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What do wills reveal about kinship  
in the rural Heaton area of Lancashire between  
1750-1858?

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## ABSTRACT

The nature, value and character of kinship has been a fiercely debated topic for many decades and continues to be so. This dissertation was designed to examine whether wills would or could reveal the nature of kinship within a specific area of rural Lancashire. The surviving 140 wills during the period 1750-1858 were used as an entry point into the lives of the people in the villages of Bowlee, Little Heaton, Great Heaton and Rhodes Green, locales which had received no previous scholarly attention.

The testators, executors, witnesses, and beneficiaries' names were all extracted from the wills and supplemented with all other available historical documents from the time period and area. Both quantitative and qualitative methodologies were used to evaluate these records. A database was developed from which the researcher was able to reconstruct families and kinship connections consanguineal, affinal and social. The relationships between the testators, their executors and beneficiaries were examined and compared with other studies where available.

The wills revealed that primogeniture seldom occurred, that fathers treated their children equally and sought to protect their daughters' inheritances from the doctrine of coverture. Both men and women valued their relationships and left bequests to maintain the status and financial security of their nuclear family as far as possible. The nuclear family was the most prominent, although it was flexible in form and expanded and contracted to meet the needs of the kinship group and community. The study concludes by suggesting that further research into wills in different geographical areas between 1800 and 1841 would be beneficial in order to compare and contrast results in an era very seldom explored.

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## PERSONAL STATEMENT

I declare that this dissertation is my own, unaided work and that I have not submitted it, or any part of it, for a degree at The Open University or any other university or institution. Parts of this dissertation are built on work I submitted for assessment as part of A825.

## ACKNOWLEDGEMENTS

I would like to thank the staff at the archive at the Lancashire Record Office for all their patience and assistance in locating and copying the wills of the Heaton area. Including the team of volunteers who undertook a project to 'flatten' all the wills and associated documents held in the depository, allowing the wills to be handled and read more easily.

Finally, a special mention, and thank you to my wonderful supervisor Dr Jenny Zmroczek for her support and hard work advising and guiding me through my ideas and confusions.

## LIST OF ABBREVIATIONS

BHO	British History Online
FFHS	Federation of Family History Societies
LPC	Lancashire Parish Clerks Online Project
LRO	Lancashire County Council Record Office
MRO	Manchester Record Office
NA	National Archives

## INTRODUCTION

The aim of this study is to examine the surviving wills of both the male and the female residents of the Heaton area during the years spanning from 1750 to 1858. Through evaluating these documents, it is expected that kinship relationships can be identified and analysed to assess whether kinship was limited to the nuclear family or extended outside of the immediate family into and possibly throughout the local community. The methodology utilised to achieve this aim was both qualitative and quantitative in nature. Firstly, the Lancashire County Council Record Office (LRO) online archive catalogue '*Lancat*' was searched to identify all wills and associated probate documents from the Heaton area for the years under study.<sup>1</sup> The testators' names were extracted from the papers and entered into an Excel spreadsheet to compile a database from which quantitative analysis could be undertaken. All possible testators were identified by searching the death and burial records of the two churches which served the Heaton area namely St Leonard's Church in Middleton and St Mary the Virgin Church in Prestwich. All relevant information, addresses, marital status, age at death, and occupations were obtained from the parish records on the Lancashire Online Parish Clerk Project (LPC) and included into the aforementioned database.<sup>2</sup> From this, the researcher was able to recognise multiple and recurring surnames and therefore, possible family groupings.

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<sup>1</sup> <<https://archivecat.lancashire.gov.uk/calmview>>.

<sup>2</sup> <<https://www.lan-opc.org.uk>>.

Further investigation was undertaken by utilising the online sites, *Ancestry* and *Find My Past* and genealogical research methods to reconstruct families and possible kinship connections.<sup>3</sup> This reconstruction of families formed a framework and offered context within which the wills could be analysed further. Firstly, by quantitative methods to allow for the number of testators, bequests, and beneficiaries to be calculated and analysed. Secondly, on a qualitative basis to identify what and to whom bequests were made within the kinship network. The only limitation to the primary data collection method and the identification of possible and actual testators was that although most death records on the LPC site included the age of the deceased, not all did. However, by combining burial information from the parish registers with the wills available from the LRO and the data from the genealogy sites, it was hoped to reduce any instances of error.

In 1974, Margaret Spufford's assertion that wills remained a relatively untapped resource for historians sparked an energetic surge in scholars considering wills in a new light.<sup>4</sup> The opportunity to study the early modern period through probate documents led to historians considering kinship and the role of kinship within both small and more complex communities. The early modern period's emphasis can probably be explained by the inventories required by law to accompany wills exceeding £5.<sup>5</sup> These documents listed the property of the testator, often in great detail, and included any debts or credits due to the person's estate, allowing for the researcher to build a clearer picture of the testator, their family and lifestyle.<sup>6</sup> Studies regarding wills and kinship became more scarce following the post-1782 period,

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<sup>3</sup> <<https://www.ancestry.co.uk>> ; <<https://www.findmypast.co.uk>>

<sup>4</sup> Margaret Spufford, *Contrasting Communities in English Villagers in the Sixteenth and Seventeenth Centuries* (Stroud: Sutton Publishing, 2000), p.56.

<sup>5</sup> John S. Moore, 'Probate Inventories: Problems and Prospects', in *Probate Records and the Local Community*, ed. by Philip Riden (Gloucester: Sutton Publishing, 1985), pp.11-29.

<sup>6</sup> Moore, p.24.

when the provision of inventories was no longer legally required. This dissertation covers wills from the rural area of Heaton from 1750 to 1858, the end of the early modern period and the beginning of the modern. The study finishes in 1858, as by this date wills were no longer deposited at the local record office and therefore were not freely available. The long time period allows the researcher to determine whether wills and kinship in the Heaton area were comparable to other studies from the end of the early modern period or whether the location was different as the social, economic and political conditions changed as the nineteenth century developed. It also provides an insight into an area and period not previously given any consideration by scholars. It should offer an answer to a supplementary question as to whether the lack of accounts and inventories is a serious impediment to evaluating kinship and family connections.

Biggs commented that the more extensive the collection of wills analysed, and the longer time period examined, the more reliable the results.<sup>7</sup> For a study such as this, 140 were available. While recognising, this is a small sample; these specific documents have not been studied before neither has the theme of 'kinship' in this particular area of Lancashire. Therefore, it is anticipated that this research will illuminate and enrich the local history of the region and add to the historiography of wills and kinship in general.

### *Kinship*

Kinship, for the purpose of this study, will be defined into three different categories: the first being the most basic and universal known as consanguineal. This type of kinship is based on blood or birth and includes the relationship between parents and

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<sup>7</sup> Carmel Biggs. 'Women, Kinship, and Inheritance: Northamptonshire 1543-1709', *Journal of Family History*, 32:2 (2007), 107-132 (p.108).

children, and siblings with each other. Kinship based on marriage is defined as affinal and encompasses spousal relationships and relations with in-laws, such as parents in law and brothers and sisters in law. This kinship relationship is formed by the legal contract of marriage and can be dissolved if the marriage breaks down. The third category is social kinship, whereby there may be no direct relationship by blood or by the legal marriage contract. However, individuals may feel kinship through close ties or shared experience, for example, through membership of societies or religious groups. It should be emphasised that these are modern definitions of kinship and may or may not reflect how the people of the Heaton area considered their kin or family. For further definitions, Lynch highlights the usefulness of Pierre Bourdieu's terms of 'practical kin' and 'official kin' whereby the former actually assist their relatives when required with such matters as housing, employment or marriage opportunities and the latter are used mainly in a formal or ceremonial capacity.<sup>8</sup>

### *Secondary Sources*

Of all the historical debates, the one surrounding kinship and its importance to individuals and communities in past eras remain fiercely fought. Lawrence Stone argued that 'the pressures of church, state and a market economy' during the sixteenth and seventeenth-century eroded kinship ties and that by the end of the early modern era and beginning of the modern era kinship declined drastically becoming increasingly limited.<sup>9</sup> Industrialisation appears to be a pivotal point for historians in considering whether families were nuclear or extended in nature. Laslett

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<sup>8</sup> Pierre Bourdieu, trans. by Richard Nice, *Outline of a theory of practice* (Cambridge, 1977), p.33, cited in Katherine A. Lynch, 'Kinship in Britain and Beyond from the early modern to the present: postscript', *Community and Change*, 21:1(2010), 185-190 (p. 86).

<sup>9</sup> Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800* (London: Penguin, 1979), p.29.

studied the size and composition of families pre industrialisation between 1564-1821 for his famous work *The World We Have Lost*.<sup>10</sup> He found that the nuclear family was far more common than the extended family, although agreed that many families lived and worked in close proximity to each other. Michael Anderson used data from the 1851 census in urban and industrialising Preston and concluded that the bulk of extended families occurred in poorer households and that kinship remained important throughout and including the nineteenth century.<sup>11</sup>

Peter Laslett, Keith Wrightson and Alan Macfarlane argue that the nuclear household prevailed during the early modern era and there was minimal interaction between other relatives.<sup>12</sup> Historians such as David Cressey, Miranda Chaytor and Naomi Tadmor consider that household structures were far more fluid and flexible than previously believed, and there was more interaction between relatives within differing households.<sup>13</sup> They believe that while families may have begun as nuclear households, they expanded and contracted to meet the needs of family members and in some cases, extended family and the community. Flandrin concurs and offers that it is inappropriate to place one type of family within a particular time period arguing that families are constantly changing and go through various stages during their lifetime.<sup>14</sup> More recently Barry Reay has questioned the very existence of the

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<sup>10</sup> Peter Laslett, *The World We Have Lost* (London : Methuen, 1965).

<sup>11</sup> Michael Anderson, *Family Structure in the 19<sup>th</sup> Century Lancashire* (Cambridge: CUP, 1971), pp.152-160.

<sup>12</sup> Peter Laslett, *The World We Have Lost* (Cambridge: CUP, 1971), pp.93-97; Keith Wrightson, 'Household and Kinship in Sixteenth-Century England', *History Workshop*, 12 (1981),151-158 (p.153); Alan Macfarlane, *The Family Life of Ralph Josselin* (Cambridge: CUP, 1970) p.139.

<sup>13</sup> David Cressey, 'Kinship and Kin Interaction in Early Modern England', *Past and Present*, 113 (1986), 38-69 (pp. 40-43); Miranda Chaytor, 'Household and Kinship: Ryton in the late 16<sup>th</sup> and early 17<sup>th</sup> centuries', *History Workshop Journal*, 10:1 (1980), 25-60 ; Naomi Tadmor, 'Early Modern English Kinship in the Long Run: Reflections on Continuity and Change', *Continuity and Change*, 25:1 (2010), 15-48.

<sup>14</sup> Jean-Louis Flandrin, *Families in Former Times. Kinship, Household and Sexuality* (Cambridge: CUP, 1986), pp.4-10.

autonomous nuclear family given the residential propinquity between kin, especially in rural areas.<sup>15</sup> He believes that Laslett and Macfarlane, for example, are mistaken in their belief that the nuclear family dominated household structures and that people often relied on the community or parish for assistance rather than their own family or kin. Rather than agreeing with this view, Reay instead maintains that the opposite was true, especially in small rural communities where kinship ties formed not only part of the community but the community itself.<sup>16</sup> Goldthorpe advocates that the more mobile the population, especially during industrialisation, the less kinship appears to be of importance and offers that families were more mobile than historians previously believed.<sup>17</sup> Anderson disagreeing offers that kinship connections become extremely important when a family relocates into an area where they do not know the neighbourhood.<sup>18</sup> Finally, Salins has recently suggested that kinship should not be seen in terms of blood or sperm. Instead, he advocates that rather than being judged as a biological construct kinship is formed around 'mutuality of being' between individuals.<sup>19</sup>

Kinship within the early modern period era has been well covered, and it is apparent that different social, economic, and geographical differences produce different and often opposing views. Wills have been an important source for researchers including Richard Vann, Miranda Chaytor, and Carmel Biggs in examining kinship and family connections.<sup>20</sup> There is a paucity of kinship studies for

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<sup>15</sup> Barry Reay, 'Kinship and the neighbourhood in nineteenth-century rural England: the myth of the autonomous nuclear family', *Journal of Family History*, 21:1 (1996), 87-104.

<sup>16</sup> Reay, pp. 87-104.

<sup>17</sup> J.E. Goldthorpe, *Family Life in Western Societies : A Historical Sociology of Family Relationships in Britain and North America* (Cambridge: CUP, 1987) p.24.

<sup>18</sup> Anderson, p.61.

<sup>19</sup> M. Sahlin, *What Kinship Is-And Is Not* (Chicago: University of Chicago Press, 2013), p.2.

<sup>20</sup> Richard T. Vann, 'Wills and the Family in an English Town: Banbury, 1550-1800', *Journal of Family History*, 4:4 (1979), 346-367; Chaytor, 'Household and Kinship'; Biggs, 'Women, Kinship and Inheritance'.

the 1800 -1840 period; however, access to the material contained within the censuses from 1841 onwards appears to have reignited the kinship debate. Barry Reay, Dennis Mills and Evelyn Lord have all examined the census in particular parishes to assess levels of kinship relationship.<sup>21</sup> Although currently scholarly emphasis is centred on the middle and gentrified classes as evidenced by Mark Rothery, Eleanor Gordon and Gwyneth Nair.<sup>22</sup> Studies regarding the labouring classes often touch on kinship, without exploring it fully as a theme. This study intends to utilise the information available to assess whether the wills of the Heaton area can reveal what types of kinship existed and whether this began to change as the early modern era gave way to the modern.

### *Chapter Structure*

The first chapter of the dissertation is designed to orientate the reader to the purpose and the legal requirements surrounding wills and the probate process. The Heaton area will be introduced, and an explanation is offered as to why it is deemed suitable for study and set the scene for the kinship connections. The second chapter will present both quantitative and qualitative data extracted from the wills of the female testators. The third chapter will analyse the wills of the male testators again, using

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<sup>21</sup> Dennis R. Mills, 'The residential propinquity of Kin in a Cambridgeshire village, 1841', *Journal of Historical Geography*, 4:3 (1978), 265-276 ; Barry Reay, *Microhistories: Demography, Society and Culture in Rural England 1800-1930* (Cambridge: CUP, 2002), p.258 ; Evelyn Lord, 'Communities of Common Interest: the Social Landscape of South-East Surrey, 1750-1850', in *Societies, Cultures and Kinship, 1580-1850*, ed. by Charles Phythian-Adams (Leicester: LUP, 1993), pp. 131-199.

<sup>22</sup> Mark Rothery, 'Communities of kin and English landed gentry families of the nineteenth and early twentieth centuries', *Family & Community History*, 21:2 (2018) 112-128 ; Eleanor Gordon and Gwyneth Nair, 'Middle-Class Family Structure in Nineteenth Century Glasgow', *Journal of Family History*, 24:4 (1999), 468-477.

quantitative and qualitative data. The fourth chapter will examine whether kinship patterns or connections could be identified in the Heaton area from the testaments and how this compares with previous studies. The conclusion summarises the evidence found and explains the place of this study in the historiography of local history. Any areas which could not be investigated will be identified and offered as further areas for study.

## Chapter 1: Setting the Scene, the Heaton area

Although this map is dated, 1850, the boundaries of the townships of Great and Little Heaton were the same at the start of the study in 1750. Great Heaton coded as 495 consisted of one large area and one smaller interrupted by Little Heaton coded as 494. Similarly, Little Heaton itself also had a smaller detached area just above Bowlee.

**\*IMAGE REMOVED FOR COPYRIGHT REASONS\***

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496- Prestwich, 479- Middleton, 510 - Blackley, 497- Unsworth

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<sup>23</sup>< <https://www.genuki.org.uk/big/eng/LAN/GreatHeaton/ParishMap>>

Vann suggests that for a parish to be suitable for historical study it should have a population manageable, or small enough to allow for family reconstruction with access to an extensive supply of documentation.<sup>24</sup> As such the Heaton area meets these criteria, with a population of less than a thousand and access to complete parish records, census returns, land tax, land rentals, estate and manorial records and a varied collection of surviving wills. Owned by the crown until 1212, the land situated in the heart of Lancashire, was divided into two sections and held by different lords of the manor throughout the centuries.<sup>25</sup> As the land was bought and sold the boundaries changed and the areas became somewhat peculiar in shape as can be observed on the map.<sup>26</sup> By the beginning of the eighteenth century, Great and Little Heaton were recognised as independent townships. Containing neither church, chapel, public-house, beerhouse nor provision shop, Great Heaton was completely rural, and the economy relied on dairy and agricultural farming.<sup>27</sup> Little Heaton, by contrast, was more populated and community orientated. Here the majority of residents were employed within all aspects of the weaving trade. Mostly employed from home and often a family affair, whereby the children carried out supporting tasks such as carding and healing, allowing the adults to weave linen, cotton, and silk. Bowlee was an important centre for silk weaving and had both a mill and a terrace of houses designed specifically for silk weaving.<sup>28</sup> Considered to be built on neutral ground, Bowlee was in the unusual position that none of the manorial estates laid claim to it. Therefore, residents were neither taxed nor eligible for poor

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<sup>24</sup> Vann, p.348.

<sup>25</sup> <<https://www.british-history.ac.uk/vch/lancs/vol5/pp.80-82>.

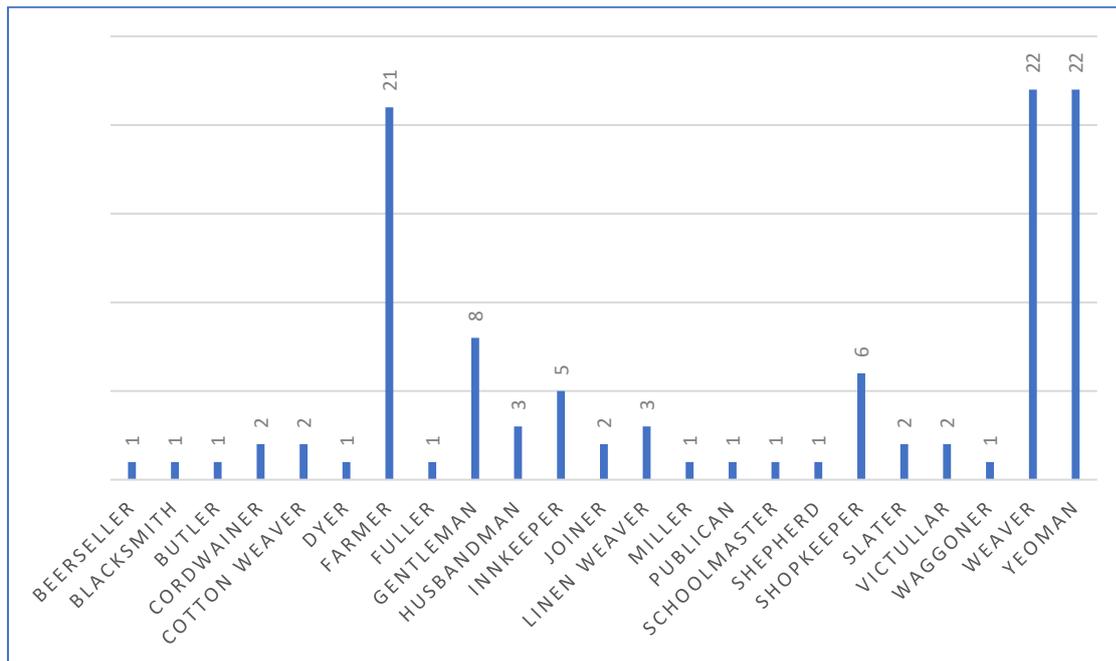
<sup>26</sup> <<https://www.genuki.org.uk/big/eng/LAN/GreatHeaton/ParishMap>>

<sup>27</sup> Whellan & Co. Directory of Manchester and Salford (1853), pp. 866-867.

<sup>28</sup> <https://www.british-history.ac.uk/vch/lancs/vol5/pp.80-82> p.80.

relief.<sup>29</sup> This becomes an important fact when members of a family could no longer earn a living or care for themselves, having no claim of the parish, they became reliant on extended family or kin.

Chart 1.1 Occupations of the male testators of the Heaton area 1750-1858  
(Source wills from the LRO).



As is illustrated in chart 1.1. the majority of Heaton men worked in the agricultural sector with twenty-one identifying as farmers, three as husbandmen and a further twenty-two as a yeoman. Goose and Evans highlight that it is difficult to determine precisely what the difference is between the titles without other evidence.<sup>30</sup> It appears from Heaton parish records that these agrarian terms were interchangeable apart from husbandmen where the men were usually animal

<sup>29</sup> GB 418 Booker 1/1 Rev John Booker Collection held at Chetham's Library Manchester.

<sup>30</sup> Tom Arkell, Nesta Evans and Nigel Goose, eds, *When Death Do Us Part Understanding and Interpreting the Probate Records of Early Modern England* (Oxford: Leopard's Head Press, 2004), p.60.

farmers. The next largest category consisted of weavers, either cotton, linen, or silk. It was not unusual for men to have dual occupations such as farmers and slaters or weaver and brewers depending on the season and the work available at the time. Weaving and especially the highly skilled silk weaving were extremely lucrative trades during the eighteenth century. Families in the area took the opportunity to invest in property and land, both in the immediate vicinity and in nearby towns which had started to expand like Middleton and Manchester (as evidenced in the wills). Families also invested in or rented parcels of land and lived on small holdings allowing them to grow crops and keep animals to supplement incomes.<sup>31</sup>

The censuses of 1841 and 1851 illustrated that several areas in Simister Lane and Bowlee were filled with nuclear and extended families related and interrelated through birth or marriage.<sup>32</sup> It is important to appreciate that the residents of Great and Little Heaton and Bowlee were able to build and sustain their community with public houses, farms, provision shops and work opportunities. As a result, mobility out of the area was minimal with the youth having no need to seek employment or apprenticeships elsewhere. Marriage tended to be to someone within the community and only rarely did a man take a bride from outside the area as evidenced from the censuses and parish records. This resulted in a very interrelated community which becomes apparent when analysing the bequests to kin in the wills, and the appointment of executors and witnesses.

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<sup>31</sup> [www.ancestry.co.uk/UKlandtaxredemption1798/volume4/greatandlittleheaton](http://www.ancestry.co.uk/UKlandtaxredemption1798/volume4/greatandlittleheaton).

<sup>32</sup> Example in appendix 3.

Chart 1.2: Representing the population of Great Heaton, Little Heaton, Bowlee and Rhodes Green 1801-1861 censuses (Source: <https://www.histpop.org>).

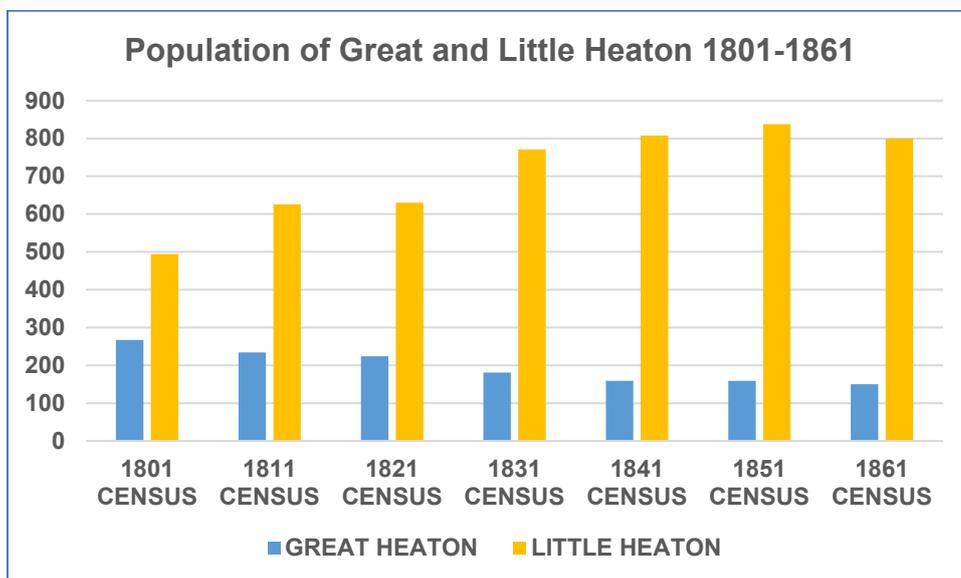


Table 1.1 Representing the population of Great Heaton, Little Heaton, Bowlee and Rhodes Green from the 1801 to 1861 censuses (Source: <https://www.histpop.org>)

The population of Great and Little Heaton 1801-1861			
	Great Heaton	Little Heaton	Total
Census 1801	267	494	761
Census 1811	234	626	860
Census 1821	224	630	854
Census 1831	181	771	952
Census 1841	159	806	965
Census 1851	150	800	950
Census 1861	159	838	997

Chart 1.2 and Table 1.1 detail the population of the two townships and illustrate population changes over sixty years. The census of 1801 recorded that Little Heaton had approximately twice the population of Great Heaton. The population disparity continued as Little Heaton experienced a steady rise in population as early

industrialisation brought different employment opportunities. Great Heaton saw a population fall as several farms which had been occupied by successive generations of the same family were bought by the Lord of the Manor and worked as a going concern rather than a family home. As with Bowlee, the tiny hamlet of Rhodes Green was recorded within the census results for Little Heaton.

### *Legal requirements of wills and the probate process*

Finch and others acknowledge that 'a will is a document which represents a unique form of communication between the dead and the living'.<sup>33</sup> Although beginning as a private statement of a person's intention, a will becomes a public document once probated and can be enforced by law if required. A will is only valid if made 'by a person of sound mind' with the mental capacity to understand what they are doing when drafting their wishes.<sup>34</sup> The Statute of Wills of 1540 ruled that males over the age of fourteen and females over the age of twelve could inherit from and make a will. These rules remained in force until 1837 when the Wills Act raised the age of making a will to twenty-one for both males and females. The legality of married women making wills is discussed in the next chapter. No wills in the Heaton area were found for anyone under the age of twenty-one before 1837. The Statute of Distributions of 1670 ensured that in the event of intestacy property was distributed fairly and that a widow would receive one-third of the estate with the children sharing the remainder.<sup>35</sup> The Statute of Frauds of 1677 removed the option for wills to be

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<sup>33</sup> Janet Finch, Jennifer Mason, Judith Masson, Lorraine Wallis and Lynn Hayes, *Wills, Inheritance and Families* (Oxford: Clarendon, 1996), p.1.

<sup>34</sup> Finch and others, p.2.

<sup>35</sup> Jane Cox, *Affection Defying the Power of Death: Wills, Probate & Death Duty Records* (Oxford: FFHS, 1993), p.14.

nuncupative or made orally and ensured that they had to be made in writing and witnessed. Following the death of the testator, several relatives, creditors, or reliable neighbours would draw up an inventory of all movable goods and chattels. These items would be prescribed a value usually at second-hand prices, and the total value would form the assets available for distribution by the executors.<sup>36</sup> As previously mentioned, this legal requirement ceased in 1782.

The probate process began with the executor(s) swearing an oath that the will presented for proving was the testator's last one. Once this was recorded in the act book of the relevant court, the executor(s) would receive permission to administer the estate and enter into a bond for approximately double the estimated value of the estate.<sup>37</sup> During the period under study, it was customary for a consistory court to be held in the Heaton area to prove wills and deal with other legal matters. These courts were held at regular intervals and announced at the local churches and in the local newspaper.<sup>38</sup>

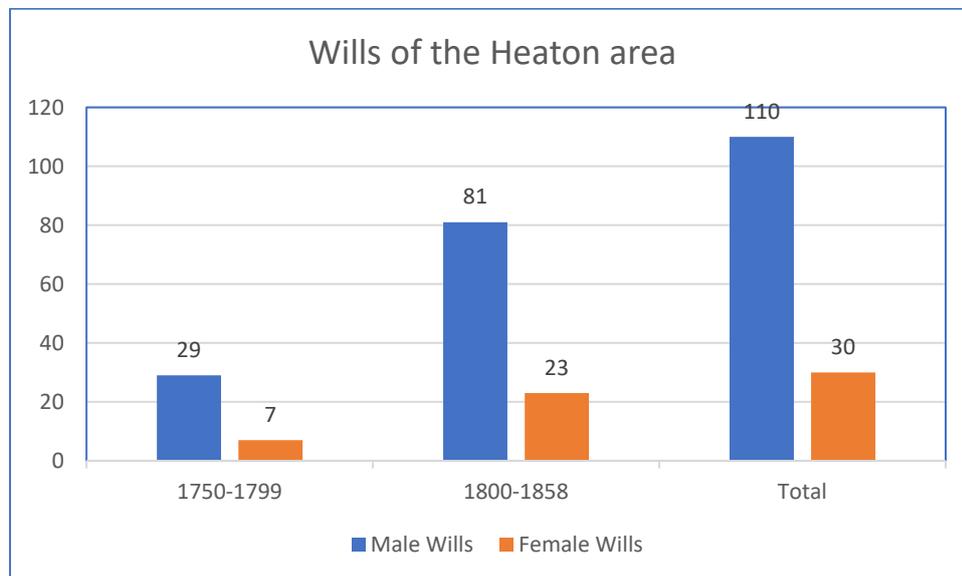
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<sup>36</sup> Nigel Goose and Nesta Evans, 'Wills as an Historical Source', in *When Death Do Us Part, Understanding and Interpreting the Probate Records of Early Modern England*, eds, Tom Arkell, Nesta Evans and Nigel Goose (Oxford: Leopard's Head Press, 2004), p.25.

<sup>37</sup> Cox, p.30.

<sup>38</sup> An example of this announcement for the Heaton area would have been included here, but due to the closure of the local record offices in Manchester due to the Covid 19 pandemic, this was not possible.

Chart 1.3: The number of wills of the male and female testators in the Heaton area between 1750-1799 and 1800-1858 ( Source the LRO).



As demonstrated in Chart 1.3 and Table 1.2., thirty-six wills survived from the end of the early modern era (1750-1799) and 104 from the 1800 -1858 period making an overall total of 140. Without evidence to the contrary, it may be assumed that the demography of the testators can explain the marked difference in numbers between the two eras, and the rise in population as the industrial age began to encroach on the boundaries of the Heaton area. In each case, the percentage of women's wills was considerably less than that of their male counterparts. The parish registers covering the Heaton area contained details of the deaths and therefore possible testators of 295 women during the period under study. Thirty of these women left wills representing 9.8% of the total. By contrast, there were 307 male deaths and 110 wills, indicating that 35.8% of men left wills.

Table 1.2: The number of wills of the male and female testators in the Heaton area between 1750-1799 and 1800-1858 (Source the LRO).

	1750-1799	1800-1858	1750-1858
<b>Male wills</b>	29 (80.5%)	81 (77.8%)	110 (100%)
<b>Female wills</b>	7 (19.5%)	23 (22.2%)	30 (100%)
<b>Total</b>	36 (100%)	104 (100%)	140 (100%)

Riden maintains that for probate documents 'there is a need to understand the administrative framework within which the documents were created'.<sup>39</sup> For probate purposes prior to 1858, Great and Little Heaton were both in the Archdeaconry of Chester, in the Diocese of Chester. Wills were divided into three categories; Supra wills, where the deceased's estate was valued at over £40, Infra wills where the value is valued at less than £40 and Diocesan wills, where probate was disputed, and legal action was taken.

Table 1.3: The number of Supra, Infra, and disputed wills of the Heaton area between 1750-1858 (Source the LRO).

Category of wills of the Heaton area 1750-1858			
	Male wills	Female wills	Total number of wills
Supra Wills (over £40)	97	29	126
Infra Wills (less than £40)	12	1	13
Diocesan/ Disputed Wills	1		1
<b>Total number of wills</b>	<b>110</b>	<b>30</b>	<b>140</b>

<sup>39</sup> Philip Riden, ed., *Probate Records and the Local Community* (Gloucester: Sutton, 1985), p.2.

Table 1.3 shows that out of a total of 140 wills 126 or 90% of the wills were valued over £40. The majority of female wills, 96.6% were Supra wills, with only one will valued at less than £40. Supra wills made up 88% of the male wills, and only one will in the Heaton area was disputed between 1750-1858.

While writing about the early modern period, Goose and Evans discussed that wills are documents that offer insight into a testator's private life and family relationships while also recording agriculture, industry, and trade developments.<sup>40</sup> Vann agrees, commenting further that 'just as wills can be incidentally illuminating on other matters, they can only reveal their full meaning if we read them in the context of other documents.'<sup>41</sup> He highlights the need to examine the parish registers for further information about the testators such as age, marital status, number of children, for example, in order to reconstitute the family units.<sup>42</sup> This family reconstitution allows the researcher to explore how kin relationships are formed and how they function within themselves and the community. The following chapter utilises family reconstruction to examine the wills of the women in the Heaton area and identify kin and kinship connections within families and the community.

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<sup>40</sup> 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: Leopard's Head Press, 2004), pp.38-71.

<sup>41</sup> Richard T. Vann, 'Wills and the Family in an English Town: Banbury, 1550-1800', *Journal of Family History*, (1979), 346-367 (p.347).

<sup>42</sup> Vann, p.347.

## Chapter 2: The Wills of the Women of the Heaton area, 1750-1858

While writing about communities in the sixteenth and seventeenth centuries Spufford commented that wills 'are the most personal of all records, often the only personal record any individual villager even left behind him', or in this case her.<sup>1</sup> Two centuries later, this remained true for women from the Heaton area, as no personal diaries, letters or other documents could be traced. However, interestingly, a will, a document so associated with death, can reveal many facets of the life of a female testator, including her address, her kinship connections and relations, possessions, possibly lifestyle and most importantly her marital status. Whitaker remarks that 'the wills of childless single and widowed testators provide insights and cogent information about kinship ties outside the nuclear conjugal family.'<sup>2</sup> Married women have been excluded from this comment as they very rarely left wills. Under the doctrine of coverture, a woman lost all personal property and control of their real property to her husband on marriage.<sup>3</sup> Further legal restrictions meant that married women could only make a will with the permission of their husbands. Even if a husband allowed his wife this privilege, he retained the right, under the law, to cancel the will up to the moment it was proven. Since a woman had no 'property' or possessions, there was, therefore, no need for most women to leave a will. By contrast, single women and widows were legally allowed to leave a will from the age of twenty-one; as a result, far more wills were left by these women.

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<sup>1</sup> Margaret Spufford, *Contrasting Communities English Villagers in the Sixteenth and Seventeenth Centuries* (Stroud: Sutton Publishing, 2000), p.56.

<sup>2</sup> Teresa Whitaker, 'Creating Virtual Families? The Bequeathing Practices of Childless Single and Widowed Testators in 1951 and 2000 in Ireland', *Journal of Family History*, 32:2 (2007), 133-148 (p.133).

<sup>3</sup> Amy L. Erikson, *Women's Property: In Early Modern England* (London: Routledge, 1995), p.3.

During the period 1750 -1858, in the Heaton area, there were 295 female burials registered at either St Mary the Virgin Church of Prestwich or St Leonard’s Church of Middleton the two parish churches covering the area.<sup>4</sup> As shown in Chart 2.1 and Table 2.1 over half the women (55%) were married at the time of their decease, 20% had been widowed, and 17% were spinsters.

Chart 2.1: The marital status of all the deceased women within the Heaton area between 1750-1858 in percentage form (Source the wills from LRO).

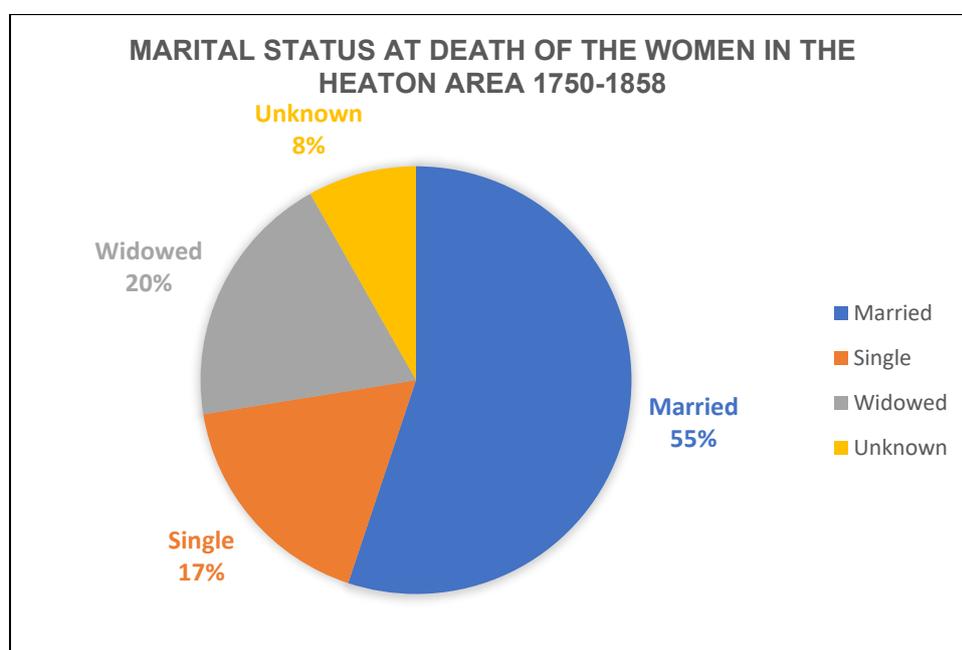


Table 2.1: The marital status of the deceased women within the Heaton area between 1750-1858 in both number and percentage (Source the wills from the LRO).

Status	Number of Women	%
Married	162	55%
Spinster	51	17%
Widow	58	20%
Unknown	24	8%
Total	295	100%

<sup>4</sup> Burial registers from St. Mary the Virgin Prestwich and St Leonard’s Church Middleton.

Both the parish burial registers of the local churches tended to record whether a woman was married or a widow at the time of her death, so it is more than likely that a proportion of the twenty-four (8%) 'unknown' women were in fact spinsters. Still, since this cannot be proven via other documents, they have been listed as status unknown. Married women in the Heaton area wrote only two wills: one being a straightforward transfer of goods to her husband written by Hannah Hamilton in 1836.<sup>5</sup> The second was Mary Fletcher's will of 1774, where her right to create a will was established in a legal arrangement for her to dispose of a settlement she held on her marriage to Ellis Fletcher.<sup>6</sup> Erikson maintains that married women had far more control over their property despite coverture and that in practice coverture was often ignored or circumvented.<sup>7</sup> This was certainly true of Mary Fletcher who possessed several properties in Little Heaton in her own right. She chose to devise these to her niece Mary Heywood rather than her nephews who receive £10 each. Perhaps she had appreciated the freedom that came from owning property and wished her niece to enjoy the same privilege, or it may also be that she was aware that her nephews might inherit property from their immediate consanguineal kin.

Property transaction was the main priority in twenty-three or 76 % of the wills, as illustrated in the table. Maxine Berg commented that research undertaken on property holding in England in some of the rural areas of Lancashire and Cheshire had concluded that women's rights and status regarding property had declined between the eighteenth century and the Victorian era.<sup>8</sup> One of the reasons offered

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<sup>5</sup> WCW/Supra/C1017/11 will of Hannah Hamilton from LRO.

<sup>6</sup> WCW/Supra/C483A will of Mary Fletcher, no trace of the marriage settlement, could be found.

<sup>7</sup> Amy. L. Erikson, *Women's Property: In Early Modern England* (London: Routledge, 1995), p.19.

<sup>8</sup> Maxine Berg, 'Women's Property and the Industrial Revolution', *Journal of Interdisciplinary History*, 14:2 (1993), 223-250 (p.234).

for this was the greater mobility of kin. The Heaton area stands in stark contrast to this not only was mobility into the area rather than out, but land records, censuses and the contents of wills suggest that women owned property on a considerable scale. Berg found at the end of the early modern era in Birmingham, and Sheffield women bequeathed property to their male kin more frequently than their female counterparts.<sup>9</sup> Of the seven Heaton female wills of the same time property was bequeathed to children mainly sons, in the later 1800 -1858 period, the wills available showed that women left their property to their direct kin, again sons. However, those that bequeathed to extended family appeared to choose female kin over males.

Although wills show how testators bequeath property, they do not explain why. In some cases, educated assumptions can be made, but they can only remain as assumptions without further information. In the will of Ann Heywood, for example, she left her property and possessions to her mother, and then after her decease, it is bequeathed to Ann's sister. Since the Heywood family resided in Bowlee which as previously mentioned had no claim on parish poor relief it could be suggested that Ann wished her mother to remain in her home, perhaps to provide protection and security, until death.<sup>10</sup> It appears that childless women from the Heaton area bequeathed their property and possessions to both friends and family demonstrating extensive kinship networks, not only in the immediate geographical area but often wider afield.

Widows with children tended to ensure the care of their immediate kin; first, that is their children. Sarah Partington was widowed in 1778 and left with six children

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<sup>9</sup> Berg, p. 243.

<sup>10</sup> WCW/Supra/C1170/19 will of Ann Heywood from LRO.

under the age of twelve. Her last will dated 1783 was primarily concerned with the protection of her children. She indicated 'that all possessions should be sold, and rents collected to support, maintain and educate her children if they have not yet reached the age at which they could be apprenticed out.'<sup>11</sup> She appointed her affinal kin brother in law, James Partington, and a lawyer William Wright as executors. They were tasked with organising a trade for the children if applicable and managing her properties in Heaton to allow the children £60 each upon reaching the age of twenty-one. Sarah placed considerable trust in her brother in law, but since he was married with children and a weaver by trade, she may have hoped that he would find her children suitable work. Weaving was a highly skilled and lucrative trade in the Heaton area at the end of the early modern era, and the Partington family were well established within the region. According to parish records, they had resided there since the 1600s.<sup>12</sup> It is evident that the testator had given the future of her children much thought as the will contained precise instructions as what was to happen and offered a clear alternative if the first proposal was not possible. By expressing her desires in writing, it provided a legal foundation for the relatives to act on rather than relying on trust that her kin would act correctly. Since unfortunately, wills and associated inheritances often bring out the worst side of kin this legal protection was essential for the more unfortunate relatives.

Typically, the primary concern of a widow was to ensure that her children receive most if not all her estate. Only then does she bequeath other items to friends or extended kin. In some cases, her will might be dictated by her late husband's will, whereby he previously bequeathed his land to his children whilst ensuring that his

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<sup>11</sup> WCW/Supra/C545B/33 will of Sarah Partington from LRO.

<sup>12</sup> <<https://www.lan-opc.org.uk>>.

widow could live in the property for her lifetime on the condition that she did not remarry. Remarriage could be problematic, especially if children were involved as it could lead to conflict over possible inheritances. Both Margaret Plumbe and Ann Hyde outlived their second husbands by several years. Mr Hyde's will of 1729 left his cash and possessions to his four children from his first marriage.<sup>13</sup> When Mrs Hyde composed her will, it was carefully worded to ensure that her husband's four children received a shilling each, thus ensuring that by leaving them a legacy, however small, they would have no legal grounds to challenge the will.<sup>14</sup> Interestingly, she chose to do this, but without any further information, it is unknown whether she felt the need to protect her direct consanguineal kin from possible conflict over her estate or whether she was advised to do this by someone with legal knowledge. Her natural children received her estate split equally between them. By comparison, Mrs Plumbe appears to have been on excellent terms with her second husband's family and viewed them, her affinal kin as equal to her blood kin, acknowledging both families with legacies in her will.<sup>15</sup>

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<sup>13</sup> WCW/Supra/C534/69 will of John Hyde from LRO

<sup>14</sup> WCW/Supra/C616C/60 will of Ann Hyde from LRO.

<sup>15</sup> WCW/Supra/C724B/40 will of Margaret Plumbe from National Archives.

Table 2.2: The beneficiaries of the wills of the women in the Heaton area 1750- 1858

(Source: LRO).

RELATIONSHIP TO TESTATOR	LITTLE HEATON	GREAT HEATON	BOWLEE	RHODES GREEN
Mother			1	
Husband	1			
Daughter	12	5		1
Son	17	3		5
Sister	1	1	6	
Brother	2	1	2	
Granddaughter				3
Grandson		1		1
Aunt				1
Niece	16			1
Nephew	14			2
Great Nephew	2			1
Great Niece	1			
Female cousin				2
Male cousin	1			4
Son in law				1
Daughter in law				
Sister in law	1			3
Brother in law	1			
Godchildren				
Stepchildren		4		
Friend	10			4
Granddaughters of Late Uncle				3
Servant	1			1
Not specified	18			
<b>TOTAL</b>	<b>108</b>	<b>15</b>	<b>9</b>	<b>33</b>
Total number of beneficiaries for Heaton area 165				

Table 2.2 records which kin received gifts from the testators. Immediate kin from the nuclear family, sons and daughters, made up the largest group representing 26%, closely followed by nieces and nephews at 20%. Several women bequeathed their estate to one sole beneficiary; Hannah Hamilton left all to her husband, Ann Heywood left all to her mother, Harriet Pollett to her sister, Mary Jackson to her son

and Nancy Jackson to her son.<sup>16</sup> By contrast, Margaret Plumbe and Mary Fletcher left eighteen and nineteen legacies, respectively. O'Brien believes that these highly itemised wills such as these 'present a rare and intimate perception of women's relationships with the broader world in which they lived'.<sup>17</sup> A total of eighteen people mentioned within the two wills could not be identified as kin, either consanguineal or affinal using family reconstruction methods. In the main, they were people from outside the immediate Heaton area and therefore may have been friends rather than direct kin. In most places by the end of the eighteenth century, Berg found that approximately 10% of women left wills; however, her research of Birmingham and Sheffield at this time suggested that twice this many between 18.1% and 22.8 % had left wills. The Heaton area proves similar with 23% of women leaving wills between 1750 and 1800.<sup>18</sup> Considerably less than Vann's observation that women composed a third of the wills in later eighteenth-century Banbury.<sup>19</sup>

By making a will, and therefore avoiding intestacy, testators demonstrate that they wish to choose their beneficiaries and control how their estates and possessions are distributed to chosen kin and non-kin.<sup>20</sup> Finch and Mason claim that personal mementoes are passed on to recognise relationships. They suggest that 'bequeathing keepsakes is an active and symbolic practice of kinship' and that testators transmit memories of the deceased through the passing on of keepsakes.<sup>21</sup>

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<sup>16</sup> WCW/Supra/C1017/11 will of Hannah Hamilton from LRO; WCW/Supra/C1170/19 will of Ann Heywood from LRO; WCW/Supra/C1214B will of Harriet Pollett from LRO; WCW/Supra/C937/34 will of Mary Jackson from LRO; WCW/Supra/C1019/55 will of Nancy Jackson from LRO.

<sup>17</sup> Karen O'Brien, 'Intimate Worlds: Kinship Relations and Emotional Investment among Nantwich Women 1603-1685', *Journal of Family History*, 41:2 (2016), 131-143 (p.132).

<sup>18</sup> Berg, p. 237.

<sup>19</sup> Richard T. Vann, 'Wills and the Family in an English Town: Banbury, 1550-1800', *Journal of Family History*, 4.4 (1979), 346-367 (p.366).

<sup>20</sup> Teresa Whitaker, 'Creating Virtual Families? The Bequeathing Practices of Childless Single and Widowed Testators in 1951 and 2000 in Ireland', *Journal of Family History*, 32:2 (2007), p.133.

<sup>21</sup> Janet Finch and Jennifer Mason, *Passing On Kinship and Inheritance in England* (London: Routledge, 2000), p.149.

Clothing or wearing apparel as it was most often referred, was specially mentioned in eleven of the wills, which represents almost 8% of the total. Lambert recognises that the bequeathing of clothes was an intimate act which acknowledged the highly personal relationship between testator and recipient.<sup>22</sup> One of the wealthier testators, Anne Hopwood, left her wearing apparel to the wife of her cousin who appeared to be less fortunate than her. Whether these clothes were gifted for re-wearing or destined for the second-hand market is unknown, but no doubt, the recipient was grateful to receive them.

Davidoff and Hall discuss the fact that for some women their testamentary capacity is controlled from the grave by the wills of their deceased male relatives. Typically, by their husband's explicit desire to allow the widow to use the property for her lifetime on the condition that she not remarry.<sup>23</sup> The instances of this in the Heaton area are discussed further in the next chapter. However, Mary Briggs, a single lady, from Little Heaton, was in this position following her father's will which left her the right to two properties for her lifetime, to be passed on to her brothers on her decease.<sup>24</sup> Although this afforded Mary protection from intervention or interference from her brothers, it also resulted in her having minimal 'testamentary capacity' when it came to her own will. However, on the positive side, it did provide Mary with an income from the rents and ensured that the properties remained within the direct kinship line. Davidoff and Hall highlight the importance of 'kinship contacts, including the female line' in ensuring that property stays within the family. They point out that widows may be heading a farm as a 'holding operation' until her

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<sup>22</sup> Miles Lambert, 'Death and Memory: Clothing Bequests in English Wills 1650-1830', *Costume*, 48:1 (2014), p.47.

<sup>23</sup> Leonore Davidoff and Catherine Hall, *Family Fortunes Men and Women of the English Middle Class 1780-1850* (London: Routledge, 1987), p. 276.

<sup>24</sup> WCW/Supra/C952/21 will of Mary Briggs from LRO. Her father's will was not located but was alluded to in her will.

son was old enough and able to take over the tenancy if rented or the property if owned outright.<sup>25</sup>

Janet Finch and others observed that most wills were made to resolve problems of inheritance.<sup>26</sup> While this can be seen in the Heaton area, other factors were also at work regarding the rights of guardianship and care of relatives as can be observed in the following will. When widow Hannah Horrocks wrote her will, in December 1851, her priority was not the transfer of her farm property but the welfare of her eldest daughter Mary whom she describes being of 'infirm mind'.<sup>27</sup> The property and contents in Little Heaton were to be shared between Hannah's two sons who worked the farm, subject to two conditions. The first being that the third son received £15 and daughter Esther £20 upon the will being executed, and the second condition was that Mary and Esther were allowed to reside on the farm, with Esther receiving two shillings and sixpence weekly for Mary's care.<sup>28</sup>

Coster suggested that women were not always concerned with property inheritance but rather the need to distribute small personal items to their friends and relations.<sup>29</sup> The opposite appears to be true in Heaton as most wills were directly concerned with property inheritance, whether property inherited from fathers, husbands, or kept for their lifetimes, in the case of a mother, or property they have acquired for themselves. During this small study, it became apparent that wills can be analysed more effectively if they are studied within the context in which they are written. That is, by connecting them with the family relationships or kinship network

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<sup>25</sup> Davidoff and Hall, p.254.

<sup>26</sup> Janet Finch, Jennifer Mason, Judith Masson, Lorraine Wallis and Lynn Hayes, *Wills, Inheritance, and Families* (Oxford: Clarendon Press, 1996), p.2.

<sup>27</sup> WCW/Supra/C1238B/1 will of Hannah Horrocks from LRO.

<sup>28</sup> WCW/Supra/C1238B/1 will of Hannah Horrocks from LRO.

<sup>29</sup> Will Coster, *Family and Kinship in England 1450- 1800* (London: Pearson, 2001), p.7.

using family reconstruction techniques. Wills of fathers and husbands provided relevant information in order to understand items or property that may have been endowed before marriage, on marriage, or in the case of a widow by her husband upon his death. Despite there being very few women who wrote wills, a certain percentage of women who as wives, or rather widows, would not need to write a will as the property of the family would be bequeathed within the will of her husband.<sup>30</sup> Often the husband would leave the family home for the wife's use until her demise or remarriage, when it would pass, complete with contents, to the eldest son or proposed heir, thus ensuring that it was not sold or moved from within the family. In these cases, it is assumed that the wife's clothes and few chattels would be passed on informally without the need for a will and probate. Malay points out that many people bestow gifts while still alive; therefore, the value of the legacy in the will cannot always be taken as conclusive evidence of the way the relationship was viewed in life.<sup>31</sup> It is important to bear this caveat in mind when examining and analysing the contents of a person's will.

Johnston concluded that in Lincolnshire 'the wills made by widows were less constrained by custom and obligation than those made by their husbands. Women used their freedom to make bequests as they pleased and to support those of their children who were in most need.'<sup>32</sup> The widows of Heaton while making more bequests to extended family and friends did appear to feel obliged to recognise their husband's family in their wills. However, this may have been through genuine regard for their friends and kin rather than a financial obligation.

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<sup>30</sup> Further research would be necessary to calculate this.

<sup>31</sup> Jessica L. Malay, 'Constructing Families: Associative Networks in the Seventeenth-century Cases of Mary and Katherine Hampson', *Journal of Family History*, 40:4 (2015), p.451.

<sup>32</sup> J.A. Johnston, 'Family, Kin and Community in Eight Lincolnshire Parishes, 1567-1800', *Rural History*, 6:2 (1995), 179-192,( p.184).

After the actual bequests, the choice of executor is the next important factor for a testator when composing a will. Executors were responsible primarily for winding up the estate prior to its administration. They were often tasked with ensuring that the details in the will were completed, that money was invested in trusts for underage children or for collecting rents or selling properties.<sup>33</sup> Executors appear to have been chosen from the immediate consanguineal family first and then affinal kin. Two women decided to entrust their real and personal property to the Reverend of the local church for dispersion. Another two women ensured that their executors, not immediate relatives, were compensated, and this was clearly stated in their wills.

The information in Table 2.3 demonstrates that the thirty wills contained fifty-six executors in total. The majority of the wills had multiple executors with only ten having a sole appointment. Male executors made up 81% of the total, with sons being the most common choice, at 20%. Females formed the minority of executors which considering the different legal, educational, and social standing of women of the time is perhaps not surprising. Three names of executors appeared in the wills that could not be identified, despite the use of other historical documentation, either as kin, friends, or members of the legal community. These have been listed as unknown males. It can be seen from the table that the women of Heaton chose their executors from a wide range of kin, not only primary and secondary but social kin from their community. Barry Reay argues that kinship in some rural communities is

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<sup>33</sup> Finch and others, p.60.

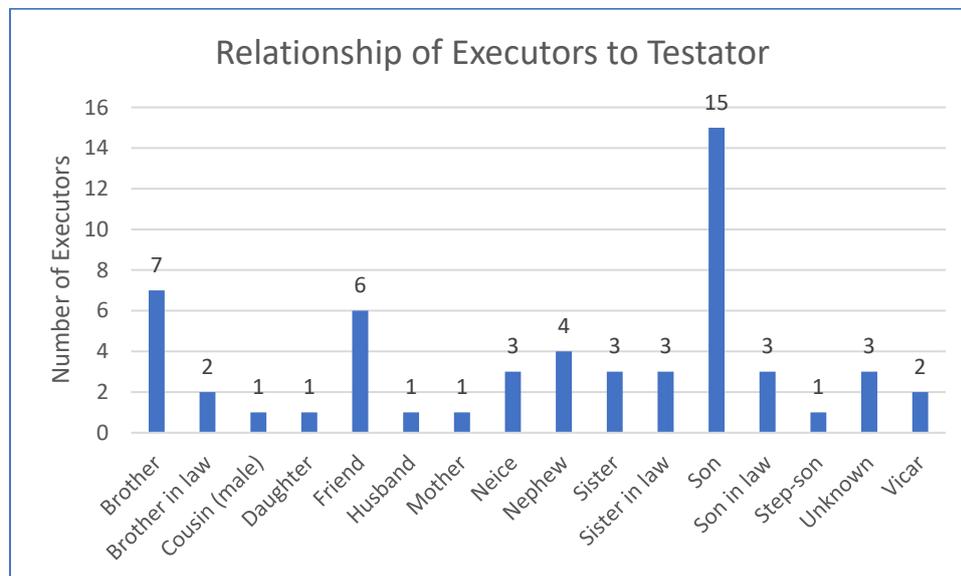
extensive and forms part of the community itself, Heaton appears to reflect this view in the nineteenth century.<sup>34</sup>

Table 2.3: The relationship of the chosen executor to the female testators from the Heaton wills 1750-1858 (Source the LRO).

<b>SURNAME</b>	<b>CHRISTIAN</b>	<b>YEAR</b>	<b>MARITAL STATUS</b>	<b>EXECUTOR/S</b>
Edge	Elizabeth	1762	Widow	Two sons
Fletcher	Mary	1774	Married	Brother and brother in law
Partington	Sarah	1783	Widow	Brother in law and friend (m)
Staveacre	Alice	1789	Widow	Brother
Jackson	Lydia	1790	Widow	Eldest son
Hopwood	Anne	1797	Spinster	Sister in law and local Curate
Barlow	Martha	1799	Widow	Nephew and sister in law
Hyde	Ann	1804	Widow	Two sons
Barlow	Betty	1804	Spinster	Male cousin
Foster	Mary	1811	Widow	Three brothers
Plumbe	Margaret	1815	Widow	Step-son and unknown (m)
Staveacre	Alice	1829	Widow	Two friends and tenants and one unknown (m)
Howorth	Mary	1831	Widow	Friend and unknown (m)
Booth	Elizabeth	1832	Widow	Son and friend (m)
Jackson	Mary	1832	Widow	Son and sister
Hayes	Peggy	1833	Spinster	Local Vicar
Briggs	Mary	1833	Spinster	Two brothers
Mills	Ann	1836	Spinster	Two nephews
Hall	Martha	1836	Widow	Son
Hamilton	Hannah	1836	Married	Husband
Jackson	Nancy	1836	Widow	Son
Briggs	Ann	1837	Widow	Son
Pownall	Mary	1838	Spinster	Niece, brother in law and friend
Pollett	Elizabeth	1842	Spinster	Brother
Lancashire	Alice	1844	Spinster	Brother and nephew
Heywood	Ann	1847	Spinster	Mother and sister
Heywood	Ann	1849	Spinster	Two nieces
Pollett	Harriet	1850	Spinster	Sister and two brothers
Horrocks	Hannah	1851	Widow	Two sons
Thorpe	Mary	1854	Widow	Son, daughter, and son in law

<sup>34</sup> Barry Reay, 'Kinship and the neighbourhood in nineteenth-century rural England: the myth of the autonomous nuclear family', *Journal of Family History*, 21:1 (1996), 87-104 (p.5).

Chart 2.2: The number and relationship of the executors to the female testators from the Heaton wills 1750-1858 (Source the LRO).



The executors of Heaton also had another rather unusual duty after the death of the testator. That is to ensure that the behaviour of the heirs met with the approval of the decedent, as stated in the will. This was the case with the will of Mary Foster in 1811 which detailed a large extended family; all related to the Pollitt family, of which Mary was a member before her marriage to Thomas Foster. The Fosters had no children, and Thomas died leaving Mary a considerable fortune. She bequeaths money to her surviving siblings and a cottage each to her three nephews and two nieces from her late brothers.<sup>35</sup> All appear to be generous legacies which makes the inclusion of the following caveat quite strange. 'If any mentioned shall use abusive language against me or throw any obstacle in the way of execution of this will I order executors to withhold such legacy from such offender or offenders.'<sup>36</sup> Vine believes

<sup>35</sup> WCW/Supra/C668A will of Mary Foster from LRO.

<sup>36</sup> WCW/Supra/C668A

that statements such as this allow wills to demonstrate what relationships might have been like with kin whilst the testator was alive.<sup>37</sup> The inclusion of this forceful statement suggests that Mary expected that one of her relatives might make inappropriate comments either after her decease or on the disclosure of the contents of her will. It might also be considered a divisive move as one beneficiary would have to report another to an executor, resulting in family divisions or petty revenge. Whatever the motive it allows her the power to control the behaviour of her kin after death. This was unusual in the wills of the Heaton women and was only found in three wills. Peggy Hayes felt even more strongly about the conduct of her relatives. Her will of 10<sup>th</sup> April 1833 allowed her not only to admonish the poor behaviour of her kin but also to take her final revenge on them:

I consider that all my relatives have behaved towards me during my long protracted sickness in the most unkind and unfeeling manner and on that account are not entitled to any favourable consideration from me. I, therefore, bequeath to each of them viz to each of my three brothers and sister the sum of one shilling each.<sup>38</sup>

Christopher Marsh suggests that although testators may be sick when they made their wills:

They were certainly not putty in the hands of grasping relatives. In a number of instances, it seems likely that they had become, through old age and

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<sup>37</sup> P. Vines, ' "In the name of God, Amen" Seeking the Testator's Authentic Voice in Research Using Wills', *Law Text Culture*, 6:1 (2002), 3-14 (p. 6).

<sup>38</sup> WCW/Supra/C958/57 will of Peggy Hayes from LRO.

sickness, more short-tempered and confrontational than they have ever been 'in the time of health'.<sup>39</sup>

Whether she was a cantankerous soul in life or genuinely had uncaring relatives is unknown. Either way, Peggy's estate valued at £200, was left in its entirety to Margaret Hulme, the local Vicar's daughter, who had cared for her throughout her illness. Although Margaret had no blood or marriage relationship, it appears that Peggy considered her friend to be more deserving kin than her siblings. This example of total disinheritance of consanguineal kin was the only example found.

Since a small study cannot possibly analyse every aspect of every will, Table 2.4, briefly identifies whether each testator left property, cash, clothes, or bedding in their wills and who were the primary beneficiaries. As previously discussed, property and land were prevalent in most wills, followed by gifts of cash. Eleven women (36%) made a note of wearing apparel and of these nine (30%) further mentioned the leaving of beds or bedding to their relatives. Small gifts of jewellery were occasionally mentioned, and two servants were recognised for their long service and loyalty with cash payments.

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<sup>39</sup> G.H. Martin and Peter Spufford, eds, *The Records of the Nation The Public Record Office 1838-1988* (Woodbridge: Boydell Press, 1990), p.231.

	Date of will	Property and land	Cash	Wearing apparel	Bedding	Beneficiaries
Elizabeth Edge	1762	Yes	No	No	No	All to children
Mary Fletcher	1774	Yes	Yes	Yes	Yes	All to friends and kin
Sarah Partington	1783	Yes	Yes			All to children
Alice Staveacre	1789	Yes	Yes	Yes	Yes	All to children
Lydia Jackson	1789	Yes				All to her children
Anne Hopwood	1797	No	Yes	Yes	Yes	Extended kin and sister in law
Martha Barlow	1799	No	Yes	Yes		Nephews and sister in law
Ann Hyde	1798	Yes	Yes			All to children
Betty Barlow	1804	No	Yes			Cousins and servant
Mary Foster	1811	Yes	Yes			Nieces and nephews and extended kin
Margaret Plumbe	1818	Yes	Yes	Yes	Yes	Kin and birth family
Alice Staveacre	1829	Yes	Yes			Great nephew and extended kin
Mary Howarth	1831	Yes	Yes	Yes	Yes	All to children
Elizabeth Booth	1832	Yes	Yes	Yes	Yes	All to sons
Mary Jackson	1832	Yes				All to son
Peggy Hayes	1833	Yes	Yes	Yes	Yes	All to Lady who looked after her during her final illness
Mary Briggs	1833	No				Brothers
Ann Mills	1836	Yes	Yes			Brother, sister, and niece nephews
Martha Hall	1836	Yes	Yes			Only son
Hannah Hamilton	1836	No	Yes	Yes	No	All to husband
Nancy Jackson	1836	Yes	Yes			All to son Jonathan Jackson
Ann Briggs	1837	Yes	Yes			Sons and sister in law
Mary Pownall	1838	Yes	Yes	Yes	Yes	Nephew/kin and servant
Elizabeth Pollett	1842	No	Yes			Sister
Alice Lancashire	1844	Yes				Brother and nephews
Ann Heywood	1847	Yes		Yes	Yes	Mother
Ann Heywood	1849	Yes	No			Nieces x2
Harriet Pollett	1850	No	Yes			Brother
Hannah Horrocks	1851	Yes	Yes			All to children
Mary Thorpe	1854	Yes	Yes			All her children

**Table 2.4** Items left by the female testators of the Heaton area 1750-1858 and the beneficiaries (Source: LRO)

Although only thirty female wills have survived for the period 1750-1858, they nevertheless were varied enough in character to represent most circumstances facing a female testator. This includes caring for relatives both older and younger, disposing of actual property, clothing, and money. From these documents, it can be concluded that women played a very active role in the transfer of property in the Heaton areas. Both widows and single women chose to leave property outside of the nuclear family, and recognise extended kinship patterns, especially nieces, sisters-in-law, nephews, and great-nephews. The women appeared to recognise other female kin whether nieces or sisters-in-law, suggesting that they wished other female kin to enjoy the same freedoms that property and wealth brought a woman during a time where women were defined by their relationship to men. Evidence of family and kin relationships could be identified in the wills and used together with other historical documentation, such as censuses and parish records to reconstruct individual families. However, there was not enough information to form a true perspective of the Heaton community.

### Chapter 3: The Wills of the Men of the Heaton area, 1750-1858

Having considered the ways in which female wills of the Heaton area can reveal kinship relations and the rituals within the wills designed to preserve family connections, attention will now move to the wills of the male residents. Unlike their female counterparts, men were not constrained and restricted by law. However, as Amussen asserts 'the decisions made by men in writing their wills reflected their role as head of the family' and as 'the official holder of the family property' meant that they were responsible for providing for their wife and children.<sup>1</sup> Finch and others concur and further suggest that wills are centrally concerned with the transmission of property down the generations in such a manner that wealth is retained to ensure that the family is kept in the best economic position.<sup>2</sup> This certainly holds true of the men of the Heaton community where all of the 110 wills were primarily concerned with property transmission and the welfare of their consanguineal kin. As with the female wills, the names of beneficiaries and executors were extracted from the wills and supplemented with information from the parish records, the censuses, and any other historical documents available to reconstruct family units and examine kinship connections.

Of the 307 burials registered at the two local parish churches, during 1750-1858, 110 wills were located representing that 35.8% of the deceased men left a will. Further analysis illustrated in Chart 3.1 divides the period under study into the later

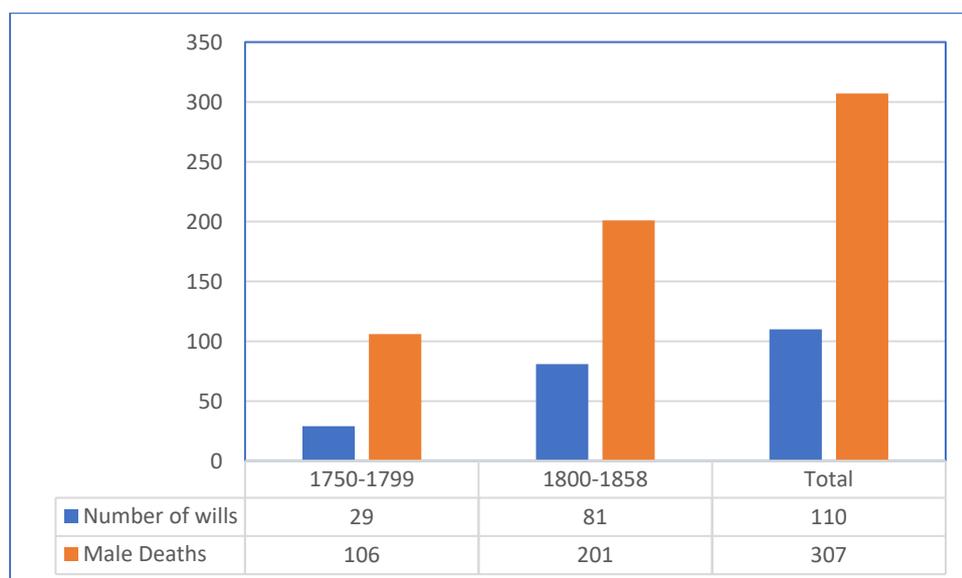
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<sup>1</sup> Susan Dwyer Amussen, *An Ordered Society: gender and class in early modern England* (Oxford: Blackwell, 1988), p.91.

<sup>2</sup> Janet Finch and Jennifer Mason, *Passing On Kinship and Inheritance in England* (London: Routledge, 2000), p.3.

early modern period 1750-1799 and the beginning of the modern 1800-1858 for comparison purposes.

Chart 3.1: The number of male deaths and wills for the periods of 1750-1799 and 1800-1858 in the Heaton area (Source the LRO).



During 1750-1799 there were 106 registered male deaths, and twenty-nine of these men or 27% left a will. In the later period of 1800-1858, 201 male deaths were recorded with eighty-one men or 40% of them leaving a will. This offers a remarkable contrast to Alastair Owens' study of industrialising Stockport, where he found that during 1800-1857 only 5% of men left wills.<sup>3</sup> The most probable reason for this is that a high proportion of men owned or 'rented for lives' land and property within the Heaton area and the steadily expanding nearby towns of Middleton and Manchester. Both of the nearby towns saw considerable population growth as the early modern age closed and moved towards the industrial era. Investment in

<sup>3</sup> Alastair Owens, 'Property, gender and the life course: Inheritance and family welfare provision in early nineteenth-century England', *Social History*, 26:3 (2001), 299-317 (p.302).

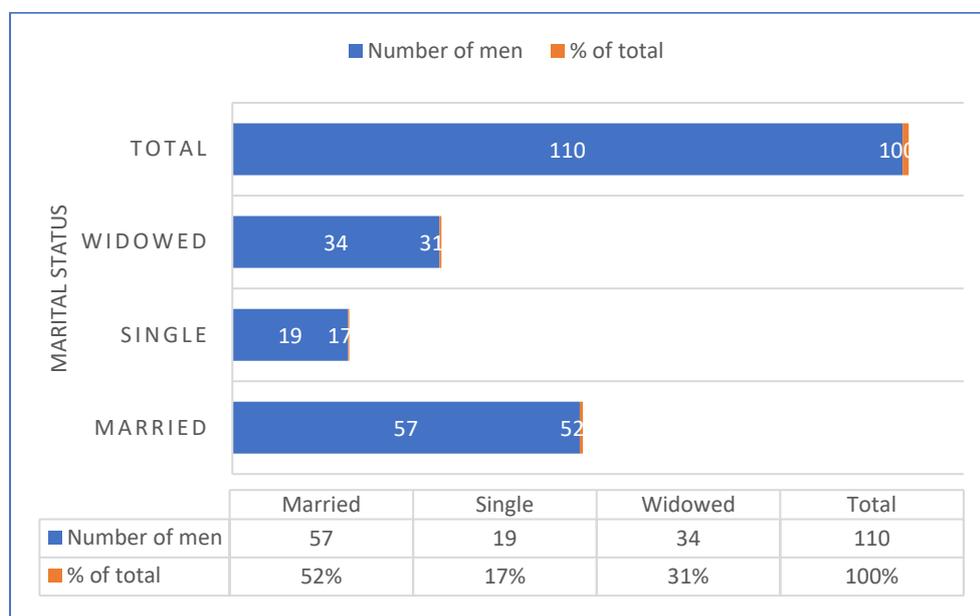
infrastructure and housing stock brought in steady rents. This meant that the men developed a financial base to protect their relative's status and pass on to kin for future generations. Heaton men often had their executors hold properties in trust where the incomes could provide an annuity for their wives or children. As Davidoff and Hall describe annuities were popular classic forms of income provision for dependent kin, especially female kin, where a steady income flow was required.<sup>4</sup>

Establishing the marital status of the male testators was as important as it was for the females but for an entirely different reason. As seen in the previous chapter, the legal right for a woman to make a will was dependent on her marital status. For a male testator, his marital status affected how he distributed his estate and provided for his widow and children. Of the testators who left wills, ninety-one men or 87% had married, with fifty-seven or 52% of these still being married at the time of their decease. Thirty-four widowers made up 31% of the deceased and nineteen men or 17% never married.

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<sup>4</sup> Leonore Davidoff and Catherine Hall, *Family Fortunes Men and women of the English middle class 1780-1850* (London: Routledge, 1987), pp. 211-212.

Chart 3.2: Marital status of the men of the Heaton area 1750-1858 at the time of their death shown in numbers and percentages (Source from the wills at the LRO).



The Heaton area residents from 1750-1858 acquired and owned more material possessions, especially properties, than previous generations and many had valuable assets to bequeath to their kin. Having obtained these assets, the male testators wanted to ensure that they were preserved and protected and that they stayed within the direct consanguineal family as far as possible and therefore composed their wills accordingly. An example of this was James Somister, a yeoman of Little Heaton who acquired many properties throughout his lifetime and ensured that they were to stay in his direct family line by devising them to his wife for her lifetime, then to his daughter and son in law for their lifetime use, and then on to their children (his grandchildren).<sup>5</sup>

Finch and Mason maintain that the character and quality of relationships can be revealed during the transmission process of bequests demonstrating kinship patterns

<sup>5</sup> WCW/Infra/C1436/105 will of James Somister from LRO.

within the nuclear and extended family.<sup>6</sup> The individual can use the act of bequeathing property or other assets to define their relationships and to identify which relationships were the most important to them. The composing of a will forces the testator to consider these relationships and the effect that they may have on the immediate or extended family if recognised or not within the will.<sup>7</sup>

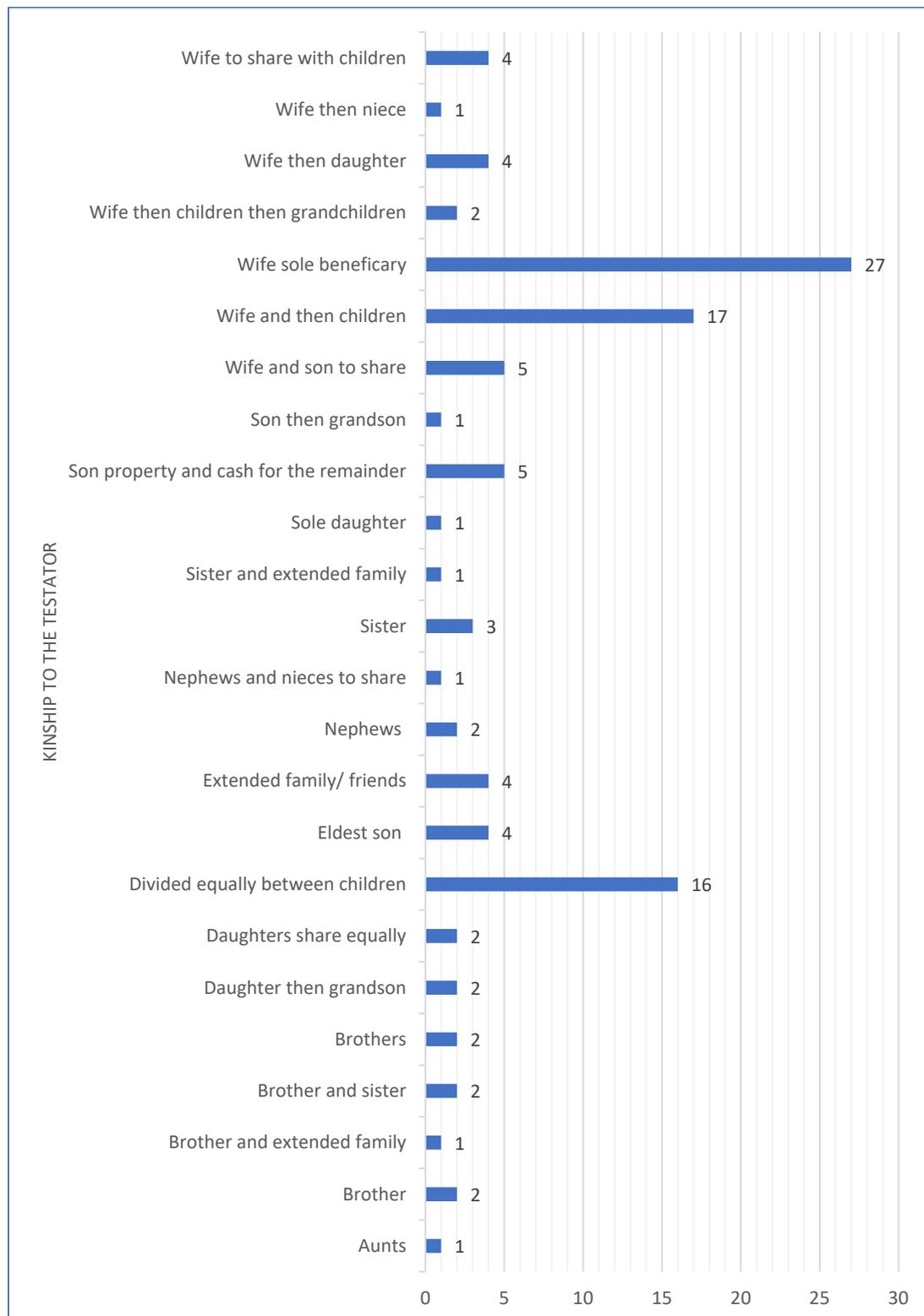
From Chart 3.3. it can be observed that the priority of the men of Heaton was to ensure that their wives and children were provided for after his death. Twenty-seven husbands (24.5 %) chose their widows as the sole beneficiary and with the will featuring no further instructions allowed the women themselves to decide which kin should inherit after her decease. Seventeen men (15.4%) left the family home and household goods to their widows to enjoy for their lifetime with the will containing instructions that the estate was to be passed to their children on her decease. This ensured that the direct kin line was maintained, and the widow had no need to compose a will herself as the property was already bestowed on the next generation.

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<sup>6</sup> Finch and Mason, p.2.

<sup>7</sup> Finch and Mason, p.11.

Chart 3.3: The beneficiaries in wills of the men of the Heaton area and their kinship relationship to the testators 1750-1858 (Source the LRO).



In Owens' Stockport study, 20% of the wills of married men left instructions of what was to happen if their widow remarried, in Heaton, only 5.45% or six men addressed the possibility that their widow may remarry.<sup>8</sup> The disparity in numbers may be explained in that the women of Heaton were older and less likely to remarry and reproduce. The six men in Heaton who left instructions allowed their widows to reside in the family home for their lifetimes with the caveat that she remained unmarried. All of these were related to women who were young enough to remarry and start a new family, a situation which may have threatened the position of the testators direct consanguineal kin. Since under the doctrine of coverture, the new husband would have gained possession of any property, cash, or goods the widow had inherited. Therefore, the Heaton wills stated that if any woman remarried, she was to relinquish all property and goods and leave with only a shilling, except for Joseph Fenton's will of 1825 who allowed his widow a third of the estate should she choose to remarry.<sup>9</sup> Only one widow, Alice Rogerson remarried, six weeks after her husband John died and left her with five children under the age of ten. John Rogerson's will was the only one disputed in the Heaton area, and the case was brought by one of the executors, Samuel Timmins, who was also the principal creditor.<sup>10</sup> The inventory which accompanied John's will detailed the properties he owned in Manchester and the personal property within his estate; however, it also specified the debts owed to twenty-two people within the local community. It appeared that Samuel Timmins brought the case in the expectation that he may not be repaid. As it transpired, his assumption was correct as not all the debts and

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<sup>8</sup> A. Owens, p.310.

<sup>9</sup> WCW/Supra/C806A/14 will of Joseph Fenton from LRO.

<sup>10</sup> WCW/DRCH/ Disputed probate of John Rogerson from LRO.

expenses of the estate could be discharged. Mrs Rogerson remarried six weeks later, and her new husband covered Mr Rogerson's burial expenses.

Equal division of the estate between all children was the standard method chosen by the sixteen widowers (14.5%). Although Davidoff and Hall concentrated on the emerging 'middle' class between 1780-1850, rather than the predominating labouring class of the Heaton area, it is interesting that both classes distributed assets equally between their children moving away from the custom of primogeniture. Davidoff and Hall observed that male testators attempted to bequeath their sons and daughters gifts of equal value, although the sons tended to get land and property. A daughter may receive cash, but her father would need to ensure that his will instructions broke coverture or her inheritance would be lawfully possessed by her husband.<sup>11</sup> The will of John Poole, of Rhodes Green, dated 1795 demonstrated his determination to bequeath his daughter cash when he instructed that 'the money is for her own sole and separate use and not subject or liable to the control, debts or engagements of any husband which she may have'.<sup>12</sup>

It appears that men valued their daughters and wives as equal kin, and the custom of primogeniture was only observed in four of the wills (3.63%). In comparison, another five men (4.54%) left the main property to the eldest son with a comparable amount of money bequeathed to the other children. Where females were the only surviving consanguineal kin, two testators bequeathed the property in the estate to the next male in line either eldest nephew or grandson, therefore, retaining the direct male kinship line. James Wrigley, a shopkeeper of Little Heaton, died in 1789, owning several rental properties in Manchester which he left in trust

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<sup>11</sup> Davidoff and Hall, p.276.

<sup>12</sup> WCW/Supra/C557A/15 will of John Poole from LRO.

with his executors.<sup>13</sup> His will instructed them to sell household goods and furniture and collect the yearly rents from the houses until his youngest grandchild, Richard Scholes, reached the age of twenty-one, at which point he was to inherit the properties. William Wrigley, James' only son, 'is to receive £20 yearly paid six-monthly if he returns to England and claims within seventeen years'.<sup>14</sup> An element of family reconstruction revealed that at the time of James Wrigley's decease his only male grandchild Richard Scholes was a mere four years old. Therefore, his son William Wrigley would be James legal heir until Richard turned twenty-one. Neither of his two executors were immediate kin, but he must have trusted his friends implicitly if he expected that their duties might need performing for up to seventeen years. Since Richard Scholes was the son of Esther Scholes nee Wrigley daughter of James, it is interesting that Esther was circumvented entirely in the most obvious case of primogeniture in the Heaton area.

Nineteen men or 17% of the Heaton testators never married and their wills bequeathed property and goods to extended kin as they had no immediate family of their own. For this group, brothers appeared to be the first choice as beneficiaries, followed by nephews, sisters and male friends, in only one will did a single male testator leave property equally to their niece and nephew.

Another facet of kinship revealed by the wills was the relationship between adult brothers and sisters. Davidoff suggests that single men can form intense relationships with their unmarried sisters often based on long term childhood experiences. They may reside together either until one marries or in some cases for

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<sup>13</sup> WCW/Infra/C1436/105 will of James Wrigley from LRO.

<sup>14</sup> William Wrigley was a soldier in America in 1789.

their lifetimes.<sup>15</sup> Several examples of siblings co-residing in the Heaton area were identified first through their wills and later using family reconstruction. Davidoff explored the kinship ties between adult brothers and sisters in a case study of a middle-class family and suggested that a sister may act as a hostess cum housekeeper for her brother in turn for his protection and financial support.<sup>16</sup>

There was a similar case in Rhodes Green, where Edmund Hopwood resided with his younger sister Anne. The Hopwood's were an old established family of a higher status than most of the residents of the area, and it appears that Anne did indeed act as a hostess for her brother until he married Margaret Lever when he was aged fifty-nine. Anne appears to have been on good terms with her new affinal kin as she continued to reside with the couple. When Edmund died in 1783, Margaret and Anne remained at Rhodes Green until Anne's death in 1793 when Margaret remarried.<sup>17</sup>

Of note in Edmund's will is that he left £100 to his brother Robert but made no mention of Anne and despite having a brother he leaves his estate to 'Margaret my beloved wife and her heirs and assignees forever' in its entirety.<sup>18</sup> Since the couple had no issue, Edmund bequeathed his estate to Margaret in the full knowledge that it would be inherited upon her death by her kin outside of Hopwood family. Therefore, it is assumed that there must have been an informal agreement or at least a discussion about Anne and Margaret continuing to live together after his death.

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<sup>15</sup> Lenore Davidoff, 'Kinship as a Categorical Concept: A Case Study of Nineteenth Century English Siblings, *Journal of Social History*, 39:2 (2005), 411-428, (p. 413).

<sup>16</sup> Davidoff and Hall, p.280.

<sup>17</sup> <<https://www.lan-opc.org.uk>>.

<sup>18</sup> WCW/Supra/C513B/47 will of Edmund Hopwood from the LRO.

In the second case, John and James Mills co-resided, at 'Crolodges' a large farming property, with their sister Ann.<sup>19</sup> The three unmarried siblings appear to have shared the family inheritance when their parents died, which allowed them to preserve the viability of the farm and enjoy a comfortable lifestyle. Their sister, Mary, inherited a comparable amount of cash when she married Benjamin Jacques in 1788. James died in 1833 and bequeathed his share of 'Crolodges' to be divided equally between James and Ann.<sup>20</sup> Mary again received a cash legacy. Ann died on 9th June 1836 and left her share of the farm to John, who died only a few months later.<sup>21</sup> 'Crolodges' is then inherited by the only surviving sibling Mary and her children receive various gifts of cash and properties previously acquired by the Mills siblings. All three leave large amounts of money and shares in numerous local properties that suggest that pooling their resources was a prudent move and meant that they were able to leave their remaining kin a considerable fortune.

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<sup>19</sup> WCW/Supra/C1021/87 will of John Mills from the LRO.

<sup>20</sup> WCW/Supra/C962/22 will of James Mills from the LRO.

<sup>21</sup> WCW/Supra/C1021/68 will of Ann Mills from the LRO.

Chart 3.4: representing the 110 wills and the number of executors and their kinship relationship to testators in the Heaton area (Source the LRO).

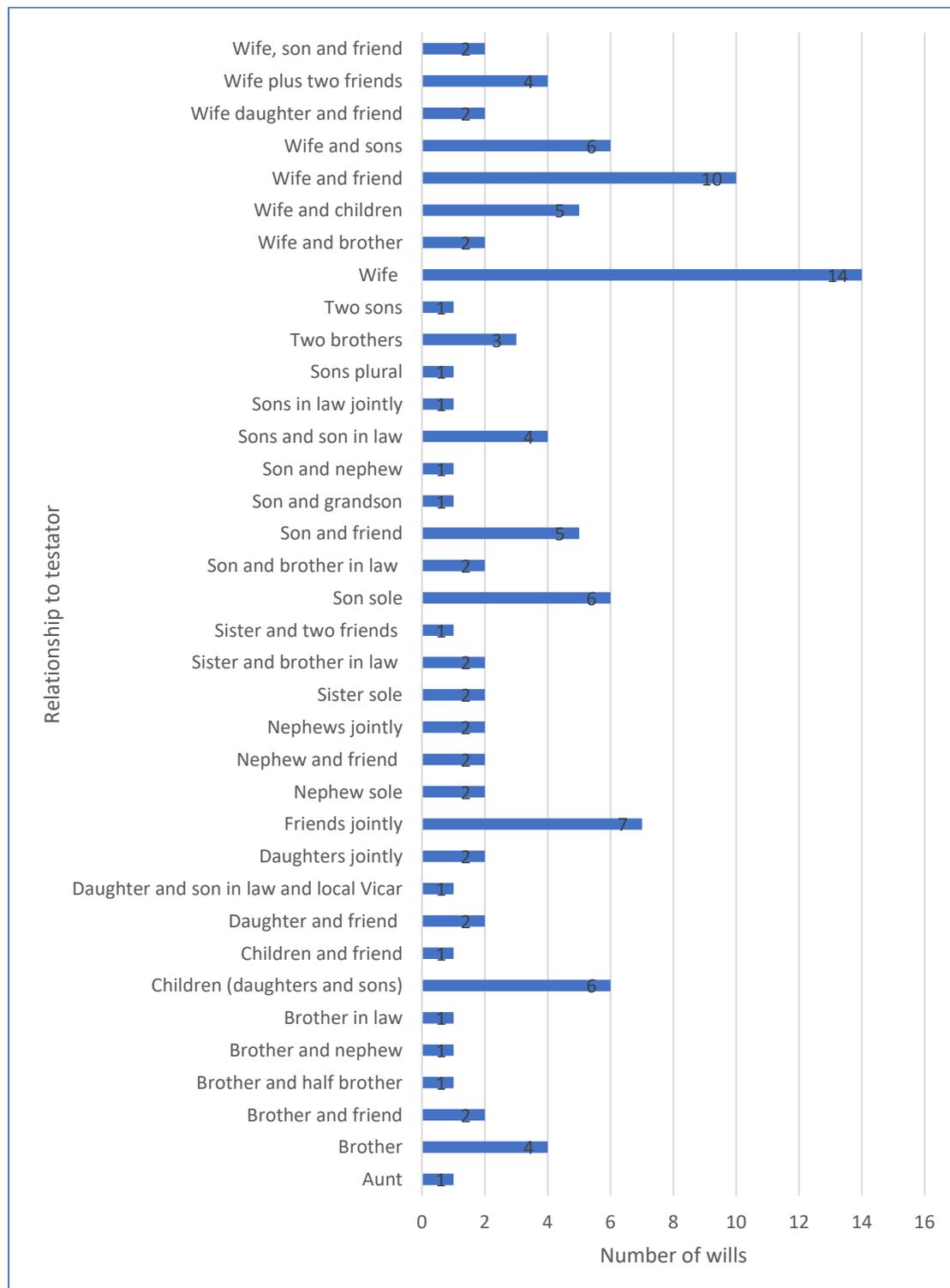


Table 3.1 representing the 110 wills and the number of executors and their kinship relationship to the testators of the Heaton area (Source the LRO).

Relationship to testator	No of wills	%
Aunt	1	0.9
Brother	4	3.63
Brother and friend	2	1.81
Brother and half brother	1	0.9
Brother and nephew	1	0.9
Brother in law	1	0.9
Children (daughters and sons)	6	5.45
Children and friend	1	0.9
Daughter and friend	2	1.81
Daughter and son in law and local Vicar	1	0.9
Daughters jointly	2	1.81
Friends jointly	7	6.36
Nephew sole	2	1.81
Nephew and friend	2	1.81
Nephews jointly	2	1.81
Sister sole	2	1.81
Sister and brother in law	2	1.81
Sister and two friends	1	0.96
Son sole	6	5.45
Son and brother in law	2	1.81
Son and friend	5	4.56
Son and grandson	1	0.9
Son and nephew	1	0.9
Sons and son in law	4	3.63
Sons in law jointly	1	0.9
Sons plural	1	0.9
Two brothers	3	2.72
Two sons	1	0.9
Wife	14	12.74
Wife and brother	2	1.81
Wife and children	5	4.54
Wife and friend	10	9.09
Wife and sons	6	5.45
Wife daughter and friend	2	1.81
Wife plus two friends	4	3.63
Wife, son and friend	2	1.81
	110	100%

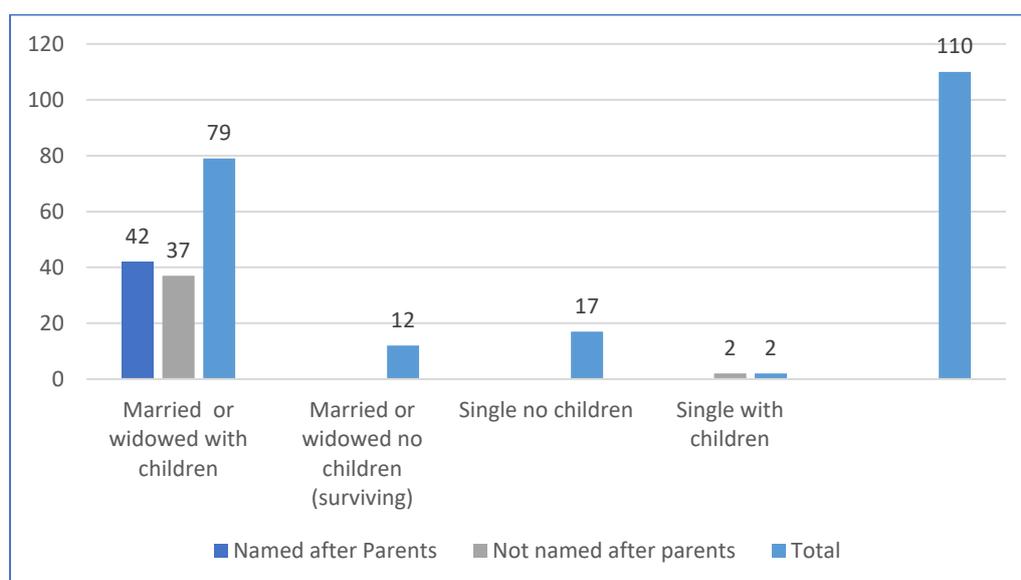
Chart 3.4 illustrates that Heaton men appointed a varied selection of kin to act as their executors. Forty-five (40.9%) of the wills named the wife as one of the executors, with only fourteen (12.7%) of these having the wife as the sole executor. The Stockport study showed that 84% of the wills of the married men had their wives appointed as an executor.<sup>22</sup> In some of the Heaton cases, it was apparent that the wife may not have been literate as she only made her mark on the probate documents. Therefore, appointing a friend or relative who was literate would be of assistance to her during the probate process, especially if properties or a large estate was involved. All of the friends appointed as executors or joint executors were male and mostly from the resident community being neighbours or local businessmen. The inferior legal position of a woman could also be a factor, and it may be possible that the testator recognised that a male executor might strengthen his wife's position when dealing with debtors or creditors, the sale of properties or the setting up of trusts. This might also explain why daughters and sisters were seldom chosen as sole executors. There were four wills where sons were appointed jointly with sons-in-law. In one instance, this appeared to be instead of his daughter, but on the other three occasions, the daughters had all died, and the sons-in-law were protecting their late wives share of the estate on behalf of their children. This was another indication that men in the Heaton area valued their sons and daughters equally as they recognised that the kin of his late daughter was entitled to a share of the family estate.

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<sup>22</sup>Alastair Owens, p.309.

Strong kinship links were also evidenced in the wills through the appearance of the onomastic naming practices where the same family names are passed down the generations.<sup>23</sup>

Chart 3.5: Representing the marital status of parents within the Heaton area wills and the number of (surviving) children who were or were not named after one of their parents (Source the LRO).



The wills of the men of Heaton contained the names of their children who had survived at least to the time of the will being written. These names were compared with the names of their parents to ascertain the frequency with which names were passed down from parent to child. Out of the ninety-one or 82.7% of married couples, twelve (13%) either were childless or had children who died before the will was written, resulting in no issue. Seventy-nine men or 71.8 % either remained married or were widowed at the time of the will. Forty-two men, or 38% of the total

<sup>23</sup> Sofia Kotilainen, 'The Genealogy of Personal Names: towards a more productive method in historical onomastics', *Scandinavian Journal of History*, 36:1 (2011), pp.44-64.

wills, had named their child or children after either themselves or their wives. In the majority of these cases, children were named after both parents. In the other thirty-seven (33.6%) instances either both the parental names were avoided altogether, or such named children had died. During the analysis, it became apparent that married couples often named some of their children after unmarried brothers or sisters, aunts and uncles or grandparents. Repeating the use of a name after the death of a child occasionally occurred if the name had been one of the parents, especially the father most probably to preserve the naming customs of the family.

One kin group not mentioned, in any capacity, in either the male or female wills is that of godchildren. David Sabean suggests that appointing godparents for their children allowed poor people to 'attach themselves' to people of a higher social standard through ties of fictive kinship in expectation or hope of patronage.<sup>24</sup> It could be that Heaton parents felt there was no need for such 'attachments' since their children would have a more than adequate kinship network to assist them with marriage or employment opportunities or to step in if anything should happen to the parents. When widower James Heywood composed his will in 1773, he indicated that he expected his oldest son to assume a type of parental responsibility for his brother:

My sons James, George, Isaac and John to get equal shares, with the proviso that my son James shall take my son Johns part and put the same to interest so that any arising shall be expended in getting my son John some Mystery or

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<sup>24</sup> David Sabean, 'Aspects of Kinship behaviour and property in rural Western Europe before 1800', in *Family and Inheritance*, eds Jack Goody, Joan Thirsk and E.P. Thompson (Cambridge: CUP, 1976), pp.97-98.

calling into his hands to get him an honest livelihood or otherways for his use as the case may be.<sup>25</sup>

The parish records revealed that John was only eight years old at the time of his father's death, so James is being made accountable for ensuring that John is financially supported until such time as he can support himself.

Just as with the female wills, the male wills can also reveal that testators may have either experienced problems with their consanguineal or affinal kin or anticipate that problems may occur later. Four of the wills referred to beneficiaries receiving 'a shilling'.<sup>26</sup> The 'shilling' inheritance or 'the cutting off with a shilling' was not unusual in the Heaton area and served several purposes. Firstly, it was used to recognise that a relative was not to receive any further inheritance from the testator and prevent that relative from taking legal action for not receiving a larger share of the deceased's estate. It was also utilised as a threat to ensure that kin behaved appropriately during the funeral and will reading. As previously mentioned, some men made it clear in their testaments that if their widow were to remarry or to fornicate, she gave up all her rights to property and goods and received only a shilling. John Royle's will of 1768 instructed his executors to issue his eldest son John 'one shilling on the day of my internment'.<sup>27</sup> From the tone and content of the will, it appears that John was disinherited in favour of his two younger brothers Henry and Thomas.

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<sup>25</sup> WCW/Supra/C479A/67 will of James Heywood from LRO.

<sup>26</sup> Jane Cox, *Affection Defying the Power of Death: Wills, Probate and Death Duty Records* (Bury: FFHS, 1993), pp.28-29.

<sup>27</sup> WCW/ Supra/C464A/46 will of John Royle from LRO.

Further discord may have been expected as the testator further directed:

If my sons differ over allowing their mother to reside in the family home for her lifetime, then Henry shall take over my part of the house called the kitchen and shall take of Mary until her decent burial and have £5 yearly.<sup>28</sup>

Prior to the analysis of the wills, it was assumed that the male wills would form the centre of the dissertation since there were almost three times as many as the wills of the female residents. However, the priority of the men was to care and protect their wives and children and ensure that they were provided for in the best way possible. As a result, the majority of testators bequeathed their possessions and properties to their nuclear family and as shown in some cases for further generations. As all the male wills dealt with the transmission of property, they were less varied in nature than the wills of the women. However, they did contain more names through the increased numbers of testators, beneficiaries, and executors, allowing a complex kinship network to be developed.

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<sup>28</sup> WCW/Supra/C464A/46 will of John Royle from LRO.

## Chapter 4: Kinship in the Heaton area

From the previous two chapters, it can be seen that wills are a useful resource for the historian when considering kinship within both a family and community. They reveal obvious quantifiable elements such as names of beneficiaries, executors, witnesses, addresses, marital status, employment and of course, the testator's possessions and property. Combined with further documentation, such as parish registers, manorial records, land surveys, and censuses, families can be reconstructed, allowing for consanguineal and affinal kinship relationships to be recognised as well as extended family. As more of these reconstructions are connected, a community's framework can be built, revealing other relationships that may be social rather than consanguineal or affinal. Unfortunately, this kind of social kinship through shared experience for example employment, religion or political views could not be explored fully due to the lack of access to supplemental information such as local newspapers due to the closure of archives in the Covid pandemic. This would certainly offer a further opportunity for study.

The increased availability of testaments written by men meant that more reconstructed families could be connected into a network which illustrated how close kinship was within the townships and hamlets which formed the Heaton community. Although kinship networks appear very extensive, it is impossible to know whether these networks were utilised or whether in reality ties were tenuous in nature. Censuses reveal that families had consanguineal, affinal and more extended kin living with them, especially on farms or in public houses where relatives were often employed within the business. Gillis suggests that business and farming 'demanded'

co-operation among households and made the circulation of kin a 'vital necessity'.<sup>1</sup> Anderson concurred with this and described some rural parts of Lancashire and Yorkshire as consisting of small family farms which relied on family labour occasionally supplemented by farm servants or labourers, often with the family also employed in handloom weaving.<sup>2</sup> This was certainly true of the Heaton area where families were often weavers, shop keepers or brewers in addition to agriculture or dairy farming. Farm servants or labourers were usually sourced from extended family members. This may be one reason why the younger residents did not need to move away for work or apprenticeships. By contrast, Anderson's research demonstrated that migration from rural areas into Lancashire towns was at a high level in the nineteenth century. He found that the inheritance pattern was one of the reasons for this in that property and land tended to be bequeathed to the eldest son meaning that other sons may need to travel further afield for property and employment opportunities. However, this was not the case in rural Heaton, as evidenced by the wills and the censuses. Primogeniture was not the usual here, and properties and land were often divided between sons and daughters meaning that they could stay in the area and that kinship connections were not diluted.

Reay utilised the censuses to demonstrate that the population of the Blean had strong local links originating either within the parish or from an approximately five-mile radius.<sup>3</sup> However, as the census only represents one night, it can only be assumed that these people were residing at that address rather than visiting,

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<sup>1</sup> John R. Gillis, *A World of Their Own Making A History of Myth and Ritual in Family Life* (Oxford: OUP, 1997), p.64.

<sup>2</sup> Anderson, p. 81.

<sup>3</sup> Barry Reay, *Microhistories: Demography, Society and Culture in Rural England 1800-1930* (Cambridge: CUP, 2002), p.258.

although by 1851 the enumerators for the Heaton area tended to record if the relative was a visitor or a resident. Heaton had very similar characteristics to the Blean as Bowlee, Great Heaton, Little Heaton and Rhodes Green were linked and interconnected through family networks, employment and social activities over a relatively small neighbourhood. Respecting the number of relatives enclosed in a small area, Heaton echoed Young and Willmott's findings in their study of Bethnal Green a hundred years later. They found numerous links or connections between families and that these networks grew as new families were formed and kinship circles grew.<sup>4</sup> An additional observation was made that most newly married couples wanted to remain living near to their parents. Anderson mentions that this was also applicable to mid-nineteenth century Preston and this study of the families in Heaton confirms that this propinquity was also the norm during the period of this study.<sup>5</sup>

Mills explored the hypothesis of *Gemeinschaft* whereby kin is heavily dependent on one another economically and socially within a community that is built on close relationships, traditional social rules and co-operation.<sup>6</sup> The Heaton area encapsulates this concept as the population remained geographically immobile and generations became intertwined by marriage. The exact percentage of interrelationships within the area would require more intensive study; however, the family reconstructions from the wills and the additional information from the parish records suggest that a conservative estimate would be that no less than 80% of the area were related to some degree.

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<sup>4</sup> Michael Young and Peter Willmott, *Family and Kinship in East London* ( London: Routledge and Kegan Paul, 1957), p.87.

<sup>5</sup> Michael Anderson *Family Structure in Nineteenth Century Lancashire* (Cambridge: CUP, 1971), p.56.

<sup>6</sup> Dennis R. Mills, 'The residential propinquity of Kin in a Cambridgeshire village, 1841', *Journal of Historical Geography*, 4:3 (1978), 265-276 (p.265).

Although the study covered just over a century, there was very little change in the profile of Heaton until about 1835 when industrialisation began to impact the local area, especially Little Heaton and Bowlee as new firms and working practises moved the residents away from home working. By 1851 the demography had also begun to change as some of the long-established families had died out and new families took up residence. The character of the wills showed no signs of change throughout the century, but the density of kinship and interrelationships began to reduce.

This dissertation began by asking what do wills reveal about kinship in the rural area of Heaton? The expectation being that the researcher would be able to study Heaton's kinship networks through the medium of the residents' wills and determine whether kinship was limited to the nuclear family or spread throughout the community. To a certain extent, this outcome was achieved in that it was established that families may have begun as nuclear units but that they expanded and contracted as needed depending on the needs of the members and the community at large. However, when it came to examining how kinship networks were utilised on a daily basis, wills were far less useful. They cannot offer definitive answers as to how this network would have or could have been used in reality. As previously mentioned no diaries or personal letters have survived, and no oral reports or interviews could be taken.

Cressy commented thirty years ago that without family reconstruction and successful record linkage being utilised to understand wills little more than counting or classifying the relatives mentioned could be achieved.<sup>7</sup> While this remains true, it

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<sup>7</sup> David Cressy, 'Kinship and Kin Interaction in Early Modern England', *Past and Present*, 113 (1986), 38-69 (p.56).

can also be argued that even with family reconstruction and elements of microsimulation, whereby a greater range of genealogical and demographic material is calculated, a researcher may still encounter difficulties in interpreting kin recognition through the medium of wills. Kinship can be mapped throughout families and indeed communities, but it possesses an intangible quality that cannot be genuinely captured from historical documents. How, when, why and if the residents utilised their kinship connections is far harder to quantify. Heaton wills revealed little more than testators expected their kin to care for other family members, whether young, old or infirm and executors, usually close kin, were expected to ensure that the deceased's affairs were in legal order and distribute the estate as detailed in the will.

Lynch concurs with Cressey and argues that to understand the actual workings of kinship ties and how they were used to provide assistance and support the researcher needs to utilise many of the sources used by social historians, including letters, diaries and records of local public institutions.<sup>8</sup> Alan Macfarlane was able to do this when he analysed the diary of Ralph Josselin and established the man's kinship network and how it was used, by virtue of the amount and quality of personal material available.<sup>9</sup> Unfortunately, none of this kind of document has been found for any of the Heaton area families.

The wills of the Heaton area reveal the types of kinships present and hint at the extent of the interrelationship between the families throughout the community.

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<sup>8</sup> Katherine A. Lynch, 'Kinship in Britain and Beyond from the early modern to the present: postscript', *Community and Change*, 21:1(2010), 185-190 (p. 185).

<sup>9</sup> Alan Macfarlane, *The Family Life of Ralph Josselin* (Cambridge: CUP, 1970).

However, most are unable to reveal any significant information about how the testators, families and friends used these kinship connections on a day to day basis.

## CONCLUSION

The 110 wills of the Heaton area were mostly concerned with the transmission of property down the generations, to protect and preserve the financial status of the nuclear family. Men and women benefited from the prosperous economy of the area and invested in properties locally and in the nearby towns. There was little migration out of the area as there were ample opportunities for training and employment. This meant that families became highly interrelated, and this was evidenced clearly in the wills. The single men and women in the area appeared to bequeath to their nearest kin relation first, for example, a sibling before turning to extended family. Women in particular bequeathed property to other women, especially nieces, perhaps so that they could enjoy the freedom that holding property could offer a woman in a predominately male society. Women also seemed more preoccupied with leaving small mementoes to friends and extended kin such as clothes or jewellery, whereas men seldom mentioned individual items.

Primogeniture was not the custom, and sons and daughters were treated as equally as possible when wills were composed. If possible, both genders received property or cash equivalents, and fathers tried to ensure that their daughters could benefit from their inheritance and avoid the doctrine of coverture. Several of the wills demonstrated that parents went to great lengths to protect their dependent children and ensure that their futures were taken care of as much as possible. Occasionally appointed executors were expected to collect rents, control trusts and find employment for minor children, resulting in their executorship lasting many years.

Men produced plans to provide for their widows unless she chose to remarry, in which case she was awarded only a shilling from the estate, with the remainder going to the testators consanguineal kin. Often this meant that the widow retained the family dwelling or estate for her lifetime, even if this meant sharing with her adult children. On her death, it may then pass to her children as stated in her husband's original will or in some cases; it was left to her to decide who inherited next.

Most of the families in the Heaton area conformed to the nuclear model and expanded and contracted naturally. Since there was no shortage of property in the area, there was no need for extended families to share accommodation. This could also explain why some lanes had houses almost all occupied by the same families. Farms tended to have extended families as relatives were employed in the business, and often two families lived and worked at the same property.

Industrialisation had little impact on the area until approximately 1835 when working practices began to change. Work moved from inside the home to local factories on the outskirts of Little Heaton, and there was a rise in the population as new families moved into the area to take advantage of the employment opportunities. Coincidentally this was also the time at which many of the old established families began to die out, and therefore the culture and the values of the area began to change. Much of the community was still related, but at a much lesser degree.

There were considerably more wills in the 1800-1858 period; however, there was no difference in content to the wills of 1750-1799. In some respects, time almost stood still in the Heaton area probably because it was an isolated community, highly interrelated and resistant to change. Heaton did not move to the nuclear family

model when industrialisation appeared because it already existed and functioned well for the individuals and the community.

Unfortunately, 2020 was perhaps not the best year to attempt to evaluate kinship through the medium of wills. At the time of planning and the initial research, it was expected that the wills would be supplemented with the local newspaper, which at the time was *The Middleton Guardian*. It covered the Heaton area in great detail and would have added another dimension to kinship through the social activities of the residents and the general news about their everyday lives and interactions. However, this newspaper has not yet been digitalised. Therefore, access was denied when the local record office closed during the pandemic. This meant that the wills even supplemented with other sources could reveal little about the actual workings of kinship and so the research ended up being rather more quantitative in nature than intended. Despite these drawbacks and limitations, this study still illuminates an area and period not studied previously. It also offers an opportunity to complete the picture when access to other sources is available.

During the early stages of research, it became apparent that there were fewer studies on both kinship and wills following the post-1782 period, when inventories were no longer legally required to accompany wills. A supplementary question arose as to whether utilising wills as a resource to explore kinship was still a worthwhile exercise or would be hindered by the lack of inventories. In the Heaton area, several of the wills were extremely detailed about personal possessions, but only one inventory had survived. This will and accompanying documents listed the debts and creditors of the deceased. This offered further information about the structure of the community and interactions between the residents, which may be useful for examining the why, how and when kinship connections are utilised. It was concluded

that the absence of inventories is a severe loss to the historian and local history in general.

## APPENDICES

Appendix 1 Map of Bowlee, Little Heaton, Great Heaton and Rhodes

Green dated 1848

Appendix 2 Further information regarding Sarah Partington

Appendix 3 Page of the 1841 Census for Bowlee

Appendix 1- Map

**\*IMAGE REMOVED FOR COPYRIGHT REASONS\***

## Appendix 2

Further information was found at the Greater Manchester County Record Office regarding the will of Sarah Partington mentioned on page 28. In the Egerton family's estate records, there was a collection of title deeds detailing land and properties bought and sold by the Earl of Wilton of Heaton Hall. According to a document titled E4/1/6/3 Sarah Partington had obtained a lease on a plot of land, in Little Heaton, from Ashton Lever on 19<sup>th</sup> July 1782 in order to build property. She died on 23<sup>rd</sup> March 1783. It is unclear whether these properties were completed by the time of her death, but they are referred to in her will dated 4<sup>th</sup> February 1783, where she instructs her brother in law James Partington to care for the properties until her youngest child reached their majority. A further document in the series numbered E4/1/6/8 title deeds was dated 26<sup>th</sup> May 1798 and included a valuation of these properties of £487. This valuation appears to have been recorded as by this date, Sarah's youngest child had reached the age of twenty-one.

**\*IMAGE REMOVED FOR COPYRIGHT REASONS\***

Appendix 3

This page of the 1841 Census featuring part of Bowlee demonstrates how interrelated the residents of Bowlee were.

The head of the first house was recorded as John Hilton, a weaver, aged 70. Living with him is his son in law Joseph Lancashire married to John's daughter Maria nee Hilton. The couple has one child and also at the property is Maria Lee, who was born and bred in Little Heaton. Joseph's occupation is that of a farmer, and it may be that Maria is employed on the farm.

Residing next door was William Grundy and his sister Mary. Living with them is Joseph Ogden, aged 20.

Edmund Briggs was next door with his wife the former Mary Tetlow, and they have her sister Nancy Tetlow staying with them and their children.

Their neighbours are Nathan Heaton who is married to Mary formally Mary Lancashire, the sister of Joseph Lancashire, the farmer in the first property.

The final couple featured on the page is Thomas Grundy and his wife, Sally. Thomas was the twin brother of William Grundy above (parents Ralph and Betty)

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WCW/SUPRA/C628A/24	SAMUEL ASHWORTH	1806
WCW/SUPRA/C614A/46	BETTY BARLOW	1804
WCW/SUPRA/C1248B/30	JOHN BARLOW	1853
WCW/SUPRA/C568A/89	JOHN BARLOW	1798
WCW/SUPRA/C575A/12	MARTHA BARLOW	1799
WCW/SUPRA/C792A/5B	JOHN BESWICK	1824
WCW/SUPRA/C1220A/5B	PETER BESWICK	1851
WCW/SUPRA/C927/18	ELIZABETH BOOTH	1832
WCW/SUPRA/C1026/76	ANN BRIGGS	1837
WCW/SUPRA/C769A/64	JAMES BRIGGS	1822
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WCW/SUPRA/C1475/20	JAMES BROWN	1810
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WCW/SUPRA/C500B/14	ADAM DAWSON	1779
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