

6

Life After Death

Previous chapters have explored the business lives of female entrepreneurs: how women came to be in trade, the locations that they traded from, the business strategies that they employed and the relationships between family and friends that bound all these experiences together. This chapter explores how the women came to leave trade, how they secured their financial future and what happened to their assets after their death. Central to this chapter is an examination of probate records of the 100 female business owners from Birmingham and Leeds. This will enable the composition of their financial portfolios to be examined and their methods of estate distribution to be analysed. Research by R.J. Morris into the investments of middle-class men argues that the contents of investment portfolios, and the way that they were distributed on death, can be seen as tangible manifestations of middle-class male status and behaviour.¹ This chapter will use the probate records of the 100 female business owners to demonstrate that the estate distribution methods and behaviours observed by Morris were not the sole preserve of male testators, and that

¹R.J. Morris, *Men, Women and Property*.

women were able to utilise the exact same methods to provide for their families and cement their middle-class status.

Comparing the final estate values of the businesswomen from Birmingham and Leeds allows us to see if there is a substantial difference in wealth between the two towns. Analysis of the probate values shows that the average Birmingham businesswoman's estate was valued at £1894, ranging from £44 6s 9d to £43,514 3s 5d and the average Leeds businesswoman's estate was valued at £1374, ranging from £87 19s 10d, to £14,000. Although the focus here is clearly on female business owners, comparing the range and averages of the probate values of male business owners in both towns enables us to understand more about women's economic position.

The sample of 100 male business owners was drawn by searching for a male-owned business in the same directories as the sample of 100 businesswomen registered, and then searching the National Probate Calendar to determine the value of their estate. Thus, the estate of Birmingham linen draper Fanny Maxwell was compared to that of Archangelo Breni, both of whom advertised in *Hulley's Directory of Birmingham 1870*, and wine merchant Eleanor Sinkinson's estate was compared to John Bridcut's. Sinkinson and Bridcut both advertised in several Birmingham directories and their newspaper advertisements were examined in Chap. 4.

Comparing and contrasting the estates of male and female business owners in this way is not without its problems. Firstly, on four occasions there were no corresponding male probate records available and so a substitution for a similar business type had to be made: a Servants Registry Office owner Hannah Rea was compared to agent Thomas William Wilson; ladies outfitters Mary Charity and Elizabeth Ingram were compared to tailors Peter Childerson and Harris Cohen; the estate of Milliner Virginia Calvert was compared to that of cap manufacturer Dale Benson; and sheep skin rug manufacturer Diana Watson was compared to hearth rug manufacturer Abram Grime. Secondly, even though the men and women registered their businesses in the same directories, they did not die at the same time—both in terms of the stage of their lifecycle, and year of death—and therefore probate values are not completely like for like. Furthermore, it is important to recognise that these samples are both very small with all the usual caveats that this brings.

This said, however, looking at the average probate values of men and women in Birmingham and Leeds throws up some interesting points. The average probate value of the male business owners from Birmingham was £3378, ranging from the £36 left by mason John Wildgoose, to the £61,738 left by milliner and hosier William Gent. The average probate value of the male business owners of Leeds was £2302, ranging from £19 left by tailor Peter Childerson, to the £16,000 left by bookbinder John Cross.

The mean average of male probate values in both Birmingham and Leeds is higher than the mean average of the female estates; yet if we look a little more closely at Table 6.1 a more complex picture emerges. The table shows that although the male estates in both Birmingham and Leeds had a higher mean average than their female counterparts, there were also similarities; for example, the mode in Birmingham was £1500, for both businessmen and businesswomen. Furthermore, the wealthiest male and female estates sampled in Leeds, belonging to Manchester warehousewoman Sarah Hotham, and bookbinder John Cross, were both valued at £16,000. The Leeds data suggests that men and women actually enjoyed very similar levels of wealth with 50% of female business owners having

Table 6.1 Probate valuations of male and female business owners from Birmingham and Leeds

| | | Men Birmingham | Women Birmingham | Men Leeds | Women Leeds |
|-------------|-------|-------------------|---------------------|--------------|------------------|
| N | Valid | 50 | 50 | 50 | 50 |
| Mean | | 3378.44 | 1906.12 | 2301.68 | 1373.78 |
| Median | | 1321.50 | 579.50 | 602.50 | 751.50 |
| Mode | | 1500 | 1500 | 100 | 300 ^a |
| Minimum | | 36 | 44 | 19 | 50 |
| Maximum | | 61738 | 43514 | 16000 | 16000 |
| Percentiles | 25 | 373.25 | 200.00 | 200.00 | 227.75 |
| | 50 | 1321.50 | 579.50 | 602.50 | 751.50 |
| | 75 | 3000.00 | 1517.25 | 2887.50 | 1231.00 |

Data taken from 100 reconstructed biographies of female business owners from Birmingham and Leeds, and 100 businessmen who owned the same types of firm, and who appeared in the same trade directories as the female business owners

^aMultiple modes exist. The smallest value is shown

an estate valued at £751 or above compared to the male cohort where the fiftieth percentile was £602. Interestingly, the higher mean estate value observed in the data of businesswomen from both towns is also present in the data of the businessmen; this suggests that there was a real difference in wealth between the two locations.

The crucial difference between the probate valuations of male and female estates comes in the higher valuations, with women less likely to have possessed estates valued in the top quartile. This characteristic occurs in both towns, and raises some important questions about the reasons why this is the case. It is possible that women were in some way impeded, either through business practices or institutional biases, from achieving the higher financial successes seen in the male estates. Similarly, as discussed in Chap. 2, the motivations of female business owners might be very different to businessmen, seeking to provide a steady income for their family, and prioritising stability over the possibility of expansion and riches. However, we must also consider the possibility that the difference in estate value is, at least in part, a manifestation of different probate behaviour between men and women.

A person—male or female—was only able to make a last will and testament provided that they owned assets worth £10 in London, or £5 in the rest of the country. This means that the very poor were unable to make wills and therefore it can be argued that the sample gathered here is biased towards wealthy and successful businesswomen. However, £5 was not a vast sum in the nineteenth century, indeed the lowest estate examined in the 100 cases was valued at £44 6s 9d and the wealthiest £43,514 3s 5d, and therefore the sample takes the experiences of businesswomen with a wide range of estate values into account. The success of the methodology employed in gathering a sample that represents different levels of wealth is reflected in the sample of 100 businessmen who were selected in the same way, and whose estates were valued from £19 to £61,738. The very similar sample groups indicate that they stand as a representative snapshot of the probate behaviour of small business owners in nineteenth-century England.

The purpose of a last will and testament is to direct the division of assets and personal belongings and to appoint the people, known as executors, who will carry out these wishes. An executor was responsible

for ensuring that all the instructions contained in the will were carried out exactly as the testator had intended them and they also often held the position of trustee, undertaking responsibility for administering any trusts created by the will. Before the bequests could be processed, however, the Court of Probate first had to recognise the will as a valid legal document and provide a Grant of Probate which allowed the executors to administer the will.

In 1857, Parliament passed the Probate Act which gave executors the option of using one of the newly created Courts of Probate, located in forty towns and cities across England, instead of the ecclesiastical courts. The rationale behind this was to make the probate process simpler and more cost-effective for executors, and by 1879, 60% of all Grants of Probate and Administration were issued by the local registries.² This was much more convenient for executors of the Birmingham businesswomen because the town became home to a Court of Probate; however, executors of the Leeds wills had to travel to the Court of Probate at Wakefield which was virtually the same distance as the existing ecclesiastical Prerogative Court at York. Leeds lawyers and politicians perceived this inconvenience as a deliberate snub and they called attention to the matter in the *Leeds Mercury*, demanding that the Law Society raise the issue in Parliament so that Leeds lawyers would not have to travel to 'a distant and much smaller town'.³

It has been estimated that 10% of adults who died in England and Wales in 1841 had made a last will and testament, a figure that had fallen to 8% by 1871.⁴ The fact that only a very small proportion of the population actually made a will highlights one of the fundamental problems of using probate records as a historical source. While the information that can be gleaned from wills can throw light into previously dark corners of material culture and the web of relationships surrounding testators, we must recognise that they exist only for a small proportion of the population. Similarly, making a will was a predominantly male activity and until

²K. Grannum & N. Taylor, *Wills and Other Probate Records*, (London: Kew, 2004), p. 59.

³*The Leeds Mercury* (Leeds, England), Thursday, January 21, 1858; Issue 6745.

⁴A. Owens, 'Property, Will Making and Estate Disposal in an Industrial Town 1800–1857' in *Urban Fortunes: Property and Inheritance in the Town 1700–1900*, J. Stobart & A. Owens [ed.], (Aldershot: Ashgate, 2000), pp. 79–108, p. 85.

the Married Women's Property Act of 1882, only widows and unmarried women could make wills that were guaranteed to dispose of their property exactly as they wanted. Prior to 1882, married women were able to make a will that bequeathed their personal possessions but only with their husband's permission and he could withdraw his support at any time until a Grant of Probate was issued.⁵ This issue did not directly affect the vast majority of the businesswomen in the 100 case studies as most of those who died before the 1882 Married Women's Property Act were either widowed or unmarried. However, the probate records of Mary Wilcock, written in 1880, show that establishing her legal right to make a will was of paramount importance in her mind as she included a copy of the Order of the Protection of Property that she had been granted in 1858 on the first page of her last will and testament.⁶

The probate records of the 100 female business owners reveal that they all used a solicitor when it came to writing their last will and testament; this contrasts with research from a mixed gender sample who died in Stockport between 1800 and 1857 which found 85% of testators used a solicitor.⁷ The trade directories of Birmingham and Leeds show that both towns had large, vibrant legal communities and therefore it may have been easier, for residents who could afford it, to access the services of solicitors and barristers than it was for people living in Stockport. This evidence could also indicate a change in probate behaviour through the nineteenth century where, as the number of professionals grew, more people accessed their services and therefore the use of solicitors became more common. It has also been argued that using a solicitor was a key way for testators to reinforce their public, middle class, masculine identity.⁸ However, the fact that a 100% of the female business owners in two different towns used solicitors to create their last will and testament would suggest that the use of professionals was actually a gender-neutral characteristic of those who could afford the service, in this case the middle classes.

⁵ K. Grannum & N. Taylor, *Wills and Other Probate Records*, p. 80.

⁶ *The Leeds Mercury* (Leeds, England), Thursday, January 21, 1858; Issue 6745.

⁷ A. Owens, 'Property, Will Making and Estate Disposal', p. 93.

⁸ A. Owens, 'Property, Will Making and Estate Disposal', p. 94.

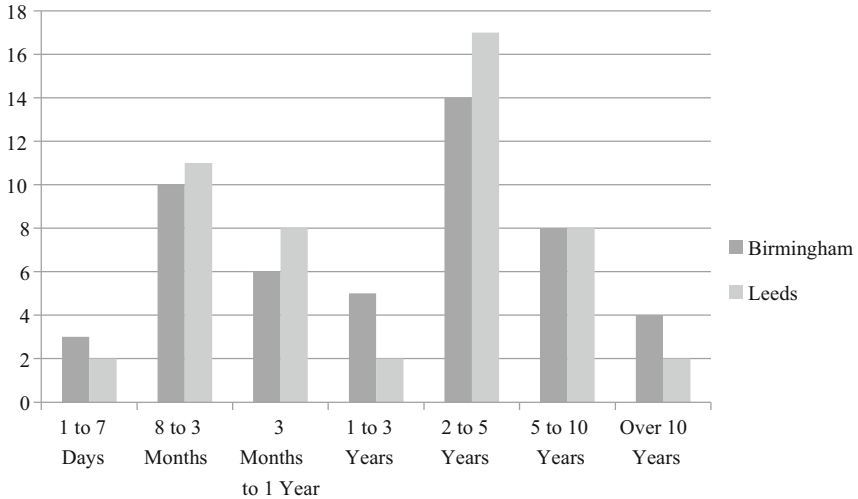


Chart 6.1 Length of time between will writing and death (Source: 100 Case Studies; Categories based on Owens, 'Property, Will Making and Estate Disposal', Figure 4.4, p. 91)

Chart 6.1 shows the length of time that elapsed between the female business owners writing their last will and testament and their death. It reveals that instead of the women making their wills in the days immediately prior to their death, the businesswomen of both Birmingham and Leeds were actually far more likely to write their wills between two and five years before death. In his study of wills proved in Stockport between 1800 and 1857, Alistair Owens found that the majority of testators wrote their last will and testament between eight days and three months before their death and 63% of the total number of testators had written their wills in the two years before they died.⁹ This is somewhat different from the data presented in Chart 6.1 which shows that nearly 75% of the Birmingham and Leeds wills were written more than three months before death, and therefore many of the testators had made decisions about their assets and wealth-holdings well before they were faced with their deathbed.

⁹A. Owens, 'Property, Will Making and Estate Disposal', p. 91.

An examination of data from estates proved in Leeds between 1830 and 1834 has shown that just over 50% of those wills were made within six months of death, with the vast majority being written within fifty days of the testator's eventual decease.¹⁰ The differences between the data from the early nineteenth-century probate records of Leeds and Stockport, which were predominately male, and the 100 case studies of female business owners from late nineteenth-century Birmingham and Leeds, could indicate that gender played a powerful role in shaping testator behaviour. The women examined appear to have taken a much longer view when writing their last will and testaments, possibly demonstrating that they recognised the point at which their estates reached their maximum size and they therefore wrote their will rather than waiting to see if any further assets could be accumulated. The time period of the three studies is also different and therefore gender may not have been an important factor, but rather the data from the 100 businesswomen could suggest that testator conduct changed significantly during the course of the nineteenth century and testators gradually became more willing to make their last wishes official well before their death. Research currently being carried out by Daunton, Green and Owens will help to answer these questions.¹¹

The probate behaviour of the women reveals their attitude towards forward planning, and their awareness of how the decisions that they made when they were writing their last will and testament could affect the future financial security and well-being of their family and friends. The vast majority of businesswomen bequeathed specific items in their wills, which suggests that the decision about which people would receive each bequest was carefully considered. Few businesswomen bequeathed their businesses as ongoing concerns but nearly all instructed their executors to create a trust from the sale of their assets, including their firms, often with multiple recipients. Thinking through the logistics of how a trust would work and all the eventualities of those who might inherit would have been complicated even with the help of solicitors and it shows the importance that businesswomen placed on the transfer of their estates.

¹⁰ R.J. Morris, *Men, Women and Property*, p. 91.

¹¹ *Inheritance, Families and the Market in nineteenth and twentieth-century Britain* (Funded by the Philomathia Foundation and the Isaac Newton Trust).

All these factors suggest that the women belonged to a solid and unwavering network that they were confident was unlikely to change in the time between the writing of a will and death.

Of course, sometimes the creation of a last will and testament was a very last minute affair, such as in the case of Zillah Boyes, a carting agent from Leeds, who managed to make her will just the day before she died on 24 October 1884. Zillah's last will and testament is unusual in that it makes no mention of specific items but simply divides all real and personal estate equally between her three daughters. The brevity of the will perhaps reflects the fact that it was written on her deathbed and listing specific items may well have taken effort and time that she did not have. Contemporary legal commentators and politicians including the Lord Chancellor argued that a testator who made a last will and testament at this late stage risked leaving their dependants in dire financial difficulties because of poorly thought-out plans and rashly made decisions, and stressed the importance of careful financial planning.¹²

Making a will towards the end of life made sense in that the testators' estate was most likely to have reached its maximum size. However, there was a great deal of fluidity within the probate process and if further assets were acquired or lost, or circumstances and relationships changed after a testator had created a last will and testament, they were able to add a codicil to their will in order to reflect the changes. Birmingham hotelier Ann Corbett used a codicil to reflect the fact that since writing her original last will and testament on 6 March 1879 she had sold her hotel to her granddaughter Ann Mary Gough.¹³ The codicil made on 18 February 1882 gives details of both the purchase price still outstanding as well as the interest rate that Ann Mary was being charged on the amount and the different dates when the interest had been paid. By using a codicil, Ann Corbett ensured that her last will and testament reflected her change in circumstances and also secured the legal position of her granddaughter as the owner of Corbett's Temperance Hotel.

The majority of the businesswomen took the Lord Chancellor's advice on board and chose to make their last will and testament after the point

¹²R.J. Morris, *Men, Women and Property*, pp. 92–3.

¹³Last Will and Testament of Ann Corbett.

where they had accumulated the majority of their possessions but before there was an imminent threat of death. This made it possible for them to create a last will and testament that detailed specific items and the people who would receive them. This can be seen in the case of Harriet Kirby, a coal dealer and carting agent from Leeds, who wrote her last will and testament on 28 April 1894 and died just over three years later on 21 November 1897 at the age of seventy-one. Harriet used her will to distribute furniture, the proceeds of two insurance policies and personal possessions—including a piano, jewellery and her household silver—amongst three of her five children, Harriet, Annie and Seth.¹⁴ Harriet also bequeathed all her horses and associated equipment, carts, vans and all other goods and implements connected to the business to another son John. In addition to bestowing these goods to her children, Harriet used her last will and testament as a vehicle to communicate posthumously with her eldest son, Josiah, by including the following short paragraph:

'I also desire to remind my son Josiah of the various sums of money I have from time to time advanced to him or paid on his behalf amounting in all to twenty-three pounds which if added to the fifteen pounds lent to him in the year 1878 makes his share fairly equal with those of his brothers and sister and I sincerely trust may prove satisfactory to him.'

Harriet's last will and testament is a clear example of a person taking stock of their assets, as well as the debts that remained owing to them, and acting accordingly. Although written by a solicitor, Harriet's voice and agency can clearly be heard through the words of her last will and testament, and the idea of Josiah hearing this message at the formal reading of the will conjures the somewhat awkward image of a mother reminding her sometimes errant son of his actions one last time. Harriet's will also demonstrates the way in which she used the legal system to control her assets after her death and provide equally for her children, regardless of their gender; this issue will be returned to later in the chapter.

The details given in probate records are an invaluable source in reconstructing the wealth-holdings of individuals. The different elements of

¹⁴ Last Will and Testament of Harriet Kirby.

wealth and how they made up an estate have been analysed by historians using residuary accounts dating from 1870 to 1902. This analysis has shown that shares constituted the largest part of the estate followed by real and leasehold estate, government securities, mortgages, bonds and debts, other property, cash, household, trade and insurance.¹⁵ As the female business owners in the 100 case studies from Birmingham and Leeds died over a much longer timeframe, it is not possible to compare the data directly; however, it is possible to explore the ways in which the women invested their money and analyse their probate behaviour. Ultimately, wills were produced to divide assets that were both financially and emotionally valuable and therefore a great deal can be gleaned both from the information contained within the last will and testament and also from the various people who the testatrix chose to carry out their wishes.

Appointing executors was a serious business; they had to be people who could be trusted to (potentially) look after thousands of pounds and, if they were also appointed trustees, with administering financial investments that were often expected to support numerous dependents for the foreseeable future. Will making has been described as ‘embedded within the social fabric of the urban public sphere’¹⁶ and probate records from the early nineteenth century argue that communities seemed to have a set group of men who were appointed time and time again as executors.¹⁷ This could be perceived as a sign of respect or responsibility, or alternatively, as most testators bequeathed their executors a sum of money, it could be that the men were acting as ‘professional’ executors for a fee.¹⁸ The relationship between executor and testator is sometimes difficult to uncover as friendships and business acquaintances cannot always be realised through census returns. Sources such as probate records, which sometimes describe the relationship, can therefore provide an invaluable insight to historians trying to reconstruct the social network of a town or

¹⁵D.R. Green, A. Owens, C. Swaine & C. van Lieshout, ‘Assets of the Dead’, p. 70.

¹⁶A. Owens, ‘Property, Will Making and Estate Disposal’, p. 79.

¹⁷A. Owens, ‘Property, Will Making and Estate Disposal’, p. 98.

¹⁸S. D’Cruze, ‘The Middling Sort in Eighteenth Century Colchester: Independence, Social Relations and the Community Broker’ in J. Barry & M. Brooks [Eds] *A Middling Sort of People*, (Basingstoke, 1994), pp. 181–2.

community; this is even more pertinent in the case of women when other sources may be scarce.

The probate records of the 100 female business owners reveal that the people appointed as executors differed significantly between the two towns. The number of nephews appointed in Leeds was nearly four times higher than in Birmingham. The data also shows that 82% of the executors in the Leeds sample were family members compared to 63% of executors in Birmingham. Furthermore, in Leeds 11% of executors were described as 'Friends' compared to 24% of those in Birmingham. The percentage of male testators who used friends as their executors has not been examined but the overwhelming evidence from the historiography is that in cases where executors were not family, testators appointed people who were known to them on a day-to-day basis. In early nineteenth-century Stockport, 16% of testators appointed someone that they knew through their trade and 80% of male testators and 62% of female testators appointed executors who lived in the same parish.¹⁹ Chapter 5 has already explored the close friendship between Ellen Trendall and Isabella Brindley which, together with the data below, suggests that the businesswomen in Birmingham and Leeds had close friendship networks as well as strong kinship ties (Table 6.2).

One of the female business owners who asked her friends to serve as her executors rather than family members was inn keeper Mary Wasdell, who had lived and worked from The Golden Eagle on Swallow Street in Birmingham since at least 1829.²⁰ When Mary died in February 1862, she left behind a very detailed last will and testament that described personal belongings such as jewellery and clothing, silverware and books, and household items including furniture and linen as well as several monetary bequests.²¹ Aside from two bequests of five pounds which were made to each of her executors, Thomas Smith a carpenter and Hugh Edmonds a provision dealer, Mary bequeathed all of her property to members of her family, including her brother and his wife, her sister, her niece and her cousin. This suggests that Mary Wasdell had a close-knit familial network

¹⁹ A. Owens, 'Property, Will Making and Estate Disposal', p. 101.

²⁰ *Pigot's Directory of Birmingham & its Environment*, 1829; *Morris's Birmingham Directory*, 1862.

²¹ Last Will and Testament of Mary Wasdell, proved at Birmingham on 14 March 1862.

Table 6.2 Relationship between testatrix and executors

| Relationship between testatrix and executor | Leeds (%) | Birmingham (%) |
|---|-----------|----------------|
| Husband | 0.00 | 1.22 |
| Daughter | 18.75 | 12.2 |
| Son | 26.04 | 19.51 |
| Son-in-law | 9.38 | 3.66 |
| Sister | 4.16 | 7.32 |
| Brother | 6.25 | 6.10 |
| Niece | 1.04 | 3.66 |
| Nephew | 14.58 | 4.88 |
| Other relative | 2.08 | 4.88 |
| Friend | 11.46 | 24.04 |
| Solicitor/Accountant | 0.00 | 3.66 |
| Religious leader | 0.00 | 1.22 |
| Unknown | 6.25 | 7.32 |
| Total number of executors | 96 | 82 |

Data taken from 100 reconstructed biographies of female business owners from Birmingham and Leeds

and one might therefore expect that she could have appointed any of her beneficiaries, particularly her brother who was her nearest male relative, as executor. However, the detail of one of the bequests hints at why Mary chose her friends rather than her family to administer her estate. Mary had bequeathed her brother John £200, but the bequest came with the proviso that he must first repay all of the money that he still owed her. By utilising her two friends as executors, Mary was both ensuring that her estate would be properly administered and also that her other family members and beneficiaries would not be put in any awkward positions in dealing with John and his outstanding debts.

Owen and Morris argue that each town had a group of men who were regularly called upon to act as executors because of their legal skills and knowledge. It does not appear that Thomas Smith and Hugh Edmonds belonged to any such group, rather, they are described as Mary's friends, perhaps known to her through her late husband, Joseph, but equally, these could have been relationships formed after his death. In the cases where it is possible to identify the relationship between the testatrix and their executors, only four women appointed people who were not either family or friends, and each of these women lived and died in Birmingham.

One of the four women is shopkeeper Bridget Walsh who died at her home at 70 Allison Street on Christmas Day in 1886. Bridget left an estate worth £120 18s 6d, significantly below the average of £1894 found in Birmingham.²² In her last will and testament she directed that Roman Catholic priest Reverend John Kelly, who lived at 123 Moor Street, should be the sole executor of her estate; this is despite the fact that Bridget had a son, a daughter, a brother and grandchildren, all of whom either lived with Bridget at 70 Allison Street or who lived a few doors away on the same street. The only bequest that Bridget made outside of these members of her immediate family was one of £10 to the Roman Catholic Church for masses to be said after her death. This bequest was equal in value to those that Bridget gave to her brother, daughter and grandchildren thus signifying the important role that the Church and religion played in her life. Bridget's probate records also reveal that she was illiterate, and she authenticated her last will and testament by putting 'her mark' next to her name. In light of this, it is possible that Bridget appointed Reverend Kelly to be her executor not just as a mark of respect to him and his Church but also because she was illiterate. There is also the possibility that her children were illiterate too, thus meaning that Reverend Kelly might have been one of the only people who Bridget knew, and could trust, who could read and write and was able to deal with the potentially complicated probate process.

Rather than the female business owners choosing their executors as 'an act of social envisaging',²³ the reasons why the remaining three female business owners chose to appoint people other than family or friends to be their executors are arguably, like Bridget, practical. One businesswoman, retired lodging house keeper Mary Ella, left, like Bridget Walsh, a relatively small estate of £328 1s 6d when she died on 28 April 1882.²⁴ In her last will and testament Mary appointed her solicitor Arthur Wright of Town Hall Chambers as her executor, despite the fact that she was living with her nephew, and successor to her business, John Assinder,

²² Last Will and Testament of Bridget Walsh, proved at Birmingham on 19 January 1887.

²³ J. Stobart, 'Social and Geographical Contexts of Property Transmission in the Eighteenth-Century' in *Urban Fortunes*, J. Stobart & A. Owens [eds], pp. 108–130, p. 119.

²⁴ Last Will and Testament of Mary Ella, proved at Birmingham on 24 May 1882.

and also had an adult daughter. Mary's last will and testament reveals that shortly prior to it being written on 11 April 1882, she had sold her confectionery business to John Assinder along with her lodging house property, but she had continued to live in 'apartments with the said John Assinder, using my own furniture'.²⁵ Mary used her will to ensure that the sale of her business and the business premises was ratified and the relevant documents including the mortgage papers were handed over to John. She also used it to separate her business and personal property so that her daughter could benefit from the sale of any personal items and all remaining estate that she possessed at the time of death. To this end, Mary specified in her will that she had employed an auctioneer based on Temple Row called Mr Walker to come and make an inventory of all the goods that she wished to bequeath to her daughter Mary Cooper. As Mary Cooper and John Assinder were the only two beneficiaries of Mary Ella's estate, it was perhaps wise to have an impartial body to oversee the distribution of Mary's assets and someone who was legally qualified to deal with ratifications of sale and the transfer of mortgages.

The use of professional expertise in cases of complicated or potentially contentious estates is also reflected in the probate records of Eliza Rebecca Dransfield, who ran a school from her home in Birmingham. When Eliza died in 1912 she left behind an estate worth £5277 0s 4d, far higher than any of the other businesswomen who appointed professionals as their executors.²⁶ In her original last will and testament, made in January 1907, Eliza had appointed her nephew, and chief beneficiary, Alfred William Dransfield as an executor alongside accountant Walter Charlton. This was changed via a codicil on 22 May 1909 when Eliza revoked Alfred William Dransfield as an executor and instead appointed her 'solicitor and friend' Frank Travers, whose family firm had drawn up her original will. Eliza gives no reason in her codicil to explain why she no longer wished for Alfred to be one of her executors, but an examination of the will and codicil shows that Eliza directed that the majority of her estate be sold and converted into a series of trusts for the benefit

²⁵ Last Will and Testament of Mary Ella.

²⁶ Last Will and Testament of Eliza Rebecca Dransfield, proved at Birmingham on 6 September 1912.

of various nieces and nephews. Each beneficiary was to receive different shares of the estate, and the trusts themselves appear much more complicated in both the number of recipients and in their construction than the others seen in the 100 case studies. It is very likely that a solicitor and accountant would need to be employed to carry out Eliza's wishes and therefore it made sense to appoint them as executors in the first place.

Interestingly, the four cases suggest that blood was indeed thicker than water and although the women might not have thought their relatives capable or trusted them to act as executors, they did all leave the bulk of their estates to family members. These examples all suggest that it was practicality which made it necessary to employ professionals as executors in the last wills and testaments of businesswomen rather than a desire to use somebody 'public' in the local community. Illiteracy in Bridget's case, a complicated sale in Mary's and the very complex financial dealings in Eliza's last wills and testaments, all necessitated the expertise of trained professionals who were known to the women and were trusted by them. It is also possible that there is a bias in the sampling of the 100 case studies and although the results of this research show that Leeds businesswomen never used professionals as their executors, it could be that no such cases were captured in the sample.

On the other hand, it is possible that women tended to describe their executors as friends rather than by their occupation, for example, solicitor, accountant or religious leader. This argument is supported by evidence from Birmingham wine merchant Eleanor Sinkinson, who died in 1884 leaving an estate of over £43,000.²⁷ Four of Eleanor's five executors were described as friends, but later in her will it emerges that three of these friends were also solicitors. This suggests that it was more than possible that some of the executors described as relatives and friends might also be professionals and were appointed as executors by the women specifically because of their expertise.

Chapter 5 examined the importance of personal possessions in the last wills and testaments of the female business owners, yet these items constitute only one element of the probate records examined. Attention now turns to examine the other features of the probate records including

²⁷ Last Will and Testament of Eleanor Sinkinson, proved at Birmingham on 27 February 1884.

Table 6.3 Number of businesswomen in Birmingham and Leeds who referenced real estate, trusts or businesses in their wills

| | Birmingham (%) | Leeds (%) |
|-------------|----------------|-----------|
| Real estate | 84 | 86 |
| Trusts | 58 | 54 |
| Businesses | 34 | 32 |

Data taken from 100 reconstructed biographies of female business owners from Birmingham and Leeds

domestic and international investments, to analyse what they can reveal about the financial behaviour of late nineteenth-century business owners. Birmingham boot and shoemaker Rebecca Traies' last will and testament reveals that she had invested £700 in stocks of the New Zealand government in a joint venture with her sister Anna. However, investing money abroad was unusual and most of the businesswomen appear to have invested their wealth overwhelmingly in property.

Table 6.3 shows that an average of 85% of the female business owners from both towns referred to the real estate and property that they owned in their last will and testament. The cases from Birmingham and Leeds that include a description of the female business owner's property portfolios reveal that the bulk of property investment made by the women was, as would be expected, in their local areas, with most properties located in the town centres. There were some notable exceptions to this; for example, Birmingham umbrella manufacturer Ann Alford owned thirteen houses in Birmingham as well as three cottages and a public house in the small village of Pembridge in Herefordshire, some fifty-five miles from her home on High Street, Birmingham.²⁸ As well as owning property in the town centre, some of the female business owners from Leeds also invested in real estate in the villages surrounding the town. Livery stable keeper Jane Young owned real estate both in Leeds town centre and in the village of East Keswick, nine miles away. Frustratingly, Jane's last will and testament does not include details of what these different properties were but as far as census and parish records show, Jane was not born, and did

²⁸Last Will and Testament of Ann Alford, proved at Birmingham on 15 May 1883.

not live, marry or die in East Keswick, therefore it seems likely that she purchased it as an investment.²⁹

The ownership of property outside of the businesswomen's immediate vicinity suggests that not only were women able to acquire or purchase property located away from their home environment, but more importantly that they had the management skills to maintain that property. Establishing additional branches of firms away from a home town, like Lucy and Mary Thurman did in Chester and Ann Buckley did in London, and engagement with foreign investment opportunities, indicates that female business owners had a far wider social and professional reach than might have been expected. This economic behaviour indicates that female-owned business was not necessarily a localised and small affair and, in fact, businesswomen could be acutely aware of national and international events and act accordingly to advance their economic ambitions.

This is not to underestimate or understate the role of local investment in the property markets. Chap. 4 has already looked at what could go wrong with property investment with the case of Timothy and Diana Watson, but this chapter will now explore the different ways that nineteenth-century female business owners successfully invested in property and the different types of property that their portfolios contained. It is however important to first acknowledge the changing legal environment of the late nineteenth century. The passing of the Divorce and Matrimonial Causes Act of 1857 helped married women, such as Mary Wilcock, protect their fortunes from errant and absent husbands, but seeking protection under this act required the wife to petition court and this carried its own financial barriers.

These barriers were partially removed by the Married Women's Property Acts of 1870 and 1882, which gave women the right to hold property, receive inheritance and retain any earnings that they might make personally during their marriage, separately from their husband. These acts were important because they removed the need for married women to have to apply for protection and instead assumed the right for a married woman to continue to possess independent assets. However, the Married Women's Property Acts were not retrospective and therefore only applied

²⁹ Last Will and Testament of Jane Young, proved at Wakefield on 2 May 1864.

to women who married or began to generate wealth after this date. Mary Beth Combs has argued that there was a change in the way that female shopkeepers invested their money between 1860 and 1901–03 as they absorbed the impact of the acts and began to invest in personal possessions rather than in property and real estate.³⁰ This is markedly different to the results of this research, which shows a high level of property ownership regardless of the date probate was granted. These are not direct comparisons and might therefore be an anomaly caused by sample bias, however, it is possible that the results indicate that different types of business owner utilised different investment strategies.

Examination of the residuary accounts, succession and estate duty registers by David Green and Alistair Owens between 1870 and 1902 has shown that ownership of real estate was more prevalent in estates valued at over £1000, with more than half of the estates in this category owning property.³¹ A comparison of their data with that collected from the probate records of businesswomen of Birmingham and Leeds who died between 1861 and 1940 suggests that this is also true for this wider period, although there are some interesting and potentially significant variations. As shown in Table 6.3, the overwhelming majority of businesswomen in both the Birmingham and Leeds sample made some reference in their last will and testament to property or real estate. Although the average probate valuation for both towns was above the £1000 threshold described by Green and Owens, the spread of valuations was much greater, with the smallest estate worth £44 6s 9d and the largest worth £43,514 3s 5d. Therefore, in order to be able to examine exactly what property the businesswomen owned, only those testatrix's wills which have given specific details of the property being bequeathed have been considered; this has reduced the sample to eleven cases in Leeds and ten in Birmingham.

Although some of these estates in Leeds were valued at over the £1000 mark which Green and Owens have suggested made property ownership much more common, there are some cases where the probate valuation was very low but the testatrix still owned property. There are obvious

³⁰M.B. Combs, 'A Measure of Legal Independence: The 1870 Married Woman's Property Act and the Portfolio Allocations of British Wives' in *The Journal of Economic History*, Vol 65, No 4, (Dec, 2005), pp. 1028–1057.

³¹D.R. Green, A. Owens, C. Swaine & C. van Lieshout, 'Assets of the Dead', p. 73.

explanations in some of these cases, for example, Diana Watson, the sheepskin mat manufacturer and widow of failed property developer Timothy, left an estate valued at only £87 and which consisted solely of the two properties which she had managed to retain ownership of after the Court of Appeal ruling. Yet some of the other female business owners also left estates with a low valuation but which contained real estate, such as Sarah Swale, a lodging house keeper who owned two freehold properties with two houses attached to the back on the High Street, Leeds.³² Sarah's estate was valued at only £100 when probate was granted, her last will and testament shows that aside from two small insurance policies, her properties were the only asset that she owned.

A slightly different picture emerges from the probate records of the female business owners from Birmingham. The estates that give specific details of the location and size of properties owned were not as low in value as those in Leeds, with the lowest probate valuation for such estates being £334. This estate belonged to Caroline Robbins, a wardrobe dealer who traded between 1878 and 1897. Caroline's last will and testament reveals that she owned two leasehold properties located at 30 and 32 Berners Street, Birmingham and eight leasehold houses which made up Number 17 Court on Brearley Street, also in Birmingham.³³ Like Sarah Swale, these leasehold properties were the only assets that Caroline owned, aside from a few pieces of unremarkable furniture. That these smaller value estates tended to be constituted entirely of wealth from property assets indicates that female business owners displayed the typical investment strategies of the lower middle classes. These strategies were characterised by an almost total investment in local real estate, primarily because bricks and mortar were further removed from the risk of the unpredictable stock market, the investment was simple to understand and manage, and most importantly, it also provided somewhere to live.³⁴

Wealthier businesswomen such as scrap metal merchant Hannah Aston, also invested in property but they also had saving accounts and invested in stocks and shares. At the time that she wrote her last will

³² Last Will and Testament of Sarah Swale, proved at Wakefield on 30 May 1879.

³³ Last Will and Testament of Caroline Robbins, proved at Birmingham on 16 March 1897.

³⁴ D.R. Green, A. Owens, C. Swaine & C. van Lieshout, 'Assets of the Dead', p. 68.

and testament Hannah had £1400, or approximately 50% of her total estate, invested with the bank.³⁵ The idea of investing money in a bank or joint stock company is somewhat contradictory to the established idea of women as risk-averse investors because there was no limited liability protection for those who put their money in its holdings and therefore investors were liable for more than the amount that they had originally invested if the business failed.³⁶

Although investors were 'liable to their last sixpence', men and women were persuaded to invest in joint stock banks because the potential returns were much higher than other investments such as railways and government bonds that were considered very safe.³⁷ Furthermore, the risk was tempered by the fact that most joint stock banks were operated in a conservative way, because to act in any other way would deter both shareholder investors and those depositing savings in the bank.³⁸ By the 1870s, women made up 32.6% of the average bank shareholders.³⁹ Recent research has drawn attention to the case of the City of Glasgow Bank which was much more speculative than others were and this risky attitude was recognised by nineteenth-century investors. It has been argued that female investors were aware of the City of Glasgow Bank's maverick attitude and subsequently only 15.7% of its shareholders were female.⁴⁰ If this is true then it suggests that female investors also viewed the Birmingham and Midland Bank with the same caution, as only 15.3% of its shareholders were female.⁴¹ Therefore, women such as boot and shoemaker Jane Traies who invested in the Birmingham and Midland Bank at this time did not conform to the image of risk-averse female investors as, firstly, they moved beyond the safe forms of investment like railway shares and property and, secondly, they were investing in the riskier end of the joint stock companies.

³⁵ Last Will and Testament of Hannah Aston, proved at Birmingham on 19 May 1906.

³⁶ G.G. Acheson & J.D. Turner, 'Shareholder Liability', pp. 207–9.

³⁷ G.G. Acheson & J.D. Turner, 'Shareholder Liability', p. 206.

³⁸ G.G. Acheson & J.D. Turner, 'Shareholder Liability', p. 221.

³⁹ G.G. Acheson & J.D. Turner, 'Shareholder Liability', p. 217.

⁴⁰ G.G. Acheson & J.D. Turner, 'Shareholder Liability', p. 217.

⁴¹ G.G. Acheson & J.D. Turner, 'Shareholder Liability', p. 217.

Table 6.3 shows how many times real estate, trusts and ownership of business enterprises were referenced to in the last wills and testaments of the 100 female business owners from Birmingham and Leeds. The most striking feature of the table is the similarity between the results from the two towns, and this provides more evidence that the experience of female business owners was very similar regardless of the economic structure or geographical location of the town where they lived and traded from. Although an important indicator of wealth and social status, the role of businesswomen as property owners and shareholders will be set to one side for a moment and instead, attention turns to the role of female business owners as the creators of trusts.

Trusts are sometimes viewed by the feminist historiography as a tool used by men to make sure that 'women did not operate freely in the market' by ensuring that the recipient had no control over the capital and therefore could not make investments on their own account.⁴² Yet it can be argued that there is no support for this argument in the data presented above because women would surely recognise that a trust was an oppressive, patriarchal device and would be reluctant to use it in their own wills, particularly for their female beneficiaries. However, it is also possible that the women did recognise the oppressive patriarchal nature of trusts but knew that it was the only legally binding way of controlling their wealth and protecting the bequests to female beneficiaries from their male relatives, and therefore they were forced to use them.

Over half of the probate records sampled in Birmingham and Leeds created at least one trust, and this figure is very similar to the evidence found in predominantly male probate records from Stockport where 62% of wills contained instructions to create trusts.⁴³ Trusts have been viewed as the hallmark of the successful middle-class male because they represent an awareness of a man's responsibility to provide for vulnerable members of their family such as his widow and children, particularly minor children, but, perhaps more importantly, trusts allowed the testator to continue to exercise control over their estate from beyond the

⁴²C. Hall, *White, Male and Middle Class: Explorations in Feminism and History*, (Oxford, 1992), p. 177.

⁴³A. Owens, 'Property, Will Making and Estate Disposal', p. 93.

grave.⁴⁴ The evidence from Birmingham and Leeds shown in Table 6.3 reveals that women of both towns frequently created trusts signifying that they were a common feature of the probate process for middle-class men and women. Trusts were not just utilised by women with higher probate valuations, even those with modest estates sought to protect their estates, and control the future of their descendants by creating trusts.

Closer examination of the trusts themselves reveals that not only did women create trusts but that they did so for the benefit of male and female relatives and friends. This is significant for two reasons: firstly, because it suggests that female business owners felt the same sense of responsibility that has been observed in middle-class male testators; and secondly, because it indicates that both men and women could be seen as vulnerable and in need of protection. This in turn suggests that both men and women could also hold the role of protector, indicating that women were able to display behaviours traditionally seen as linked with the masculine provider rather than the feminine nurturer.

When Leeds draper Grace Howard wrote her last will and testament in 1878, she directed that her estate be used to create two trusts: one which had a £200 capital investment for her forty-six-year-old married daughter Elizabeth, and another which used the remaining real and personal estate for her son James, who was thirty-nine.⁴⁵ Grace also included a proviso in her will which allowed James to apply to the trustees for an advance of £200 from his trust to be used specifically to establish himself in business. Therefore, at the time of her death in 1881, Grace had secured the financial future of each of her three children but in quite different ways than might have been expected. Her eldest daughter Elizabeth was provided with a trust that was 'for her separate use, free from marital control' thus giving her an income that was protected from her husband's influence. Unmarried daughter Sarah, who had been one of five women employed by Grace in the drapery firm, had taken over the business before moving it (and herself) to Halifax, providing for herself through trade. Finally, by creating a trust for her son, Grace managed to secure James' financial security in the interim whilst also providing him with the capital required

⁴⁴R.J. Morris, *Men, Women and Property*, pp. 100–101.

⁴⁵Last Will and Testament of Grace Howard, proved at Wakefield on 3 March 1881.

to set up his own firm. Grace's estate was valued at £400; the sum of her two trusts was well below the £1373 average probate value of the businesswomen from Leeds, demonstrating how even women of limited means were able to use the legal system to their advantage.

The beneficiaries of trusts were sometimes vulnerable family members, for example, Birmingham provision dealer Catherine Mackey Bowen included a trust for her elderly older brother Jonas, a former electroplater, who had lived with and been employed in her business in the years immediately preceding her death.⁴⁶ Catherine instructed her executors to use some of her estate to create a trust that would generate an income of ten shillings per week for the rest of her brother's natural life. Jonas had children and grandchildren of his own who continued to run the electroplating business that he established until the outbreak of the Second World War; it is not clear why they either could not, or would not, provide for their father in his old age. Nevertheless, the fact that it was Catherine who provided Jonas with a home, a job and a weekly income, provides further evidence that it was possible for women to assume the role of protector and provider, just as it was possible that men might have need of financial help.

The evidence above indicates that it was a testator's financial position and the personal circumstances of their family and friends that were the most influential factors in deciding whether they used their will to create trusts, and not their gender. This finding is crucially important as it shows that one of the key characteristics of middle-class male behaviour as identified by Morris can also be considered as a gender-neutral legal tool used by individuals to distribute wealth securely amongst beneficiaries. It also shows that the businesswomen were displaying these middle-class behaviours even if their estates were at the lower end of the wealth spectrum, thus indicating economic awareness and aspiration. Furthermore, creating a trust was not necessarily an attempt by men to restrict female economic agency but rather it was a means of generating a particular level of income whilst also ensuring that the capital investment would remain intact to provide for as many people as possible, long after the testator's death.

⁴⁶ Last Will and Testament of Catherine Mackey Bowen, proved at Birmingham on 17 June 1893.

The concern for generations beyond that of the testator's own children can be seen through the structure of the trusts, which often provided the original beneficiary with the income during their life, but upon their death reverted back to the estate and was then allocated to the next generation. Provisions were put in place that accounted for virtually every eventuality of premature death of the original beneficiary, their children, their spouses and their siblings. The trusts examined in this research were not created by women making wills based on emotion or sentimentality, but people with sometimes sizeable estates who were displaying an acute awareness of legal procedure and were in firm control of their finances.

Leeds chemist Mary Ann Fourness used her last will and testament to create a trust providing fifty pounds per annum for her married daughter Sarah Ann.⁴⁷ Mary Ann instructed that the payments were to be paid quarterly 'during her life and for her separate use without power of anticipation' meaning that Sarah Ann was unable to access any more money than that paid by her quarterly payment. Upon the occasion of Sarah Ann's death the payments of £12 10s 0d per quarter would become payable either entirely to Sarah Ann's child or, if she had several, then they would all receive equal parts. Significantly, however, if Sarah Ann and her husband, James Green Hirst, did not have any children alive at the time of her death, then the trust would 'not extend in trust to pay the income arising from the said one thousand pounds to the husband of my said daughter Sarah Ann'. Instead the trustees, who were Mary Ann's sons Robert and James Herbert Fourness, her cousin Joseph Beaumont Firth and friend Jonathan Clarke, were instructed to make direct payments to one of Mary Ann's other daughters, Florence Mary Whally.

The same instructions were in place for Florence's trust as had been for Sarah Ann's, the payments would continue to her death and then would go to any child or children but not to her husband and, if Florence had no children, the payments would be directed to their other sister Emily Jane Barber. Again, Mary Ann instructed that Emily Jane could enjoy the payments for her life, and after her death her children would inherit the trust payments in equal parts but her husband could not. In the event of Mary Ann's three daughters dying without children, she directed that the

⁴⁷Last Will and Testament of Mary Ann Fourness, proved at Wakefield on 21 August 1888.

capital of the trust should be divided amongst her remaining children, namely sons Robert and James Herbert Fourness in equal shares.

The trusts that Mary Ann created in her will were funded by putting a £1000 into any investments that her executors saw fit; however, other female business owners made much more specific instructions as to how the income would be generated. Much of the existing historiography has suggested that women tended to invest in low-risk, secure investments such as government bonds and railway companies which were less likely to go bankrupt and lose their investor's money, but equally they were unlikely to ever achieve particularly high returns.⁴⁸ There are examples within the 100 case studies of female business owners that corroborate these findings, for example, Harriet Ann Eccleston, a fishmonger from Birmingham, instructed that her trustees should fund the trust by investing in property, government securities or railways.⁴⁹ Similarly, boot and shoe manufacturer Jane Traies directed that £400 should be invested in any railway company in Great Britain or property and the proceeds given to her friend Jane Scott who lived in Edgbaston, Birmingham for her lifetime. After Jane's death, the investment was to be cashed in and the resulting lump sum was to be divided between the Birmingham Children's Hospital, the Exeter Dispensary, the Institution for the Blind in Exeter and the Unitarian Minister's Benevolent Society.⁵⁰

However, in addition to these 'safe' investments, Jane's last will and testament contains instructions for her executors and trustees to consider investing the money to fund the other trusts that she created, including one with a £3000 capital payment, in a joint stock bank company. As discussed above, Jane was herself a shareholder in the risky Birmingham and Midland Bank which indicates that she was aware of the potential pitfalls of investing such a large sum in such a venture. The list of possible investments that Jane included in her last will and testament are just suggestions and the executors and trustees retained the rights to do as they saw fit. Yet the fact that Jane was willing to risk a substantial amount of her own hard-earned money, and the future financial security of the

⁴⁸ R.C. Michie, 'Gamblers, Fools, Victims or Wizards?', pp. 156–183, p. 164.

⁴⁹ Last Will and Testament of Harriet Ann Eccleston, proved at Birmingham on 9 January 1872.

⁵⁰ Last Will and Testament of Jane Traies, proved at Exeter on 25 February 1887.

trust's recipient, her sister Anna Traies, suggests that she perceived that the rewards would outweigh the risk.

The relationships between women and their female relatives, particularly spinsters and nieces, and married women and their daughters, have been regarded as the steel frame of a female support network through which 'sisters, daughters and nieces tended to be favoured to a greater extent than brothers, sons and nephews'.⁵¹ The data from the 100 female business owners suggests that these relationships were also important in Birmingham and Leeds. However, 52% of the named beneficiaries in the wills of Birmingham businesswomen were female as were 61% in Leeds, suggesting that whilst the connections between women were important, the relationships between the women and their male friends and relatives should not be underestimated.

One such relationship was between Jane Young, a livery stable keeper from Leeds, and her nephew William Teal. Jane's last will and testament reveals that she left her business, real estate in East Keswick and Leeds, and her personal estate to nephew William, a bequest amounting to some £1900. The only other bequest in the will is to Jane's niece Margaret and is a cash bequest of £100; clearly, this is significantly less than the value of William's inheritance, but given the fact that William worked and lived with his aunt Jane, the bequests probably reflect the strength of the relationships.

Chart 6.2 shows the relationships of beneficiaries and the testatrices in the sample of 100 case studies, and it reveals a difference between the range of beneficiaries referred to in the Birmingham sample of fifty estates from Birmingham and those from Leeds. The most striking difference shown in Chart 6.2 is in the number of beneficiaries who were daughters, with almost twice as many women in Leeds passing on items to daughters than their Birmingham counterparts. The table also shows that the female business owners in the Birmingham sample included bequests in their last wills and testaments to relatives that were not mentioned by the Leeds businesswomen. The relatives in the Birmingham wills which were not found in the Leeds probate records included fathers, step-sons, step-

⁵¹D.R. Green, 'Independent Women Wealth and Wills in Nineteenth Century London' in *Urban Fortunes*, J. Stobart & A. Owens [eds], pp. 195–222, p. 219.

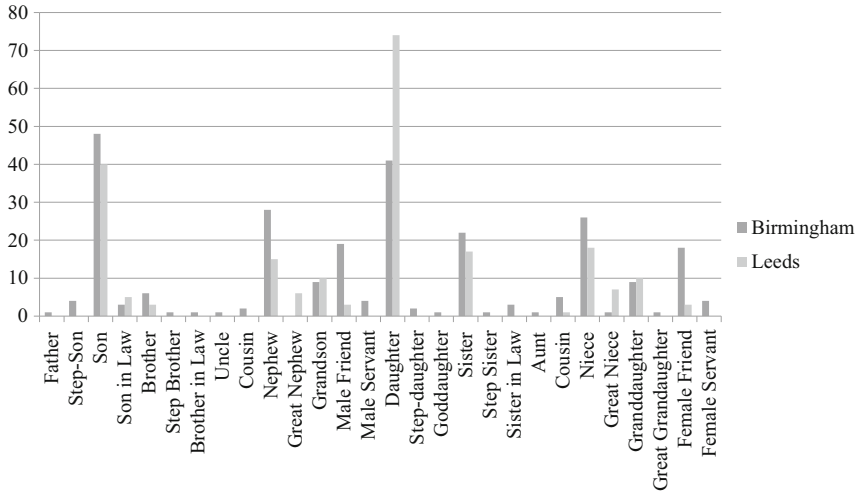


Chart 6.2 Beneficiaries of the estates of female business owners from Birmingham and Leeds case studies (Data taken from 100 reconstructed biographies of female business owners from Birmingham and Leeds)

daughters, step-brothers, brothers-in-law, uncles, cousins, great nephews, goddaughters, sisters-in-law, aunts and great-granddaughters, and the majority of these extended relatives lived outside of Birmingham. In contrast to these extended familial relationships, the beneficiaries contained within the wills of the female business owners of Leeds were centred predominantly around the close kinship ties of immediate family, for example, children, siblings, nieces, nephews and grandchildren, and the majority lived in Leeds.

Chart 6.2 also reveals that the businesswomen of Birmingham included bequests for friends, both male and female, much more frequently than the businesswomen of Leeds. The difference between the familial networks and the inclusion of bequest for friends in the estates of the two towns indicates that the Birmingham women were much more likely to leave estates that were divided between extended relatives and friends spread over a wider geographic area. One testatrix who was a member of an extended family was Penelope Gore who owned an artist's repository in Birmingham between 1860 and 1869 and was the supplier of paint

brushes to Queen Victoria, a keen water colourist.⁵² Penelope's will shows that her beneficiaries tended to be related to her through marriage rather than blood, for example, her step-brother Thomas Henry Fiddian and his wife Mary Ann.⁵³ Penelope's maiden name was Fiddian but it is unclear whether she and Thomas shared the same father or whether Penelope's mother had remarried and Penelope had taken on her step-father's name; there are examples of both situations occurring within the sample. Crucially, however, Penelope identified Thomas as her step-brother rather than brother and also Mary Ann as her step-sister-in-law, thus suggesting that Penelope herself viewed these relationships as different to those between blood siblings.

The last will and testament of Birmingham advertising agent Mary Ann Sheffield is particularly interesting because she did not leave any of her personal belongings to family members. Instead, she chose to bequeath valuable items such as a diamond brooch and earrings, silver and all her dining room furniture including the carpets and glass, to her friends Maria Harris, Benjamin and Jane Gilbert and their daughter Elizabeth Gilbert, and her goddaughters Mary Eveline Cox and Isobel Cox.⁵⁴ This is perhaps surprising when one considers that her stepson and business partner, William Lemon Sheffield, lived and worked with her at the time she wrote her will.

When Mary Ann died in 1887 her estate was valued at £1777 0s 5d and her last will and testament details items such as £100 cash, furniture, paintings and jewellery, but no property, stocks and shares or business enterprises.⁵⁵ The lack of such assets suggests that Mary Ann had bestowed them *inter vivos*, or during her life, to her stepson, William who continued to run Mary Ann's business after her death.⁵⁶ It has been argued that transferring assets such as businesses and property before death in this way was a common part of middle-class life, particularly in the case of sons inheriting the family business, and it is important that

⁵²National Portrait Gallery Directory of Suppliers Online <http://www.npg.org.uk/research/programmes/directory-of-suppliers.php> - accessed July 2015.

⁵³Last Will and Testament of Penelope Gore, proved at Birmingham on 7 May 1888.

⁵⁴Last Will and Testament of Mary Ann Sheffield, proved at Birmingham on 12 October 1887.

⁵⁵Last Will and Testament of Mary Ann Sheffield, proved at Birmingham on 12 October 1887.

⁵⁶*Kelly's Directory of Birmingham*, 1888.

death is not seen as the only occasion when such wealth transfers could take place.⁵⁷ By transferring her business interests, and perhaps property, to her stepson before she died, Mary Ann Sheffield demonstrated the careful forward planning that was held to be so important to middle-class men.

In his research of the Leeds middle class in the early nineteenth century, Morris has identified a six-stage property life cycle that he argues describes how middle-class men accumulated and consolidated their assets in such a way that enabled them to retire from trade but also secured the financial security of their dependants.⁵⁸ These six stages are perfectly replicated in the life cycle of Ann Corbett and Ann Mary Gough, the grandmother and daughter, Temperance hoteliers from Birmingham first examined in Chap. 4:

1. **Childhood—dependence on parents:** Ann Corbett raised Ann Mary Gough in Corbett's Temperance Hotel from a young age.
2. **Training—dependence on parents during training or apprenticeship period:** Ann Mary Gough worked for her grandmother whilst living with her in the hotel.
3. **Adult—earned income and net payer of interest:** Ann Mary Gough purchased her grandmother's business by borrowing from her at a rate of 5% interest. When Ann Corbett wrote the codicil to her last will and testament in 1882, Ann Mary still owed £250.⁵⁹
4. **Adult—earned income from trade, manufacture or professional activity, debts were paid off and capital accumulated:** When Ann Corbett died, the £250 that Ann Mary owed was cancelled, and therefore Ann Mary owned her business in full.
5. **Adult—unearned income. Income was derived from rents, dividends and interest; profits and fees became less important as the man withdrew from business in his fifties:** Ann Mary continued to run Corbett's Temperance Hotel until 1886 when she was forty-nine years old. After this point, Ann Mary is no longer registered in the trade directories or census returns as having an occupation.

⁵⁷ D.R. Green, 'Independent Women', p. 200.

⁵⁸ R.J. Morris, *Men, Women & Property*, p. 148.

⁵⁹ Last Will and Testament of Ann Corbett, proved at Birmingham on 6 April 1883.

6. Life after death—a person's property was rarely dispersed after death but was put into trusts under the control of executors and trustees to maintain the living standards of widows and children:

When Ann Mary wrote her will in 1902, she instructed that all of her real and personal estate be converted into a trust for her daughter Annie. If Annie died with no heirs then the trust would revert to Ann Mary's husband Alfred until he married again or died, at which point the trust would close and the capital returned to cash and then divided amongst nieces and nephews.⁶⁰

Ann Mary's stipulation that Alfred's inheritance was only his until he remarried or died is an important one; the condition is exactly the same as the one regularly used by husbands and regarded as misogynistic and controlling. The fact that she was able to exercise such economic control reflects her position as a generator of independent wealth, and highlights the importance that businesswomen placed on securing their economic affairs, both during life and after death. The lives of Ann Corbett and Ann Mary Gough follow every aspect of the lifecycle that Morris argues characterised a 'successful middle class male',⁶¹ suggesting that these characteristics could also be representative of a successful middle-class woman. Yet it is perhaps more accurate—and productive—to consider the six stages outlined above as behaviours that could be exhibited by any business owner, regardless of their gender.

The idea of the Birmingham population having looser familial ties and a wider network of extended kin and friendship groups can also be seen in the last wills and testaments of Birmingham boot and shoe manufacturers Jane and Rebecca Traies. As has been discussed previously, Jane and Rebecca were sisters-in-law, related through Rebecca's late husband, John, who died in the late 1830s. Both women were originally from Crediton, Devon and although they both returned there after they retired from the boot and shoe industry in 1856, both of their estates reflect the different places where they had lived. This is most obvious in the last will and testament of Jane Traies who, as previously mentioned, left donations to the

⁶⁰Last Will and Testament of Ann Mary Gough, proved at Birmingham on 29 November 1906.

⁶¹R.J. Morris, *Men, Women & Property*, p. 148.

Birmingham Children's Hospital as well as the Exeter Dispensary and the Institution for the Blind in Exeter.⁶² On a more personal level, however, Jane included a bequest to her friend Jane Scott, a retired schoolmistress who lived with her brother Alfred in Edgbaston; how the two knew each other is unclear although it is possible that they had become acquainted through Alfred who was a stockbroker.

Eighteen months after Jane Traies had made her last will and testament, her beneficiary Jane Scott died and Jane added a codicil to her will making Bessie Maccall the beneficiary of the trust. Bessie was the daughter of Unitarian minister William Maccall, a friend of John Stuart Mill and had published in magazines such as *The Spectator* and *The Gentleman's Magazine*.⁶³ Jane most likely became acquainted with the Maccall family between 1841 and 1845 when William was the Unitarian minister in Crediton, although as Jane was already living in Birmingham by 1839 she must have made the long journey back to Devon to visit. Bessie was born in 1843 and although by the time that Jane wrote her last will and testament Bessie was an adult living in Bexleyheath, Kent, their relationship would have been one of correspondence and occasional visits. The bequest made to Bessie shows that as well as her familial ties, Jane Traies also belonged to friendship networks that had their foundations in shared religious views, and stretched far beyond her immediate locale. Evidence from her last will and testament demonstrates the strength of this non-familial relationship, as Bessie was the only non-relative included in Jane's will.

Chart 6.2 shows a tendency for the women of Leeds to bequeath their estates to their immediate family whilst the businesswomen in Birmingham were more likely to include extended family and friends, like Bessie Maccall, among their beneficiaries. The bequests contained in the last will and testament of Birmingham wine and spirit merchant and importer Eleanor Sinkinson illustrate this point and give some idea of the importance of friendship to the businesswomen. Before exploring these bequests and relationships however, it is important to acknowledge that

⁶² Last Will and Testament of Jane Traies, proved at Principal Registry, London, 25 February 1887.

⁶³ R. K. Webb, 'Maccall, William (1812–1888)', *Oxford Dictionary of National Biography*, (Oxford, 2004) [<http://www.oxforddnb.com/view/article/17373>, accessed 26 July 2012].

Table 6.4 Number of heirs and value of estates in Birmingham and Leeds

| Value of estate | Number of heirs | | | | | | | |
|---------------------|-----------------|-------|--------|-------|--------|-------|--------|-------|
| | 1 | | 2 to 3 | | 4 to 5 | | Over 5 | |
| | B'ham | Leeds | B'ham | Leeds | B'ham | Leeds | B'ham | Leeds |
| Under £500 | 8 | 3 | 8 | 6 | 4 | 6 | 5 | 4 |
| £500–£1999 | 1 | 4 | 4 | 6 | 4 | 6 | 7 | 10 |
| Over £2000 | 1 | 0 | 0 | 2 | 2 | 0 | 6 | 3 |
| Total | 10 | 7 | 12 | 14 | 10 | 12 | 18 | 17 |
| Percentage of wills | 20 % | 14 % | 24 % | 28 % | 20 % | 24 % | 36 % | 34 % |

Source: 100 Case Studies from Birmingham and Leeds; the table is based upon that used by D.R. Green in 'Independent Women', Table 7.8, p. 217

Eleanor's estate was significantly larger than the others in the sample and therefore as Green has argued, a wealthier estate provides more opportunity for a greater number of beneficiaries.⁶⁴

Yet the data presented in Table 6.4 below suggests that although Eleanor did include a large number of beneficiaries in her last will and testament, she was not alone and, in fact, more female business owners mentioned five or more beneficiaries in their last will and testament in both Birmingham and Leeds than any other number. Furthermore, the largest and wealthiest estates did not necessarily contain the highest numbers of heirs; rather Table 6.4 shows that there were a number of estates valued at both under £500 and between £500 and £1999, which included bequests to more than five people. However, the results do suggest that whilst some women with poorer estates might bequeath their possessions to several beneficiaries and heirs, the pattern observed by Green in 1830s London, whereby the wealthier the testator the less likely it was that they would appoint only one heir, is also broadly present in the estates of late nineteenth-century businesswomen from Birmingham and Leeds.⁶⁵

One of the common factors in the different estates that contained more than five heirs was the fact that the testatrixes often had more than five children or, in the case of unmarried women, several nieces and nephews. None of the businesswomen appear to have practised primogeniture,

⁶⁴D.R. Green, 'Independent Women', p. 217.

⁶⁵D.R. Green, 'Independent Women', p. 217.

and therefore the estate, however large or small in value, was split several ways. Interestingly, in the case of Eleanor Sinkinson, she had just one child, a daughter called Ellen, and although she bequeathed the majority of her estate to her, she also included a further thirty-six bequests, predominantly cash payments ranging from £5 for friends and neighbours Mary Emily Patchett, Elizabeth Barnett and Esther Kemp to £1000 to her son-in-law Harry Cozens.⁶⁶ Eleanor also bequeathed some personal possessions such as a diamond ring to friend Mary Ann Alderton and she instructed that ‘all assistants and servants in my employ’ should be provided with ‘such suitable mourning [clothes] as my daughter shall see proper’.

Recipients of Eleanor’s cash bequests included cousins, cousins-in-law, friends, neighbours, nieces, nephews, her solicitors, employees, servants and clerks, most of whom, but not all, were located in Birmingham; daughter Ellen, for example, lived with her husband and children in London where Eleanor herself had been born. In light of the analysis in Table 6.2, Eleanor Sinkinson’s estate, although very large, was perhaps not so unusual either in its composition—for many other businesswomen in the sample bequeathed real estate and created trusts—nor in its bequests, for other businesswomen provided gifts or financial rewards for long and loyal service to their assistants and servants. Photographic material dealer Elizabeth Ann Hulme gave her servant Elizabeth Field £50 cash and each of her executors the sum of £20 for the purpose of buying a diamond ring.⁶⁷ Yet the range of beneficiaries highlighted so clearly in Eleanor’s last will and testament strongly suggests that in the absence of a close-knit familial network nearby, the female business owners instead created their own personal and professional networks of men and women, and the importance of these networks is reflected in their last wills and testaments.

The various case studies explored in this chapter have all served to shed light both on the way that women engaged with, and invested in, financial markets, and on the probate behaviour of women in late nine-

⁶⁶ Last Will and Testament of Eleanor Sinkinson, proved at Birmingham on 27 February 1884.

⁶⁷ Last Will and Testament of Elizabeth Ann Hulme, proved at Birmingham on 10 November 1885.

teenth and early twentieth-century England. The chapter has used probate records as a window through which to view women as property owners, shareholders and business owners. Consideration of these activities has revealed that women were active economic agents and that they often acted in the same way as middle-class men. Examining the personal and professional networks of these businesswomen reveals that the role they played in their relationships were reflected in their probate records, for example, by creating trusts that provided for vulnerable friends and family. The examination of the probate records has also revealed relationships that would previously have remained invisible such as those between friends Ellen Trendall and Isabella Brindley, and illuminated the support networks that the female business owners created for themselves. Looking at the actions of female business owners after their death, the possessions that they owned, the investments that they made and the people who they thought were important, provides an invaluable insight into their actions while they were alive.