

4

MARRIED WOMEN'S TESTAMENTS

Division and distribution of movable property in seventeenth-century Glasgow

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ABSTRACT

The death of a married woman in early modern Scotland sparked the division of her and her husband's movable estate, with her husband, children, and kinship network all staking a claim to her share of marital goods. Marital property arrangements and testamentary practices in Scotland were closely aligned with procedures found in other civil legal traditions on the Continent. Unlike women under the English common law doctrine of coverture, married women in Scotland were entitled to bequeath a customary share of marital property before death. The amount depended on whether they had any children with their husbands. Even when a married woman died without leaving a written testament, her husband was not automatically granted the right to retain control and ownership of all marital goods and assets. This chapter will show how married women of middling to lower status in seventeenth-century Glasgow asserted ownership of particular movable goods and assets when faced with the prospect of death and will investigate the kinds of goods married women bequeathed in testaments in Glasgow's commissary (reformed church) court across the seventeenth century. It will also investigate the effects of intestacy on the marital household and will explain why husbands and wives often treated household goods as jointly owned in their testaments. In doing so, this chapter adds a valuable contribution to our understanding of gender relations, household strategies, and marital property arrangements in an urban settlement in early modern Scotland.

I. Introduction: Wives and movable property in Scots law

In the spring of 1607, Elspeth Braidwood, the wife of Robert Horner, a burghess of Glasgow, professed her dying wishes in her dwelling place¹. Faced with her own mortality (and indeed passing away three days later), Elspeth appointed her husband, Robert, as the only executor to her movable estate, entitling him to settle outstanding credit arrangements made in her name. In her testament, Elspeth

noted that she and her “poor tailor” husband, Robert, collectively owned household furniture and three old boats worth a total of £38 14s 4d Scots (£2 19s 10d sterling), and that her husband was to retain her share of free goods. Elspeth also declared before her friends and neighbours that she left her daughter from her previous marriage, Margaret Snodger, “hir part of all [th]e goods and geir [th]at pertains to hir”, which included various items of women’s clothing.² Elspeth had contracted a “testament testamentar” before her death, which included a latter will and legacy, the appointment of an executor, and an inventory of her goods and any outstanding debt. If a Scottish wife died without bequeathing her goods in a testament, however, her husband would often register a “testament dative” with the court, which included a detailed list of her goods, any unresolved household debt, and the transmission of property in accordance with intestate succession.

The documentation of married women’s goods in testaments, written either before or after death, is peculiar, as during marriage their movable property rights were severely restricted in legal handbooks. In his 1579 *Practicks*, Scottish legal writer Sir James Balfour placed restrictions upon what kind of movable property was shared within marriage and remained separate.³ Balfour stated that under the doctrine of *jus mariti*, much of a wife’s movable property transferred to her husband upon marriage, including the rents of her heritable property.⁴ If a woman brought household furniture, livestock, or kitchen utensils to her marriage household, she relinquished all ownership of such goods unless she specifically safeguarded these assets within her marriage contract. An exception to this rule was the wife’s paraphernalia. These particular assets were made up of her clothing, jewellery, and chests and remained her own separate property throughout her marriage. Her husband retained considerable administrative rights to these assets, yet the contents of the wife’s paraphernalia were entirely hers to bequeath prior to her death.⁵

Testaments have received a considerable amount of attention by Scottish historians. They provide a rich source with which to explore the lives of women and men in early modern Scotland. Elizabeth Ewan, in her study of testaments registered in the pre-Reformation Commissariat of St Andrews, argued that it was “not uncommon” for married women to make testaments prior to death.⁶ Ewan also discovered that wives with living husbands constituted at least twenty-five percent (sixty-three of 253) of all married people’s testaments between 1549 and 1551.⁷ Winifred Coutts has asserted that most Scottish women who wrote testaments were, or had been, married.⁸ Coutts has found that as many as one-third of testaments registered in Dumfries commissary court between 1600 and 1665 were contracted by women.⁹ Cathryn Spence has used women’s testaments to explore their business activities and debt networks in sixteenth-century Edinburgh.¹⁰ Historians agree that Scottish women, especially those who were married, formed a considerable number of female testators in mediaeval and early modern Scotland. What is often missing from this debate, however, is an explanation as to why so many Scottish wives left testaments before death. A close analysis of married women’s testaments raises some pertinent questions with regard to the division and distribution of movable property following the dissolution of the marital economy in early modern Scotland. First of all, if married women supposedly

retained limited movable property rights within marriage, why would they formally bequeath household goods to their husbands in a testament? Second, if movable property simply defaulted to husbands within marriage, why would husbands decide to register a testament when their wives had already died?

Building on current debates surrounding women's testamentary practices in early modern Scotland, this chapter will explain why so many married women left testaments in seventeenth-century Glasgow and will uncover what these legal documents can tell us about the formation of marital property arrangements and testamentary practices in urban Scottish households. It begins by contextualising the choice of legal sources and explains how marital property was divided and distributed in Scottish legal handbooks following the death of a spouse. It will then go on to explore the extent of married women's testamentary practices in seventeenth-century Glasgow and will investigate what assets they bequeathed in their testaments prior to death.

II. Evidence and method

Marital property arrangements and testamentary practices in Scotland were closely aligned with procedures found in other civil legal traditions on the Continent.¹¹ Scots law during the early modern period was a "mixed" legal system (and indeed is to the present day). Scots law was an "amalgam of many different elements" by the start of the seventeenth century and consisted of a mix of Roman, civil, canon, and custom law that was codified in legal handbooks and statutes across the late medieval and early modern period.¹² Married women's legal status and rights to property consisted of a mix of rules and regulations found within these legal traditions. Even though married women had limited rights to movable goods within marriage, husbands were liable for their wives' debts, including those they had incurred before marriage.¹³ Husbands were also expected to provide their wives with food and "necessaries" relative to their social worth during marriage.¹⁴ Married women were entitled to express administrative authority over household objects by assuming the office of *praepositura*.¹⁵ This allowed married women to contract household debts and purchase household "necessaries" without receiving the consent of their husbands. Husbands, however, remained liable for the incurred debt. One physical demarcation that distinguished Scottish wives from their English counterparts was that married women in Scotland retained their own natal surname throughout their married life.¹⁶ This practice stemmed from other civil legal traditions. Julie Hardwick found that married women in early modern France similarly retained their natal surname upon marriage, and that the practice in itself reinforced bilateral kinship ties.¹⁷

Only certain kinds of property could be transmitted in testaments. Scots law made a distinction between immovable heritable and movable property that had a "very important bearing" on rights of succession and on matrimonial property during the early modern period.¹⁸ Heritable property, such as land or rights attached to land, could not be transmitted in a testament, as it was bound by primogeniture (the preference for the firstborn male).¹⁹ Land purchased during the marriage, however, could be freely given by husbands and wives during marriage,

with parents often choosing to provide their daughters or younger sons with rights to purchased land in their marriage contracts.²⁰ The legal differentiation between “old” inherited property and “self-made” estates touches upon the importance of kinship and the retention of immovable property within the kin network. Husbands were prevented from disposing of their wives’ inherited estate during marriage without seeking their prior consent and the consent of their wives’ heirs (i.e. children or her natal kin).²¹ Ownership of married women’s inherited land was transferred to either their children or, if they died childless, their next of kin.²²

Early modern Glasgow provides a suitable framework for a study on married women’s testaments for several reasons. The city was continually expanding across the seventeenth century, with its population increasing from 7,000 inhabitants at the beginning of the period to 15,000 inhabitants by 1700.²³ Glasgow was an ever-growing mercantile city, with the River Clyde providing the passageway for ships importing sugar from Barbados, claret wine from France, and tobacco from Virginia.²⁴ It had an established university, founded in 1451, that educated the sons of nobles, gentry, merchants, and craftsmen, and multiple bustling marketplaces attracted traders and dealers from near and afar.²⁵ Glasgow’s commissary court, a Reformed church court, served not only the men and women of the city but also those who lived in neighbouring settlements on the west coast of Scotland. Located in the southwest tower of Glasgow’s cathedral, just a short distance from the city’s main marketplaces, the commissary court was headed by a commissar judge and his deputy. The jurisdiction of the commissary court was complex, with the commissar judge employing a mixture of civil and canon law in his judgments after the Scottish Reformation of 1560. Thomas Green has shown how canon law continued to be followed in the commissary court as long as it did not contradict the reformed religion.²⁶ The commissary court held exclusive jurisdiction over the proving of testaments and received much of its revenue from “quots”. This was a proportion of the deceased person’s movable estate payable for confirmation of the testament in accordance with its material worth.²⁷

The testaments analysed in this chapter fit neatly into two categories: testament dative and testament testamentar. Testament datives were registered intestate, meaning that the deceased wife did not formally assign her share of property to another person or persons before her death.²⁸ The deceased wife’s “voice” is entirely absent from a testament dative. Testament datives were registered by the commissary court on behalf of the deceased wife, with the commissar judge also confirming the appointment of an executor dative to the estate. They also detailed the deceased wife’s list of outstanding credit arrangements and provided an inventory of any goods she owned before her death. Testament datives are often sidelined by historians because they do not contain a latter will and legacy, yet they can provide important details regarding the customary division of property following a wife’s death. By contrast, testament testamentars were written up by a married woman prior to death. These contained a latter will and legacy in which she formally bestowed her customary share of property to her husband, children, extended family members, and friends.²⁹ In a testament testamentar, a wife would also appoint an executor to settle her movable estate after her death, which entitled

the executor to pursue debtors and divide the estate in accordance with her wishes. Considered alongside one another, testament datives and testament testamentars can reveal a great deal about married women's rights to certain kinds of movable property, both within marriage and upon death, in early modern Scotland.

A quantitative analysis of approximately 6,000 testaments registered in Glasgow's commissary court in six-year samples provides statistical evidence of the extent of married women's involvement in testamentary practices across the seventeenth century.³⁰ A qualitative analysis of one hundred married women's testaments in Glasgow's commissary court provides a glimpse into the kind of goods they owned and transmitted, including how they conceptualised their movable property rights before death. Despite the fact that married women were granted limited movable property rights within marriage in comparison to their husbands, this chapter will show that they assumed ownership of a significant proportion of their marital goods and assets in their testaments. Even though the majority of movable goods, such as livestock, household furnishings, kitchen utensils, and money, were normatively owned by husbands during marriage, this chapter will show that married women frequently bequeathed, or assumed ownership of, assets that were legally viewed as belonging to their husbands during marriage. In doing so, this chapter adds a valuable contribution to our understanding of gender relations, household strategies, and marital property arrangements in an urban settlement in early modern Scotland.

III. Dividing and distributing the marital estate

Scottish legal writers focussed their attention on what happened to the marital estate following the death of the husband. Household goods and assets were automatically divided into three parts upon the husband's death. These were recorded as the relict's (widow's) part, the bairn's (child's) part, and the dead's part (see Figure 4.2).³¹ The bairn's part was split between all children (excluding the principal heir) regardless of gender and consisted of one-third of the father's movable assets.

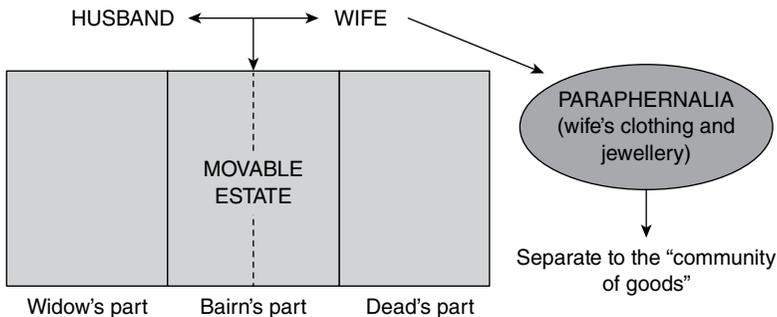


FIGURE 4.2 The customary division of movable goods following the death of a spouse in Scots law (after the heir claimed “heirship-moveables”, outstanding debts had been recalled, and creditors had been paid).

While forbidden from claiming a bairn's part, the heir (often the eldest son) was entitled to "heirship-moveables", which consisted of one of each of the "best" goods in the house.³² These items were removed before the father's movable estate was split into thirds. If the husband left only a widow behind and no children, movable property was divided in half, with the surviving wife claiming half of the movable estate as her share. Likewise, if a father died leaving no widow, the children were entitled to claim half of his movable estate as their bairn's part.

It is difficult, however, to reconstruct how widows and children divided up household goods and assets. If a husband died without leaving a testament, it is unclear how the widow and children decided who received a particular item. For instance, if the heir claimed the "best" bed, did they automatically receive accompanying bed linens and cushions? Did daughters always receive items that were gendered as female, such as women's clothing and jewellery? How did the children of a shoemaker divide up their father's clothing and work tools? How did two quarrelling sons decide who received their father's embroidered waistcoat? While these questions are difficult to answer, it is clear that individual negotiations within families would take place following the drawing up of the testament. Widows and children were expected to liaise with one another when deciding how household goods were claimed and distributed following the death of the head of the household. When family disputes surrounding the division of the marital estate were not resolved through extra-judicial avenues, the commissary court heard complaints from aggrieved litigants who sought to claim, or defend, their rightful share of household property.

Scottish legal writers asserted that a widow's right to her share of household goods was "not simply a right of property but a debt".³³ A widow was only entitled to claim these assets as soon as the husband's estate had been settled and outstanding creditors had been paid. Accordingly, if the husband died insolvent, the widow would receive no share of his estate, with the rights of creditors preferred in this instance. After creditors had been paid and the widow and children had claimed their relative shares, the remaining proportion of the husband's goods was recorded as the dead's part; this comprised of assets that were considered freely bequeathable by the husband prior to his death. If he did not assign his dead's part in a testamentary, his heirs (either his children or his next of kin) were entitled to claim ownership of these assets before the commissary court. The only goods that were not subject to the distribution of assets following the death of a husband were the wife's paraphernalia. All other goods brought into marriage and acquired within marriage by both the husband and wife were subject to the customary distribution of assets.

Husbands in Scotland were unable to disinherit their wives and children from their share of movable goods in testaments and were compelled by law to assign equal proportions of their movable estate to their immediate family circle.³⁴ Under English common law, husbands in early modern England were free to leave their goods to whomever they wished and were not compelled to leave a proportion of their movable estate to their wives and children upon death.³⁵ However, ecclesiastical courts within England, including courts in the cities of York and London, practiced the tradition of dividing the movable estate into thirds following the husband's death, with the practice commonly referred to as "reasonable parts" in

England. Amy Erickson has observed that by the end of the seventeenth century in England the freemen of the city of York asked and were granted relief from the "onerous duty" of providing their widows and children with reasonable parts.³⁶ Lindsay R. Moore has noted that at the turn of the eighteenth century in England a series of statutes made it legal for a husband to bequeath all of his goods to an heir of his choice.³⁷ The widow's right to an automatic share of her husband's assets upon his death in England had substantially deteriorated by the eighteenth century, while the practice seemingly flourished in Scotland.

The "tripartition" of marital goods upon death in Scotland was based on the concept of the "community of goods" between husbands and wives during marriage.³⁸ However, if the marriage was dissolved by death before a year and a day or before the birth of a child "who was heard cry", the surviving spouse was entitled to retrieve the movable assets they had brought into the marriage.³⁹ This exception reveals how the community of goods only took hold following the birth of children or the perceived longevity of marriage. The community of goods was also found within other civil legal systems across Europe, with Hardwick noting that marital community property was divided in a similar manner after the death of either spouse in customary law areas of northern France.⁴⁰ Jutta Sperling has found that Portuguese husbands and wives were considered joint owners of their marital estate, and that strict succession rules meant two-thirds of each parent's property was to be divided equally among all children, with only one-third to be freely willed away.⁴¹

The idea of the community of goods in Scotland coexisted alongside the husband's right of *jus mariti* even though the two legal concepts might seem directly opposed. This is because the community of goods did not necessarily grant Scottish wives concrete rights to their movable property within marriage. Instead, the community of goods reaffirmed a widow's automatic interest in a proportion of household goods following the death of her husband. As Katie Barclay argues, "[J]oint ownership did not imply equal right to administration."⁴² Even though the community of goods recognised a wife's interest in a proportion of goods upon her husband's death, it was the husband who was considered the actual owner of these assets during marriage. As the Scottish legal writer Sir James Dalrymple (Lord Stair) noted in his 1681 *Institutions* (revised in 1693), the husband retained the sole privilege of distributing and governing movable property within marriage, excluding only the paraphernalia.⁴³ Yet while the husband was entitled to sell and dispose of movable property during their marriage, he was forbidden from submitting a deed that came into effect on his death. The widow's right to an automatic share of her husband's goods could not be defeated by a testament, a legal rule that stands true to this day. A husband was prevented from defrauding his wife of her rightful share of movable goods when he was deemed to be on his deathbed.⁴⁴ Logically, the husband's right to *jus mariti* was automatically voided when he appeared on the cusp of death.

Scottish legal writers also debated and disagreed over whether a married woman could leave a testament without her husband's consent. In his 1579 *Practicks*, Sir James Balfour asserted that a wife could not make a testament without receiving her husband's consent but noted that the husband did "ane honest and godlie thing if not he permitts and grantis to his wife licence and power" to do so.⁴⁵ Writing in

his *Major Practicks* (c.1608–1633), Sir Thomas Hope reiterated Balfour's assertions by stating that "ane womane being frie [i.e. unmarried], and not subject to no man, may make ane testament", but that a married woman always required her husband's consent.⁴⁶ However, by the end of the seventeenth century, Dalrymple in his 1681 *Institutions* and Sir George Mackenzie in his 1694 *Institutions* were of the opinion that a married woman could, in fact, make a testament without her husband's consent, noting that she was entitled to transmit goods that she would have ordinarily received upon her husband's death.⁴⁷ Anne Ashley in a 1953 article was the first to argue that there is no evidence to suggest that consent was necessary when married women were bequeathing their share of assets in Scotland.⁴⁸ Ilya Kotlyar has since argued that there is indeed "no sign" that the husband's authorisation was required in Scottish practice, stating that the restriction outlined in Balfour was an "anachronism" by the late sixteenth century.⁴⁹ According to Ashley and Kotlyar, married women were entitled to freely leave their share of the common goods to whomever they wished in a testament – a third if there were children, a half if there were none.⁵⁰

Scottish legal writers tended to focus heavily on the division of the movable estate following the death of the husband, which has led to the belief that the movable estate was not similarly divided following the death of the wife. Coutts and Spence have asserted that only the husband's movable estate was subject to the customary division of assets, and that a wife was not required to make provisions for her children in her testament.⁵¹ Even though a married woman was not expected to leave her children a bairn's part upon her death, it is important to note that the children's inheritance portions were only calculated from the marital estate following the death of the father. If a married woman died before her husband, however, she was still entitled to assign her share of marital goods in a testament, amounting to one-third if she had children or one-half if she had none. If she died intestate, her closest heirs (children or kin) were entitled to claim her free share – not her husband. Balfour in his 1579 *Practicks* suggested that if a burgher had lawful children with his wife, her death would similarly prompt the division of the marital estate into thirds, noting that this customary practice was observed "past [the] memorie of man".⁵² Dalrymple in his 1681 *Institutions* also pondered the division of assets following the death of a married woman, noting that if a wife died before her husband, "her Executors, Legators, and nearest of kin have a share of the free moveables the Husband hath the time of her death."⁵³ If a husband was not entered as the executor to his wife, he faced losing ownership of a significant proportion of his movable goods, depending, of course, on the presence of children. A close look at married women's testamentary practices in Glasgow's commissary court across the seventeenth century reveals how husbands and wives negotiated the division and distribution of household assets in a legal context, with married women exerting considerable authority over their share of the common goods in their testaments.

IV. Married women's testaments: The transfer of movable property

Women and men living in and around Glasgow registered their testaments in the city's commissary court. A quantitative analysis of approximately 6,000 testaments

recorded in Glasgow's commissary court between 1610 and 1695 reveals that around twenty-eight percent of all those registered by men and women across the entire period belonged to married women (see Table 4.1). More notably, the testaments of married women constituted around seventy-five percent of all women's testaments, while widow's testaments formed only thirteen percent of women's testaments. This is highly significant when compared with the testamentary practices of women in early modern England. Erickson has shown how women's wills form approximately twenty percent of the two million English wills that survive from the 1550s to the 1750s, with approximately eighty percent of women's wills belonging to widows in the late seventeenth century.⁵⁴ In addition, in her study of women's wills in Hull across the fifteenth and sixteenth centuries, Elisabeth Salter asserted that the majority of female will makers in her sample were widows, primarily because "a married woman's property defaulted to her husband" under English common law.⁵⁵

Of the married women's testaments registered across the period in Glasgow's commissary court, 420 out of 1,262 (twenty-five percent) were testament testaments and contained a latter will and legacy (see Table 4.2). Turning once again to early modern England, Erickson has argued that married women in England were less likely to make a will and testament prior to their death than widows, with wives in Lancashire and Cheshire forming only between 0.3 and 5.6 percent of female will makers between 1660 and 1837. The English common law doctrine of coverture, which stripped women of all movable property rights upon marriage,

TABLE 4.1 The total number of men's and women's testaments registered in Glasgow commissary court in six-year samples (1610–1695). The top number in each column represents the total number and the bottom number represents the percentage.

<i>Year</i>	<i>Man</i> <i>i = % of A</i>	<i>Single woman</i> <i>i = % of A</i>	<i>Married woman</i> <i>i = % of A</i>	<i>Widow</i> <i>i = % of A</i>	<i>Married couple</i> <i>i = % of A</i>	<i>Total no. of wills (A)</i>
1610–1615	726 55.9	77 5.9	438 33.7	52 4.0	6 0.5	1,299
1625–1630	698 56	65 5.2	418 33.5	58 4.7	8 0.6	1,247
1645–1650	427 73.1	31 5.3	90 15.6	29 5.0	6 1	583
1660–1665	633 56.7	35 3.1	372 33.3	64 5.7	13 1.2	1,117
1670–1675	884 62.8	72 5.1	352 25.1	75 5.3	24 1.7	1,407
1690–1695	228 82.6	10 3.6	12 4.4	14 5.1	12 4.3	276
Total	3,596 60.6	290 4.9	1,682 28.4	292 4.9	69 1.2	5,929 100

TABLE 4.2 Percentage of men's and women's testaments registered intestate (testament dative) and prior to death (testament testamentar) across the seventeenth century (further tabulated from Table 4.1). The top number in each column represents the total number and the bottom represents the percentage.

<i>Sex and marital status of deceased</i>	<i>Testament dative i = % of A</i>	<i>Testament testamentar i = % of A</i>	<i>Total (A)</i>	<i>% of total</i>
Man	2,211 61.5	1,385 38.5	3,596	60.6
Single woman	197 67.9	93 32.1	290	4.9
Married woman	1,262 75	420 25	1,682	28.4
Widow	181 62	111 38	292	4.9
Married couple	63 91.3	6 8.7	69	1.2
Total	3,914 66	2,015 34	5,929	100

Source: NRS, Glasgow commissary court, Register of Testaments, CC9/7/vols. 6–11, 20–24, 29–35, 37–42, 47–49 © Rebecca Mason.⁵⁷

seems to have hindered the majority of married women in England from disposing of their goods prior to death. Rather than reflecting the property interests of a small number of elite wives, the married women who contracted testamentary testaments in Glasgow were largely of middling to lower status; they were married to indwellers, craftsmen, merchants, and burgesses of the city and neighbouring settlements. Their husband's occupational standing within the community, as well as the household's economic status, enabled a substantial minority of married women to claim and distribute a share of their marital estate prior to death in Glasgow's commissary court.

The majority of testaments in Glasgow's commissary court were registered intestate as "testament datives" (see Table 4.2). Testament datives conformed to the customary division of assets (in thirds or halves) as detailed in legal handbooks, depending on the presence of spouses, children, and kin. Testament datives formed the largest percentage of testaments registered in Glasgow's commissary court across the period. Very few Scotsmen and women formally bequeathed their movable property before their death, with testament datives shedding further light on those people who often died in possession of considerable to limited movable assets. Despite the unlimited testamentary rights granted to men, over sixty percent of men's testaments were registered intestate across the seventeenth century.⁵⁸ By comparison, seventy-five percent of married women's testaments were written intestate and registered following death. When married women died without leaving a written testament, their husbands often treated their goods and debt as "literal co-ownership", extending to every single item.⁵⁹ Turning briefly to England, a direct consequence of coverture meant that a married couple's movable estate was

not subject to a customary division following the death of the wife. Erickson has asserted that a married woman's death in early modern England "bore no legal or financial implications" for her widower, as he was automatically entitled to retain control of all movable goods.⁶⁰ Contrary to the experience of English wives, it seems that Scottish wives were treated as one of a pair upon death, with their share of assets passing on to their heirs, even when they died intestate. Married women's contribution to the marital economy in Scotland was recognised upon death, as their children or kin group could request the transfer of property that was normatively owned by husbands during marriage.

Married women were expected to formally assign their dead's part to their husbands in a testament in order for them to retain full control of the marital estate as widowers. In February 1609, Mareoun Law left her entire dead's part, worth £59 8s 4d Scots (£4 11s 5d sterling), to her husband, William.⁶¹ Bessie Campbell left her dead's part to her husband, John Roger, in February 1604, with the customary division of goods in half revealing that they had no children.⁶² Before her death in October 1607, Margaret Inglis, the wife of John Asloane, formally left her dead's part worth £58 4d Scots (£4 9s 3d sterling) to her husband in her testament.⁶³ Property arrangements forged in marriage contracts also prevented married women from bequeathing their dead's part to anyone else apart from their husband. In March 1587, Margaret Mortoun, noting that she was "seik in bodie but weill in mynd", left her dead's part to her husband, James Reid, stating that she had promised him in their contract of marriage that "quhatsumever gudis and geir s[h]all happin to be acqyired or gottin be him *and me* during our lyftymes [th]e samin s[h]all pertene to [th]e said James" following her death.⁶⁴ Instances of married women assigning all goods to their husbands, either in marriage contracts or testaments, offer unique insights into ideas about male attitudes to property ownership within marriage.⁶⁵ It seems that many husbands expected their wives to assign ownership of all goods over to them prior to death, a decision that suggests a level of coercion within marriage. It is difficult, however, to know how far intimidation underlay these statements, but the very fact that husbands legally depended on their wives assigning movable property rights to them before death further confirms that ownership of marital goods did not simply default to them as widowers and that the community of goods was dissolved following the death of either spouse.

When married women died intestate without assigning their dead's part to their husbands, the wives' heirs (children or next of kin) were entitled to retrieve the property before the commissary court. If married women died leaving children behind, it seems that their husbands were entitled to administer these assets until their own death, or at least until the children had reached the age of majority. Daughters came out of their age of minority at the age of twelve (reflecting the age they could marry) and could be free of legal guardians at the age of twenty-one (or upon marriage), whereas sons came out of their age of minority at the age of fourteen.⁶⁶ Jonet Drew confirmed her share of inheritance before the burgh (town) court of Glasgow in October 1629, after the recent death of her father, John Drew. Alongside claiming £100 Scots (£7 13s 10d sterling) as her bairn's part, she noted that she had also received an additional 400 merks (£21 10s 9d sterling) as

her “mothers pairt of geir”.⁶⁷ Her mother, Margaret Bunteine, had died fifteen years previously, and her father had since remarried.⁶⁸ While John was permitted to manage his previous wife’s free share of goods during his lifetime, it was his daughter Jonet who was entitled to claim ownership of the property following his own death.

Widowers often became embroiled in executory disputes with their wives’ kin regarding the control and ownership of marital goods when their wives died intestate. In January 1645, Jonet and Christian Paterson (Jonet with her husband’s consent) initiated legal proceedings in Glasgow’s commissary court against their deceased sister’s widower, William Scheills, a maltman burghess of Glasgow. Their sister, Margaret Paterson, had died intestate in April 1644, and William had subsequently registered a testament dative on her behalf in December of the same year.⁶⁹ Producing the testament dative, Jonet and Christian argued before the commissar judge that William owed them Margaret’s dead’s part, which included various items of women’s clothing, brewing equipment, and household debt amounting to a total of £174 15s 6d Scots (£13 8s 11d sterling). The commissar judge ruled that Jonet and Christian, as the deceased wife’s closest heirs, were to receive Margaret’s share of marital goods.⁷⁰ It greatly benefited husbands to permit their wives to formally assign their goods to them in a testament testamentar, as it prevented the wives’ kin from demanding their share of the property.

Questions remain over the extent to which married women leaving testaments indicates relatively generous or comparatively restricted property rights within marriage. As noted previously, the scarcity of married women’s testaments in early modern England seems to reflect that these women had little to no movable property rights within marriage and that intestate succession simply confirmed their husbands’ continued ownership of household goods. In seventeenth-century Glasgow, however, one-quarter of all testaments written before death belonged to married women. On the one hand, it could be argued that married women in Scotland were granted individual property rights to a proportion of their marital goods and that many exercised their right to bequeath their free share of the marital estate before death. On the other hand, it could be argued that wives contracted testaments so frequently because their husbands wanted them to transfer favourable property rights to them before death. When husbands were not specifically named in their wives’ testaments, they potentially lost control of a significant share of their marital property, with the wives’ kin groups staking a claim to a proportion of assets, depending on the presence of children. However, given that three-quarters of married women’s testaments were registered intestate in Glasgow’s commissary court, it seems that many husbands simply accepted, rather than rejected, the division of the community of goods into customary shares. Husbands assigned inheritance shares to children and confirmed the settlement of outstanding household debt, a practice that shows that the community of goods was dissolved following the death of either spouse in Glasgow. Turning to look at the kinds of goods married women bequeathed in their testaments, the following section will investigate how wives conceptualised their movable property rights before death and will assess whether there was a hierarchical ordering or gendering of objects in their testaments.

V. What wives bequeathed

Details contained within the testaments of married women indicate gendered patterns of property-holding within marriage and the management of movable property following the death of a wife. A married woman's testament included a detailed inventory of the debts due to and owed by her as well as the value of her share of free goods following the customary division of the estate into halves or thirds, even when she predeceased her husband.⁷¹ A testament also appointed the executor, who was entitled to take control of the entire movable estate. The executor was able to sue the deceased wife's debtors and was also considered liable for settling the wife's debts. After the settlement of outstanding credit arrangements, the remainder of the movable estate was distributed amongst the widower, children, and extended kin.⁷²

Married women often disposed of specific items within their testaments as if these goods belonged to them individually. When Jonet Dickie, the wife of John Gottray, contracted a testament before her death in December 1592, she noted that the goods and debts belonged to her alone "at the tyme of her departing".⁷³ At times, husbands described certain assets as belonging to their wives alone, despite women's limited movable property rights within marriage. When Bessie Drew, the wife of John Drew, died intestate in January 1613, her husband confirmed in her testament dative that she owned livestock, clothing, and spinning yarn "as her awin proper gudis" and also confirmed the customary division of their marital estate into thirds.⁷⁴ By contrast, in many testament datives husbands treated their household goods as jointly owned with their wives. When Francis Stewart, the wife of Robert Wilson, died intestate in July 1670, her testament dative noted that Francis "and hir said husband" had "noe goods [or] geir" apart from a cow, a calf, and some household furnishings collectively worth £26 Scots (£2 sterling).⁷⁵ When Jean Maine, the wife of John Weir, a maltman burghess of Glasgow, died intestate in October 1646, her husband noted in her testament dative that they "baith owned" brewing equipment, foodstuffs, silver coins, and household furnishings at the time of her death.⁷⁶ In her 1604 testament, Margaret Gilmour, the wife of Gavin Allan, noted that she was "infectit with the pest", and that she and her husband left "thair haill gudis & geir" to their two sons, John and Archibald. If their sons were to pass away as a result of the plague, however, Margaret noted that their marital goods were to be divided equally between their respective kin groups.⁷⁷ Deborah Simon-ton has argued that married couples in Scotland "shaped their own marital economies" by altering, or reinforcing, their property rights in their marriage contracts and testaments.⁷⁸ The choice of whether husbands and wives treated certain goods as separately or jointly owned seems to have been a private one that was reflected in their testaments.

Testament testamentars reveal the kind of goods that married women claimed ownership of before death, including how they described their material worth. Catherine Richardson has suggested that the ways in which women described their assets help draw out particular questions about early modern attitudes towards material objects.⁷⁹ Testaments also help determine whether married women's goods

were specifically gendered, with the expectation that most, if not all, of their personal assets consisted of items of paraphernalia. Before her death in February 1648, Agnes Bell, the wife of Robert Paterson, contracted her testament testamentar “be hir awin mouth” in her dwelling place in the parish of Cambuslang, just outside of Glasgow. Agnes and her husband treated their goods as jointly owned, with the clerk recording that they both owned livestock, foodstuffs, and household furniture worth £320 Scots (£24 12s 4d sterling).⁸⁰ Agnes then bequeathed specific items of clothing to her children. After calculating the inventory and any outstanding household debts, Agnes declared her latter will and legacy:

Followes [th]e deids l[att]re will & legacies . . . At davidsdykes [th]e xiiii day of Februarie 1648 yeirs The quhilk day I Agnes Bell spous to Ro[ber]t Petirone in davidsdykes Leave my soull to god hoiping the same to be saved throw the death & passione of Jesus Chryst my redeamer Nixt I nominat & appoint the s[ai]d Ro[ber]t Patersone my spous my onlie exe[cuto]r & universall intro[mette]r w[i]t[h] my haill gudis & geir to be uset & disponet upone at his pleaso[u]r for [th]e weil proffeit & utilitie & behove of [th]e bairnes procreat betwixt him & me To [th]e[m] I lieve the same & debts being payit except onlie these my Legacies Following Viz I lieve to Jonet Kedder my dochter my meikle cloathe kist and scho to give to Katherine Kedder my uther daughter so meikle of worth [th]erof as Thomas Russell in davidsdyke sall ordaine I lieve to [th]e s[ai]d Bernet Kedder my sone the maist of my frie kist I lieve my grein coat to Agnes Patersone my dochter.

Follows the deceased's latter will and legacy . . . At Daviesdykes the 14 day of February 1648 years The which day I Agnes Bell spouse to Robert Paterson in Davidsdykes Leave my soul to God hoping the same to be saved through the death and passion of Jesus Christ my redeemer Next I nominate and appoint the said Robert Paterson my spouse my only executor and universal intromitter with my whole goods to be used and disposed upon at his pleasure for the well-being profit and utility of the children procreated between him and me To them I leave my goods and debts being paid except the following legacies Following first I leave to Jonet Kedder my daughter my best clothes chest and she to give to Katherine Kedder my other daughter much of the worth of the clothes chest as Thomas Russell in Davidsdyke shall ordain I leave to Bernet Kedder my son the most of my free chest I leave my green coat to Agnes Paterson my daughter.⁸¹

As can be gleaned from this particular testament testamentar, Agnes left most of her free share of marital goods to her husband Robert, while bequeathing specific items of clothing and chests to her daughters and sons. Agnes was married twice during her lifetime, as her children had different surnames (Kedder and Paterson). She differentiated between her material assets, yet remained ambiguous with regard

to how much they were worth. Her daughter from her previous marriage, Jonet Kedder, received her best clothes chest, while her daughter from her current marriage, Agnes Paterson, was given a green coat. Agnes also instructed her daughter Jonet to give her sister Katherine assets worth a similar amount, while her son, Bernet Kedder, was promised most of the free goods in her chest.

Married women tended to record specific details when bequeathing their paraphernalia by including comprehensive descriptions of their items of clothing. In July 1601, Margaret Kyle, the wife of William Kyle, left her niece a "black kirtill [gown]", a "reid coat", and her "twa best petticoats".⁸² In February 1610, Margaret Greg, the wife of Patrick Morrand, left "hir best kirtill" to her sister Mareoun and "ane pair of bodyces" to her eldest sister, Jonet.⁸³ Jonet Fleming, the wife of James Arnat, left her "weiring claithes", including an "auld kirtill", to her mother, Jonet Walker, before her death in July 1606, with her husband entitled to the rest of her free goods.⁸⁴ Elizabeth Locheid, the wife of Gilbert Adam, left her "best plydes with hir worsit [woollen] skirt" to her daughter Margaret and her "best cloak" to her granddaughter Jonet in 1607.⁸⁵ Helen Craig, the wife of William Greinleis, a burghess of Paisley, left her sister and her mother various items of clothing in her 1607 testament, with her sister Isobel receiving her "best kirtill" and her mother, Margaret, receiving her "best plydes".⁸⁶ Aside from gifting clothing to her kin, Helen also noted that her daughter Margaret was to receive her entire dead's part. Details on the condition, colour, and worth of their clothing show that married women were aware of the material value of such assets when calculating their inventories. Some married women remained ambiguous when gifting their paraphernalia, however. For instance, Katherine Gray, the wife of Edward McLagert, simply left her son Patrick "a cloik [cloak]", while leaving the remainder of "her cloathes" to her daughter Jonet, without providing further details on their accumulated worth.⁸⁷

Married women also asserted ownership of goods in their testaments that would have been considered as belonging to their husbands under their right of *jus mariti*. Many wives clearly considered themselves the owners of various kinds of marital goods, including household furniture, kitchen utensils, brewing equipment, food-stuffs, livestock, and money. Lena Cowen Orlin has suggested that while English wives retained no movable property rights as a result of coverture, there was an "active compensatory ethic at work in common culture" that acknowledged women's former claims to their material possessions.⁸⁸ Orlin has shown that goods that English wives brought into marriage were often regifted back to them by their husbands in their wills.⁸⁹ Likewise, assets that wives actively used or managed during marriage were often configured as belonging to them alone in their testaments in Scotland, a practice that somewhat indicates acknowledgement of the true owner in spite of the law. In January 1607, Marie Kynloch, the wife of William Pettigrew, left a brewing cauldron to her sister Isobel in her testament.⁹⁰ In February 1610, Margaret Greg, the wife of Patrick Morrand, left Jonet Madie, the daughter of David Madie, a "stark" – a tool commonly used for working leather – in her testament.⁹¹ Before her death in July 1597, Bessie Kennedy, the wife of Gilbert McMar-tein, left her son 40s Scots (3s 1d sterling), her daughter various items of clothing,

and her two granddaughters a hogget (adolescent ewe).⁹² As Alexandra Shepard has noted, accounting processes during the early modern period involved “highly sophisticated forms of numeracy that drew on a set of qualitative as well as quantitative principles that transcended local boundaries, and that moderated the tenor of social relations”.⁹³ How married women itemised and accounted for their share of marital goods before death in their testaments reflects how these assets were conceptualised and figured within their respective marital households during marriage.

Many wives also stated conditions in their testaments compelling their husbands to care for children. In February 1606, Margaret Cunningham, the wife of William Galbraith, left her dead’s part worth £17 2d Scots (£1 6s 4d sterling) equally to her husband and her son John Galbraith on the condition that they were both “agrit and thankfull to the rest of hir bairnes”, possibly from a previous marriage.⁹⁴ In January 1600, Jonet Gemmill, the wife of Daniel Broun, urged her husband to bring up their daughter Jonet in “godis feir” and to use her share of goods to continue to provide for her until she came of age.⁹⁵ After dividing the marital estate into thirds, Marie Fleming compelled her husband John Stark to transfer her share, worth £357 11s 1s Scots (£27 10s 1d sterling), to their second son, James Stark, noting that he would not receive any heritable property through the custom of primogeniture and should be well provided for with movable property.⁹⁶

Married women would also choose to divide their share of goods between their surviving husbands and their children to ensure they were similarly provided for. In September 1606, Margaret Huid, the wife of John Smyth, left her dead’s part, worth £107 3d Scots (£8 4s 8d sterling), equally to her husband and her children.⁹⁷ In June 1610, Margaret Hunter, wife of David Cochrane, also left her dead’s part equally to her husband and her son Robert Cochrane.⁹⁸ Moreover, Margaret stipulated that her brother William Hunter and her sister Christine Hunter were to receive the goods if her husband and her son were to die soon after, perhaps alluding to the fact that they were both in ill health. In May 1605, Malie Boyd, the wife of James Montford, left her dead’s part to her four sons, noting that her husband could make use of the goods until the children “be of perfyte age”.⁹⁹ Agnes Dempster, the wife of John Harbert, left her dead’s part, worth £8 11s 1d Scots (13s 2d sterling), equally to her three sons, with her husband retaining administrative rights until they had reached fourteen years of age.¹⁰⁰

Although less frequent, some married women did choose to bequeath their goods and assets to other members of their family aside from their husbands. Marioung Craig, the wife of John Towris, left her dead’s part to her daughter Catherine Towris and various members of her kin in January 1604, meaning that her husband lost ownership of one-third of their marital goods.¹⁰¹ Before her death in December 1592, Jonet Dickie, the wife of John Gottray, left her two sisters, Christian and Margaret, “hir best claithis” and ordered the rest of her goods to be divided equally between her three children.¹⁰² Married women also asked members of their kin to manage their children’s property and care for them upon receipt of such goods. Before her death in October 1605, Margaret Mathie, the wife of John Johnstone, asked her brother William to look after her young daughter Jonet following her death.¹⁰³ Isobel

Lauchland, a remarried widow, asked her kin to manage her children's inheritance portions and compelled her second husband, John Hunter, to deliver her children into the care of members of her kin, a decision that suggests the children were born of a previous marriage.¹⁰⁴ Mareoun Montgomerie, the wife of John Broun, stipulated in her 1602 testament that her brother Marshall Montgomerie was to assist her husband in raising her two-year-old daughter, Jonet, and that they should both use her share of goods to provide the child with care maintenance.¹⁰⁵

Husbands and wives frequently imagined their marital goods and debt as jointly owned in testaments. For husbands to retain full control of their marital estate, their wives were expected to confer ownership of household goods on them before death, despite maintaining limited rights to movable goods within marriage. Wives were found gifting a variety of objects to their husbands, children, and kinship network, with detailed accounts of their assets offering insight into their material, emotional, and economic value. Married women who contracted testaments before death regularly bequeathed their paraphernalia, a finding that somewhat confirms the gendered ordering of household goods within marriage. Mothers left daughters (and sometimes sons) their dresses, skirts, and chests, while childless wives left female members of their kin group their wearing apparel. There is, however, some evidence to show that married women bequeathed specific assets that would have belonged to their husbands during marriage. Discussions behind closed doors clearly enabled some women to exert considerable authority over specific marital goods in their testaments, including brewing equipment, livestock, cash, and household furniture.

VI. Conclusion

An in-depth analysis of married women's testaments in Glasgow's commissary court reveals that the division of the community of goods took effect not only on the husband's death but also on the wife's death. Wives could and did bequeath household goods in testaments, with many women in Glasgow exercising their right to do so. What ownership of goods meant to women within marriage, however, is less clear. Husbands and wives often interpreted their movable assets, and debts related to their marital estate, as jointly owned and administered in testaments, which suggests that some wives may have considered themselves joint owners of goods within marriage despite the fact that their ability to exercise authority over these objects within a legal framework was severely limited. At face value, the normative transfer of certain "things" to husbands and wives within marriage enforced a hierarchical ordering of objects and proprietary rights in the household. Household furniture, foodstuffs, and livestock were considered as belonging to husbands. Dresses, jewelry, and chests were understood as primarily belonging to married women, with husbands possessing administrative rights as patriarchal heads of household.¹⁰⁶ Yet married women's testaments reveal that they asserted ownership over a wide range of household goods and assets prior to death, and that their husbands were not automatically entitled to retain ownership of all marital goods as widowers either.

Married women's testamentary practices in Glasgow largely conformed to the transmission of goods within the family network, as husbands, children, and kin were overwhelmingly named as the recipients of their assets. The fact that immovable property, such as land, was strictly protected within the family network could also explain why a significant number of married women left testaments in seventeenth-century Glasgow's commissary court. Married women's movable property rights upon death were embedded in a concept of joint ownership, with the law of succession dictating who received particular household property and why. The eldest son was guaranteed to inherit his parents' heritable estate, while younger children were entitled to an equal proportion of their parents' movable goods. The customary division of marital goods into thirds or halves following the death of a wife reflects the importance of providing the widower, children, and kin with distinctive movable property rights following the dissolution of the marital economy. Married women's property, both heritable and movable, ultimately remained within the kin network, with the presence of children directing its immediate transmission.

Married women formed the majority of women contracting testaments in Glasgow's commissary court across the seventeenth century, with their testamentary practices surpassing the testaments of single women and widows. Investigating married women's testaments enhances historical understanding of not only the lives and experiences of these women but also the influence of inheritance and marital property law regimes and the sometimes contradictory custom involved in directing a married woman's movable property upon her death. Testamentary testaments provide a wealth of details into how married women thought about, conceptualised, and distributed their movable goods prior to death. Despite being much overlooked, testamentary datives provide important information concerning the distribution of marital goods when married women died without leaving a written testament. Married women's testaments in seventeenth-century Glasgow demonstrate the division of objects via family status and gender, the distribution pattern, and the private negotiations to be found within specific households.

Notes

- 1 NRS, Glasgow commissary court, Register of Testaments, The TT of Elspeth Braidwood, CC9/7/5/fols. 21–22. By 1600, £12 Scots was worth £1 sterling; £1 Scots was worth 1s 6d sterling; 1 Scottish merk was worth 1s 1d sterling. English monetary values have been included in parentheses throughout for ease of reference. See A. J. S. Gibson and T. C. Smout, *Prices, Food, and Wages in Scotland, 1550–1780*, Cambridge 1995 [Cambridge University Press].
- 2 Ibid.
- 3 Katie Barclay, *Love, Intimacy and Power. Marriage and Patriarchy in Scotland, 1650–1850*, Manchester 2011 [Manchester University Press], p. 49.
- 4 James Balfour, *Practicks*, ed. P. G. B. McNeill, Edinburgh 1962 [The Stair Society], p. 93; James Dalrymple, *1st Viscount Stair, The Institutions of the Law of Scotland*, 1st ed., Edinburgh 1693, I. IV. ix, pp. 27–28.
- 5 Balfour, *Practicks*, p. 93; Thomas Hope, *Major Practicks 1608–1633, 1–2*, ed. J. A. Clyde, Edinburgh 1937–1938 [The Stair Society], I, Part II, Title 17, paragraph 15 and 21, pp. 136–137; For a discussion of paraphernalia see Rebecca Mason, "Married Women, Property and Paraphernalia in Early Modern Scotland", in: Anna Bellavitis and Beatrice

- Zucca (eds.), *Gender, Law and Economic Well-Being in Europe from the Fifteenth to the Nineteenth Century. North Versus South?* Abington 2018 [Routledge], pp. 200–214.
- 6 Elizabeth Ewan, “‘To the Longest Livar’. Provisions for the Dissolution of the Marital Economy in Scotland, 1470–1550”, in: Amy L. Erickson and Maria Ågren (eds.), *The Marital Economy in Scandinavia and Britain 1400–1900*, Aldershot 2005 [Routledge], pp. 191–206, p. 198.
 - 7 *Ibid.*
 - 8 Winifred Coutts, “Wife and Widow. The Evidence of Testaments and Marriage Contracts c. 1600”, in: Elizabeth Ewan and Maureen M. Meikle (eds.), *Women in Scotland, 1100–1750*, East Linton 1999 [Tuckwell Press], p. 181.
 - 9 Winifred Coutts, “Women, Children and Domestic Servants in Dumfries in the Seventeenth Century. Their Economic Status as Seen through the Registers of Testaments and Grants of Confirmation from 1600 to 1655”, in: *Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society* 3, 61 (1986), pp. 73–83; Coutts, “Wife and Widow”, pp. 176–186.
 - 10 Cathryn Spence, “Women and Business in Sixteenth-Century Edinburgh. Evidence from Their Testaments”, in: *Journal of Scottish Historical Studies* 28, 1 (2008), pp. 1–19.
 - 11 Christine Hagen, Margareth Lanzinger and Janine Maegraith, “Competing Interests in Death-Related Stipulations in South Tirol, c. 1350–1600”, in: Mia Korpiola and Anu Lahtinen (eds.), *Planning for Death. Wills and Death-Related Property Arrangements in Europe, 1200–1600, Vol. 23, Medieval Law and Its Practice*, Leiden 2018 [Brill], pp. 88–118, p. 88.
 - 12 R. A. Houston, “Custom in Context: Medieval and Early Modern Scotland and England”, in: *Past & Present* 211 (2011), pp. 35–76; Brian P. Levack, “Law, Sovereignty and the Union”, in: Roger A. Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603*, Cambridge 1994 [Cambridge University Press], pp. 213–237, p. 217.
 - 13 Balfour, *Practicks*, p. 95.
 - 14 *Ibid.*
 - 15 Stair, *Institutions*, I, IV, X, XVI, pp. 29–30.
 - 16 Gordon Des Brisay and Karen Sander Thomson, “Crediting Wives. Married Women and Debt Litigation in the Seventeenth Century”, in: Elizabeth Ewan and Janay Nugent (eds.), *Finding the Family in Medieval and Early Modern Scotland*, Aldershot 2008 [Ashgate], pp. 85–98, p. 90; Cathryn Spence, *Women, Credit and Debt in Early Modern Scotland*, Manchester 2016 [Manchester University Press], p. 48.
 - 17 Julie Hardwick, *The Practice of Patriarchy: Gender and Politics of Household Authority in Early Modern France*, Pennsylvania 1998 [Pennsylvania State University Press], p. 73.
 - 18 William M. Gordon, “Property and Succession Rights”, in: William M. Gordon (ed.), *Roman Law, Scots Law and Legal History*, Edinburgh 2007 [Edinburgh Studies in Law], pp. 194–210, p. 195; See also Katie Barclay, “Natural Affection, Children, and Family Inheritance Practices in the Long Eighteenth Century”, in: Janay Nugent and Elizabeth Ewan (eds.), *Children and Youth in Premodern Scotland*, Rochester 2015 [Boydell & Brewer], pp. 136–152, pp. 142–143.
 - 19 Amy L. Erickson and Maria Ågren, “The Marital Economy in Comparative Perspective”, in: Amy L. Erickson and Maria Ågren (eds.), *The Marital Economy in Scandinavia and Britain 1400–1900*, Aldershot 2005 [Routledge], pp. 3–20, pp. 8–9.
 - 20 Thomas Craig, *The Jus Feudale*, 1–2, trans. J A Clyde, Edinburgh and London 1934 [Hodge], II, pp. 692–694.
 - 21 Balfour, *Practicks*, p. 95, 104, 163.
 - 22 *Ibid.*, p. 163.
 - 23 George Smith Pryde, “The City and Burgh of Glasgow, 1100–1750”, in: Robert Miller and Joy Tivy (eds.), *The Glasgow Region: A General Survey*, Glasgow 1958 [T. & A. Constable], pp. 134–149, p. 144; E. P. Dennison, “Glasgow: To 1700”, in: Michael Lynch, Stana Nenadic and I. Maver (eds.), *The Oxford Companion to Scottish History*, Oxford 2001 [Oxford University Press], pp. 266–267.
 - 24 T. C. Smout, “The Glasgow Merchant Community in the Seventeenth Century”, in: *The Scottish Historical Review* 47, 143 (1968), pp. 53–71.

- 25 Dennison, "Glasgow: To 1700", pp. 266–267.
- 26 Thomas Green, "Romano-Canonical Procedure in Reformation Scotland. The Example of the Court of the Commissaries of Edinburgh", in: *The Journal of Legal History* 36, 3 (2015), pp. 217–235.
- 27 Quots were set as costing 12 d in the pound of the testator's free goods in 1420. See Balfour, *Practicks*, p. 217.
- 28 The equivalent of English letters of administration. See Amy L. Erickson, *Women and Property in Early Modern England*, London 1993 [Routledge], pp. 34–39, 206–207.
- 29 The equivalent of English probate. See Lloyd Davis, "Women's Wills in Early Modern England", in: Nancy E. Wright, Margaret W. Ferguson and A. R. Buck (eds.), *Women, Property, and the Letters of the Law in Early Modern England*, Toronto 2004 [University of Toronto Press], pp. 219–236; Lloyd Bonfield, *Devising, Dying, and Dispute in Early Modern England*, Farnham 2012 [Ashgate], pp. 225–241; Cordelia Beattie, "Married Women's Wills: Probate, Property, and Piety in Later Medieval England", in: *Law and History Review* (2019), pp. 1–32.
- 30 This data was collected using the official government resource Scotland's People, www.scotlandspeople.gov.uk/ (accessed 12 February 2020).
- 31 Balfour, *Practicks*, p. 217; Stair, *Institutions*, III. VIII. xxx, lii, pp. 502, 510.
- 32 Balfour, *Practicks*, p. 234; Craig, *Jus feudale*, II, pp. 719–721. The "heirship-moveables" were not included in the will and testament, as they were considered heritable property (despite the fact that they were movable assets). See Ilya Kotlyar, "The Evolution of the Scots Law and Practice of Succession, 1300–2000", in: Maria Gigliola Di Renzo Villata (ed.), *Succession Law, Practice and Society in Europe Across the Centuries*, Cham 2018 [Springer], pp. 167–206, p. 176.
- 33 Frederick Parker Walton, *Handbook of Husband and Wife According to the Law of Scotland*, 2nd ed., Edinburgh 1922 [W. Green], p. 206.
- 34 Coutts, "Wife and Widow", p. 179.
- 35 Amy L. Erickson, "Property and Widowhood in England 1660–1840", in: Sandra Cavallo and Lyndan Warner (eds.), *Widowhood in Medieval and Early Modern Europe*, 2nd ed., Abington 1999 [Routledge], pp. 145–163; Janet S. Loengard, "'Which May Be Said to Be Her Own'. Widows and Goods in Late-Medieval England", in: Maryanne Kowaleski and P. J. P. Goldberg (eds.), *Medieval Domesticity. Home, Housing and Household in Medieval England*, Cambridge 2008 [Cambridge University Press], pp. 162–176.
- 36 Erickson, "Property and Widowhood in England 1660–1840", p. 153.
- 37 Lindsay R. Moore, *Women Before the Court: Law and Patriarchy in the Anglo-American World, 1600–1800*, Manchester 2019 [Manchester University Press], p. 24.
- 38 Kotlyar, "The Evolution of the Scots Law and Practice of Succession: 1300–2000", p. 177.
- 39 George Mackenzie, *Institutions of the Law of Scotland*, London 1694, I. VI, p. 37.
- 40 Julie Hardwick, "Widowhood and Patriarchy in Seventeenth Century France", in: *Journal of Social History* 26 (1992), pp. 133–148, p. 134.
- 41 Jutta Sperling, "Marriage, Kinship and Property in Portuguese Testaments (1649–1650)", in: Shona Kelly Wray and Jutta Gisela Sperling (eds.), *Across the Religious Divide: Women, Property, and Law in the Wider Mediterranean (ca. 1300–1800)*, New York 2010 [Routledge], pp. 158–174, p. 160.
- 42 Barclay, *Love, Intimacy and Power*, p. 49.
- 43 Stair, *Institutions*, I. IV. ix, pp. 27–28.
- 44 Kotlyar, "The Evolution of the Scots Law and Practice of Succession: 1300–2000", pp. 193–194.
- 45 Balfour, *Practicks*, p. 216.
- 46 Hope, *Major Practicks*, I, Part IV, Title I, paragraph 2, p. 285.
- 47 Stair, *Institutions*, III. VIII. xxxvii, p. 504; Mackenzie, *Institutions*, III. IX, p. 214.
- 48 Anne Ashley, "Property in Relation to Marriage and Family", in: *Juridical Review* 65 (1953), pp. 37–68.
- 49 Kotlyar, "The Evolution of the Scots Law and Practice of Succession: 1300–2000", p. 178.
- 50 *Ibid.*, pp. 178–179.

- 51 Coutts, "Wife and Widow", p. 177; Spence, "Women and Business in Sixteenth-Century Edinburgh", p. 4.
- 52 Balfour, *Practicks*, p. 217.
- 53 Stair, *Institutions*, III. VIII. Xliii, p. 506.
- 54 Erickson, *Women and Property in Early Modern England*, p. 204.
- 55 Elisabeth Salter, "Women's Last Wills and Testaments in Hull, England (c.1450–1555)", in: *Early Modern Women* 12, 2 (Spring 2018), pp. 33–53, p. 36.
- 56 NRS, Glasgow commissary court, Register of Testaments, CC9/7/vols. 6–11, 20–24, 29–35, 37–42, 47–49.
- 57 Ibid.
- 58 Men who were deaf and dumb or declared insane were forbidden from contracting a written testament. See Balfour, *Practicks*, pp. 216–217.
- 59 Kotlyar, "The Evolution of the Scots Law and Practice of Succession: 1300–20000", p. 194.
- 60 Erickson, "Property and Widowhood in England 1660–1840", p. 145.
- 61 NRS, Glasgow commissary court, Register of Testaments, The TT of Mareoun Law, CC9/7/5/fols. 393–394.
- 62 NRS, Glasgow commissary court, Register of Testaments, The TT of Bessie Campbell, CC9/7/3/fols. 183–184.
- 63 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Inglis, CC9/7/5/fols. 123–124.
- 64 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Mortoun, CC9/7/4/fols. 99–101. My emphasis. Loose translation: "[W]hatever goods and gear shall happen to be acquired or obtained by him and me during our lifetimes, the same shall belong to the said James."
- 65 Joanne Bailey, *Unquiet Lives: Marriage and Marriage Difficulties in England, 1660–1800*, Cambridge 2003 [Cambridge University Press], pp. 104–105.
- 66 Balfour, *Practicks*, pp. 114, 121.
- 67 Glasgow City Archives, Glasgow burgh court, book of bonds, B10/10/1/fol. 97.
- 68 NRS, Glasgow commissary court, Register of Testaments, The TD of Margaret Bunteine, CC9/7/12/ fols 118–121.
- 69 NRS, Glasgow commissary court, Register of Testaments, The TD of Margaret Pater-son, CC9/7/29/fols. 376–378.
- 70 NRS, Glasgow commissary court, Register of Decrees and Decrees Dative, CC9/3/14/ fols. 131–132.
- 71 J. Irvine Smith, "Succession Part II: The History of Particular Branches of Scots Law and Practice: The Law of Property", in: *Introduction to Scottish Legal History*, Edinburgh 1958 [Stair Society], pp. 208–221, pp. 212–215.
- 72 Kotlyar, "The Evolution of the Scots Law and Practice of Succession: 1300–2000", p. 179.
- 73 NRS, Glasgow commissary court, Register of Testaments, The TT of Jonet Dickie, CC9/7/3/fols. 60–61.
- 74 NRS, Glasgow commissary court, Register of Testaments, The TD of Bessie Drew, CC9/7/9/fols. 217–220. The word "proper" is defined in the Dictionary of the Scots Language as "belonging, pertaining or appropriate to one as a property, quality or part". See "Proper *adj.*", Dictionary of the Scots Language. 2004. Scottish Language Dictionaries Ltd., www.dsl.ac.uk/entry/dost/proper (accessed 27 March 2019).
- 75 NRS, Glasgow commissary court, Register of Testaments, The TD of Francis Stewart, CC9/7/38/fols. 275–276.
- 76 NRS, Glasgow commissary court, Register of Testaments, The TD of Jean Maine, CC9/7/30/fol. 80.
- 77 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Gil-mour, CC9/7/4/fols. 34–36.
- 78 Deborah Simonton, "Community of Goods, Coverture and Capability in Britain: Scot-land Versus England", in: Anna Bellavitis and Beatrice Zucca (eds.), *Gender, Law and Economic Well-Being in Europe from the Fifteenth to the Nineteenth Century*, Abington 2018 [Routledge], pp. 31–46, p. 37.

- 79 Catherine Richardson, “‘A Very Fit Hat’: Personal Objects and Early Modern Affection”, in: Tara Hamling and Catherine Richardson (eds.), *Everyday Objects: Medieval and Early Modern Material Culture and Its Meanings*, Farnham 2010 [Ashgate], pp. 289–298, p. 289.
- 80 NRS, Glasgow commissary court, Register of Testaments, The TT of Agnes Bell, CC9/7/30/fols. 388–390.
- 81 Opening excerpt from Agnes Bell’s 1648 latter will and legacy in her testament testamenter (with modern English translation). NRS, Glasgow commissary court, Register of Testaments, CC9/7/30/fols. 388–390.
- 82 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Kyle, CC9/7/3/fols. 63–64.
- 83 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Greg, CC9/7/6/fols. 250–251.
- 84 NRS, Glasgow commissary court, Register of Testaments, The TT of Jonet Fleming, CC9/7/4/fols. 264–265.
- 85 NRS, Glasgow commissary court, Register of Testaments, The TT of Elizabeth Lochheid, CC9/7/5/fols. 71–73.
- 86 NRS, Glasgow commissary court, Register of Testaments, The TT of Helen Craig, CC9/7/5/fols. 57–58.
- 87 NRS, Glasgow commissary court, Register of Testaments, The TT of Katherine Gray, CC9/7/4/fols. 114–115.
- 88 Lena Cowen Orlin, “Empty Vessels”, in: Tara Hamling and Catherine Richardson (eds.), *Everyday Objects: Medieval and Early Modern Material Culture and Its Meanings*, Farnham 2010 [Ashgate], pp. 299–308, p. 304.
- 89 *Ibid.*, p. 304.
- 90 NRS, Glasgow commissary court, Register of Testaments, The TT of Marie Kynloch, CC9/7/4/fols. 420–422.
- 91 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Greg, CC9/7/6/fols. 250–251.
- 92 NRS, Glasgow commissary court, Register of Testaments, The TT of Bessie Kennedy, CC9/7/5/fols. 199–200.
- 93 Alexandra Shepard, *Accounting for Oneself: Worth, Status, and the Social Order in Early Modern England*, Oxford 2015 [Oxford University Press], p. 2.
- 94 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Cunningham, CC9/7/5/fols. 222–223.
- 95 NRS, Glasgow commissary court, Register of Testaments, The TT of Jonet Gemmill, CC9/7/6/fols. 326–327.
- 96 NRS, Glasgow commissary court, Register of Testaments, The TT of Marie Fleming, CC9/7/6/fols. 322–323.
- 97 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Huid, CC9/7/5/fols. 108–109.
- 98 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Hunter, CC9/7/6/fols. 396–397.
- 99 NRS, Glasgow commissary court, Register of Testaments, The TT of Malie Boyd, CC9/7/3/fols. 103–105.
- 100 NRS, Glasgow commissary court, Register of Testaments, The TT of Agnes Dempster, CC9/7/4/fols. 270–271.
- 101 NRS, Glasgow commissary court, Register of Testaments, The TT of Jonet Gilmour, CC9/7/4/fols. 144–145.
- 102 NRS, Glasgow commissary court, Register of Testaments, The TT of Jonet Dickie, CC9/7/3/fols. 60–61.
- 103 NRS, Glasgow commissary court, Register of Testaments, The TT of Margaret Mathie, CC9/7/4/fols. 75–76.
- 104 NRS, Glasgow commissary court, Register of Testaments, The TT of Isobel Lauchland, CC9/7/4/fols. 107–108.

- 105 NRS, Glasgow commissary court, Register of Testaments, The TT of Mareoun Montgomerie, CC9/7/4/fols. 207–208.
- 106 For a discussion on the gendering of household goods see Karin Gottschalk, “Does Property Have a Gender? Household Goods and Conceptions of Law and Justice in Late Medieval and Early Modern Saxony”, in: *The Medieval History Journal* 8, 1 (2005), pp. 7–24, p. 7.

Sources

Archives

Glasgow City Archives (GCA)

Glasgow burgh court

- Book of bonds:
- B10/10/1

National Records of Scotland (NRS)

Glasgow commissary court

- Register of Testaments:
 - CC9/7/3; CC9/7/4; CC9/7/5; CC9/7/6; CC9/7/9; CC9/7/12; CC9/3/14; CC9/7/30; CC9/7/38
- Register of Decrees and Decrees Dative
 - CC9/3/14; CC9/3/7

Printed sources

- Balfour, James, *Practicks*, vol. 1–2, ed. P. G. B. McNeill, Edinburgh 1962 [The Stair Society].
- Craig, Thomas, *The Jus Feudale*, vol. 1–2, trans. J. A. Clyde, Edinburgh and London 1934 [Hodge], II, pp. 692–694.
- Hope, Thomas, *Major Practicks 1608–1633*, vol. 1–2, ed. J. A. Clyde, Edinburgh 1937–1938 [The Stair Society].
- Mackenzie, George, *Institutions of the Law of Scotland*, London 1694, I. VI.
- Stair, James Dalrymple, 1st Viscount, *The Institutions of the Law of Scotland*, 1st ed., Edinburgh 1681 (revised in 1693), I. IV. ix, pp. 27–28.

Bibliography

- Ashley, Anne, “Property in Relation to Marriage and Family”, in: *Juridical Review* 65 (1953), pp. 37–68.
- Bailey, Joanne, *Unquiet Lives: Marriage and Marriage Difficulties in England, 1660–1800*, Cambridge 2003 [Cambridge University Press].

- Barclay, Katie, *Love, Intimacy and Power. Marriage and Patriarchy in Scotland, 1650–1850*, Manchester 2011 [Manchester University Press] (Gender in History).
- , “Natural Affection, Children, and Family Inheritance Practices in the Long Eighteenth Century”, in: Janay Nugent and Elizabeth Ewan (eds.), *Children and Youth in Pre-modern Scotland*, Rochester 2015 [Boydell & Brewer], pp. 136–152.
- Beattie, Cordelia, “Married Women’s Wills: Probate, Property, and Piety in Later Medieval England”, in: *Law and History Review* (2019), pp. 1–32.
- Bonfield, Lloyd, *Devising, Dying, and Dispute in Early Modern England*, Farnham 2012 [Ashgate], pp. 225–241.
- Coutts, Winifred, “Wife and Widow. The Evidence of Testaments and Marriage Contracts c. 1600”, in: Elizabeth Ewan and Maureen M. Meikle (eds.), *Women in Scotland, 1100–1750*, East Linton 1999 [Tuckwell Press], pp. 176–186.
- , “Women, Children and Domestic Servants in Dumfries in the Seventeenth Century. Their Economic Status as Seen through the Registers of Testaments and Grants of Confirmation from 1600 to 1655”, in: *Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society* 3, 61 (1986), pp. 73–83.
- Davis, Lloyd, “Women’s Wills in Early Modern England”, in: Nancy E. Wright, Margaret W. Ferguson and A. R. Buck (eds.), *Women, Property, and the Letters of the Law in Early Modern England*, Toronto 2004 [University of Toronto Press], pp. 219–236.
- Dennison, E. P., “Glasgow: To 1700”, in: Michael Lynch, Stana Nenadic and I. Maver (eds.), *The Oxford Companion to Scottish History*, Oxford 2001 [Oxford University Press], pp. 266–267.
- DesBrisay, Gordon and Karen Sander Thomson, “Crediting Wives. Married Women and Debt Litigation in the Seventeenth Century”, in: Elizabeth Ewan and Janay Nugent (eds.), *Finding the Family in Medieval and Early Modern Scotland*, Aldershot 2008 [Ashgate] (Women and Gender in the Early Modern World), pp. 85–98.
- Erickson, Amy L., *Women and Property in Early Modern England*, London 1993 [Routledge].
- , “Property and Widowhood in England 1660–1840”, in: Sandra Cavallo and Lyndan Warner (eds.), *Widowhood in Medieval and Early Modern Europe*, 2nd ed., Abington 1999 [Routledge], pp. 145–163.
- Erickson, Amy L. and Maria Ågren, “The Marital Economy in Comparative Perspective”, in: Amy L. Erickson and Maria Ågren (ed.), *The Marital Economy in Scandinavia and Britain 1400–1900*, Aldershot 2005 [Routledge], pp. 3–20.
- Ewan, Elizabeth, “‘To the Longest Livar’. Provisions for the Dissolution of the Marital Economy in Scotland, 1470–1550”, in: Amy L. Erickson and Maria Ågren (eds.), *The Marital Economy in Scandinavia and Britain, 1400–1900*, Aldershot 2005 [Routledge], pp. 191–206.
- Gibson, A. J. S. and T. C. Smout, *Prices, Food, and Wages in Scotland, 1550–1780*, Cambridge 1995 [Cambridge University Press].
- Gordon, William M., “Property and Succession Rights” in: *Idem, Roman Law, Scots Law and Legal History*, Edinburgh 2007 [Edinburgh Studies in Law], pp. 194–210.
- Gottschalk, Karin, “Does Property Have a Gender? Household Goods and Conceptions of Law and Justice in Late Medieval and Early Modern Saxony”, in: *The Medieval History Journal* 8, 1 (2005), pp. 7–24.
- Green, Thomas, “Romano-Canonical Procedure in Reformation Scotland. The Example of the Court of the Commissaries of Edinburgh”, in: *The Journal of Legal History* 36, 3 (2015), pp. 217–235.
- Hagen, Christine, Margareth Lanzinger and Janine Maegraith, “Competing Interests in Death-Related Stipulations in South Tirol, c. 1350–1600”, in: Mia Korpiola and Anu Lahtinen (eds.), *Planning for Death. Wills and Death-Related Property Arrangements in Europe, 1200–1600*, Leiden 2018 [Brill] (Medieval Law and Its Practice 23), pp. 88–118.

- Hardwick, Julie, "Widowhood and Patriarchy in Seventeenth Century France", in: *Journal of Social History* 26 (1992), pp. 133–148.
- , *The Practice of Patriarchy: Gender and Politics of Household Authority in Early Modern France*, Pennsylvania 1998 [Pennsylvania State University Press].
- Houston, R. A., "Custom in Context: Medieval and Early Modern Scotland and England", in: *Past & Present* 211 (2011), pp. 35–76.
- Kotlyar, Ilya, "The Evolution of the Scots Law and Practice of Succession, 1300–2000", in: Maria Gigliola Di Renzo Villata (ed.), *Succession Law, Practice and Society in Europe Across the Centuries*, Cham 2018 [Springer], pp. 167–206.
- Levack, Brian P., "Law, Sovereignty and the Union", in: Roger A. Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603*, Cambridge 1994 [Cambridge University Press], pp. 213–237.
- Loengard, Janet S. "Which May Be Said to Be Her Own. Widows and Goods in Late-Medieval England", in: Maryanne Kowaleski and P. J. P. Goldberg (eds.), *Medieval Domesticity. Home, Housing and Household in Medieval England*, Cambridge 2008 [Cambridge University Press], pp. 162–176.
- Mason, Rebecca, "Married Women, Property and Paraphernalia in Early Modern Scotland", in: Anna Bellavitis and Beatrice Zucca (eds.), *Gender, Law and Economic Well-Being in Europe from the Fifteenth to the Nineteenth Century. North versus South?* Abington 2018 [Routledge] (Gender and Well-Being), pp. 200–214.
- Moore, Lindsay R., *Women Before the Court: Law and Patriarchy in the Anglo-American World, 1600–1800*, Manchester 2019 [Manchester University Press] (Gender in History).
- Orlin, Lena Cowen, "Empty Vessels", in: Tara Hamling and Catherine Richardson (eds.), *Everyday Objects. Medieval and Early Modern Material Culture and its Meanings*, Farnham 2010 [Ashgate], pp. 299–308.
- Paton, G. Campbell H., "Husband and Wife. Property Rights and Relationships", in: *An Introduction to Scottish Legal History*, Edinburgh 1958 [Stair Society], pp. 99–115.
- Pryde, George Smith, "The City and Burgh of Glasgow, 1100–1750", in: Robert Miller and Joy Tivy (eds.), *The Glasgow Region. A General Survey*, Glasgow 1958 [T. & A. Constable], pp. 134–149.
- Richardson, Catherine, "'A Very Fit Hat': Personal Objects and Early Modern Affection", in: Tara Hamling and Catherine Richardson (eds.), *Everyday Objects: Medieval and Early Modern Material Culture and its Meanings*, Farnham 2010 [Ashgate], pp. 289–298.
- Salter, Elisabeth, "Women's Last Wills and Testaments in Hull, England (c.1450–1555)", in: *Early Modern Women* 12, 2 (Spring 2018), pp. 33–53.
- Sanderson, Margaret H. B., *A Kindly Place? Living in Sixteenth-Century Scotland*, East Linton 2002 [Tuckwell Press].
- Shepard, Alexandra, *Accounting for Oneself: Worth, Status, and the Social Order in Early Modern England*, Oxford 2015 [Oxford University Press].
- Simonton, Deborah, "Community of Goods, Coverture and Capability in Britain. Scotland versus England", in: Anna Bellavitis and Beatrice Zucca (eds.), *Gender, Law and Economic Well-Being in Europe from the Fifteenth to the Nineteenth Century. North versus South?* Abington 2018 [Routledge] (Gender and Well-Being), pp. 31–46.
- Smith, Irvine, "Succession Part II: The History of Particular Branches of Scots Law and Practice: The Law of Property", in: *An Introduction to Scottish Legal History*, Edinburgh 1958 [Stair Society], pp. 208–221.
- Smout, T. C., "The Glasgow Merchant Community in the Seventeenth Century", in: *The Scottish Historical Review* 47, 143 (April 1968), pp. 53–71.

- Spence, Cathryn, “Women and Business in Sixteenth–Century Edinburgh. Evidence from their Testaments”, in: *Journal of Scottish Historical Studies* 28, 1 (2008), pp. 1–19.
- , *Women, Credit and Debt in Early Modern Scotland*, Manchester 2016 [Manchester University Press].
- Sperling, Jutta, “Marriage, Kinship and Property in Portuguese Testaments (1649–1650)”, in: Shona Kelly Wray and Jutta Gisela Sperling (eds.), *Across the Religious Divide: Women, Property, and Law in the Wider Mediterranean (ca. 1300–1800)*, New York 2010 [Routledge], pp. 158–174.
- Walton, Frederick Parker, *Handbook of Husband and Wife According to the Law of Scotland*, 2nd ed., Edinburgh 1922 [W. Green].

Dictionaries

- “Proper *adj*”, in: *Dictionary of the Scots Language*, 2004 [Scottish Language Dictionaries], www.dsl.ac.uk/entry/dost/proper (accessed 27 Mar 2019).

Websites

- Scotland’s People, www.scotlandspeople.gov.uk/ (accessed 12 February 2020).