

that she publicly consorted with her lover and harassed her poor husband. Yet other marriages were affectionate and strong: in Brigstock, the love that one couple bore toward each other was daily recognized in the nickname, *Truelove*, of one of their sons. Agnes and Henry probably hoped for such a marriage when they married in 1319.

Nevertheless, the decision to marry was not theirs alone. The death of Agne father in 1318 seems to have precipitated the marriage, and a substantial settlement by Henry's parents in 1319 made it feasible. As everyone in the Middle Ages a good marriage needed much more than the loving consent of bride and groom. First, it needed the consent of parents. Henry's parents arranged for the newlyweds to inherit a semi-village of land, and they likely also financed the purchase of a small property (consisting of a house a farmyard, and six rods of arable land) that was given to Agnes as her dowry. Agnes' widowed mother Alice Pentafader likely reciprocated by giving the new couple cash and other goods. (In a better recorded marriage in Brigstock, the bride's family contributed an unspecified amount of cash, a cow worth 10 shillings, and clothing worth more than 13 shillings; the groom's parents contributed as the Kroyls did, giving land to their son.) Second, a good marriage required the acquiescence of friends and neighbors. Friends helped to arrange the Pentafader-Kroyl match (Henry's friend William Werketon, for example, stood pledge for him when the Kroyls settled land on the new couple), and friends celebrated with feasting in the aftermath of the church wedding. One such feast in Brigstock cost 20 shillings, more than a year's wages for a male laborer. Third, everyone also agreed that a good marriage required the approval of the Church: in every parish, the parson was expected to publicize the intended marriage to ensure that no impediments stood in the way and, then, to bless the marriage before the altar. So although the consent of Agnes and Henry was an essential part of their marriage, its full success also required the consent of parents, the approval of friends, and the cooperation of priests. Moreover, had the Pentafaders and Kroyls been ordinary serfs instead of privileged tenants of a royal manor, a fourth set of consent would have been needed—that of their manorial lord or lady.

Agnes and Henry contracted their marriage in a proper and public way, but public consent often fell short of the ideal, especially in terms of consent. On the one hand, sometimes young people were married without much regard to their own feelings and opinions. Parents at all social levels sometimes tried to force their children to marry people they scarcely knew, but this was particularly common among aristocrats. When, for example, the Duke of Aquitaine lay dying in 1137, he arranged to marry his fifteen-year-old daughter Eleanor to the heir to the French throne; she had not been consulted, but she duly obeyed. On the other hand, sometimes young people married without consulting their parents or anyone else. For her second marriage in 1152, Eleanor of Aquitaine selected her new husband herself, quickly and quietly marrying a young man who shortly thereafter became Henry II of England. Moreover, although everyone agreed on the desirability of parental approval, priestly supervision, seigniorial consent, and community acknowledgment in making a

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marriage, the Church taught that none of these was essential. A man and a woman could contract a valid marriage by exchanging binding vows in privacy, especially if they followed the vows with sexual intercourse (as usually happened). Couples could be punished for contracting such unions (they came to be called *clandestine marriages*), but the bonds so forged could not be dissolved. Children could and did use clandestine marriage to contract unions of which their parents disapproved. One such case involved Margery Paston, daughter of a Norfolk gentry family, who married her parents' bailiff in 1469, much to the horror of her father, mother, and grandmother. They tried to get the Bishop of Norwich to declare the marriage invalid, but after examining Margery and her new husband about the exact words with which they had exchanged vows, the Bishop declared the marriage a true one.<sup>5</sup>

### KINSHIP AND INHERITANCE

In 1344, as Cecilia lay sick in bed, she called into her house three young people: her nephew, John, the bastard son of her brother William Pentafader; Robert Malin (who had first come to Brigstock only eleven years earlier); and her niece Mathilda Kroyl, the daughter of her sister Agnes. As they stood around her bed, Cecilia gave them a twenty-four-year lease on her lands. In so doing, she effectively disinherited (for twenty-four years) her nearest heir, and she picked among her siblings' children, favoring some over others. Illegitimate children could make no claims of inheritance, but Cecilia chose to favor William's bastard. Girls could only claim legitimate inheritance in the absence of brothers, but Cecilia chose to favor her only legitimate niece, Mathilda. The biggest puzzle is Richard Malin, for we do not know his relationship to Cecilia. He might have been a nephew born of an illegitimate liaison that is today untraceable; he might have been the lover, fiancé, or husband of a niece; he might have been tied to Cecilia by friendship or service rather than blood. In any case, when these three young people gathered around her, Cecilia sought to manipulate kinship for one last time.

Her efforts failed. After her death, two juries met to discuss the proper disposition of her properties. The first jury judged conflicting claims of inheritance: one made by her sister Christina and the other made by her nephew Martin, son of Henry Pentafader. Christina was declared the nearer heir; she and her husband Richard Power took the lands. They immediately transferred about half the land to the disappointed Martin, a move that suggests that an out-of-court arbitration had resolved the dispute by dividing the inheritance between the two parties. A second jury then dealt with the claim of John Pentafader, Robert Malin, and Mathilda Kroyl to a twenty-four-year lease

<sup>5</sup>Clandestine marriages were outlawed in many European jurisdictions in the sixteenth century, but they remained possible in England until 1753. For more about the Pastons and their exceptionally well-documented trials and tribulations, see Roger Virgoe, ed., *Private life in the fifteenth century: Illustrated letters of the Paston family* (1989).

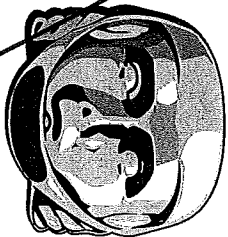
of these properties. The lease was declared invalid. A custom of Brigstock man, designed to avoid disputes about deathbed bequests, required that living people who devised land had to be far enough away from death to walk out of their houses. Since Cecilia had not been able to leave her house after she granted the lease, her gift to John, Robert, and Matilda was void. This second dispute had a slanderous edge to it: Cecilia's proper heir (Christina) and the eventual holder of some of her properties (Martin) claimed that the lease was invalid because Cecilia had not been mentally capable at the time of the gift. The jury rejected this claim. In their view, Cecilia had been sound in mind but weak in body.

Cecilia's kin argued over her lands, her mental health, and her last actions they acted out the oldest and most enduring story in peasant communities: the story of inheritance, kinship, and land. Cecilia was free throughout her adult life to purchase and sell lands at will, without regard to the claims of any future heirs. She was also free throughout her adult life to use kinship in flexible ways, ignoring some kin, dearly loving others, and perhaps sharing a household with still others. But as she lay dying, these options ceased. The general web of kinship had one strand that always ran strong and true: the tie between blood and land.

### SUGGESTIONS FOR FURTHER READING

For broad surveys of medieval kinship and domestic arrangements, see David Herlihy, *Medieval Households* (1985) and the anthropological study by Jack Goody, *The Development of the Family and Marriage in Europe* (1983). For marriage in particular, see Christopher Brooke, *The Medieval Idea of Marriage* (1987). For childhood, see Shulamith Shahar, *Childhood in the Middle Ages* (1991). See also the general survey of these subjects for England by Barbara A. Hanawalt, *The Ties that Bind: Peasant Families in Medieval England* (1986).

## An Economy of Makeshifts



When the Brigstock court met in March 1317, Cecilia Penitader acquired two pieces of land from Alan Koyk and his son Richard. One was a plot measuring fifty feet along one side (it was carefully measured by Cecilia's brother William). The other was a rod of arable. Cecilia's acquisition of these properties happened in a two-stage process that guaranteed that Richard, the heir of Alan's lands, could never contest the sale. First, Alan Koyk transferred the properties to his son Richard (who paid 2½ shillings for the transfer, using Robert Penitader as his pledge). Then, Richard promptly transferred both properties to Cecilia. She paid 2½ shillings for this final transfer, and Bartholomew de Bekeswell stood as pledge for her payment.

In March 1317, when she was about twenty years old, Cecilia Penitader acquired her first bits of land from Alan and Richard Koyk. She became a landholding tenant, a person with new standing in the community. As a tenant of Brigstock mayor, she was thereafter expected to attend every meeting of the manorial court and to cooperate in her use of the common fields and pastures. At this important moment in her life, Cecilia did not act alone. Her brother William measured one of the two parcels she acquired, and her father Robert served as a pledge for the initial transfer. Indeed, her father probably helped her far more than the terse court entry reveals. Perhaps Cecilia purchased these properties with cash she had saved from working as a casual laborer or servant, but her father was probably a silent partner; that is, her parents probably paid for the properties that the Koyks then transferred to Cecilia. Just as the Penitaders had established their other children as landholding tenants in Brigstock, so they also no doubt provided for Cecilia.