmain: Property a testator permanently alienated to the church in his or will

Quitclaim: A release of any claims of seisin over specified properties

Quit rent: Monetary rent that was attached to specific properties by name only

Remainder: The practice whereby property devolved to a third party according to the terms of the original grant

Reversion: The practice whereby property returned to the original grantor after the death of the grantee

Seisin: To have possession of a property

Tale Female: Inherited property descends through the female line of the family

Tale General: Inherited property descends to surviving familial heirs

Tail Male: Inherited property descends through the male line of the family

Use: Conference of property to a third party, who then holds the property in a trust for the grantor

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