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Katholieke Universiteit Leuven

Recovering Women's Experiences
through Marriage Contracts and Last
Wills.
The Example of Liège
(16th-17th centuries)

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I. Sources

I. Sources



The City of Liège, capital of the principality of Liège and of the diocese of Liège



The Principality of Liège in 1789
(based on J. Ruwet)

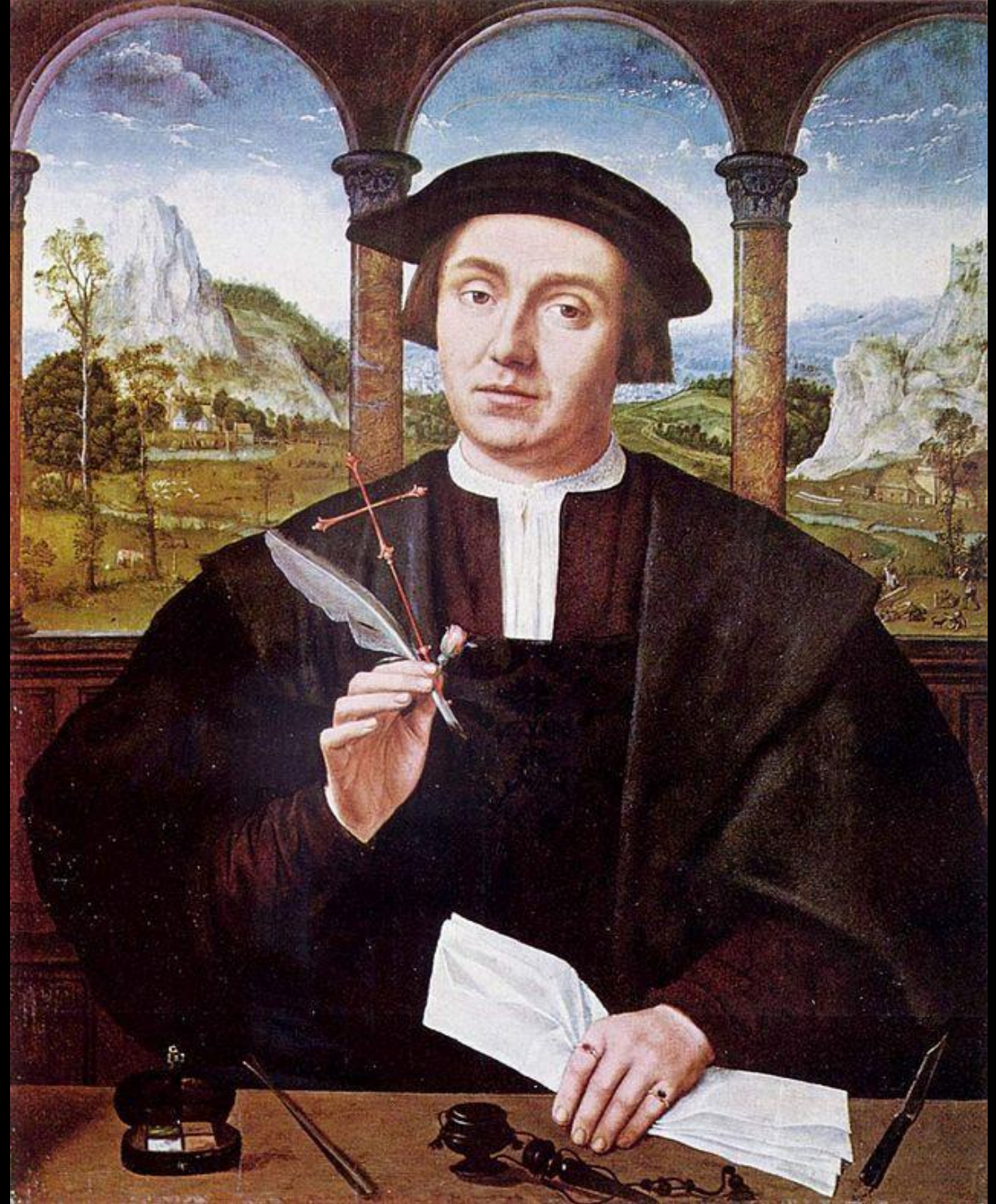


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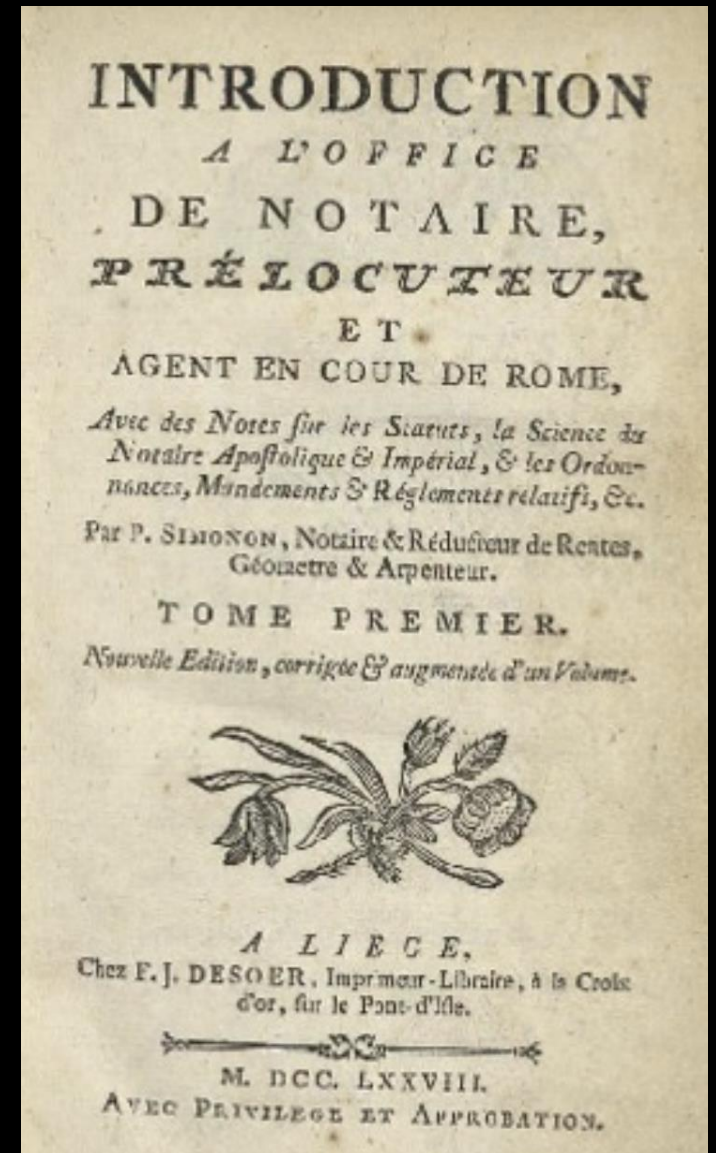
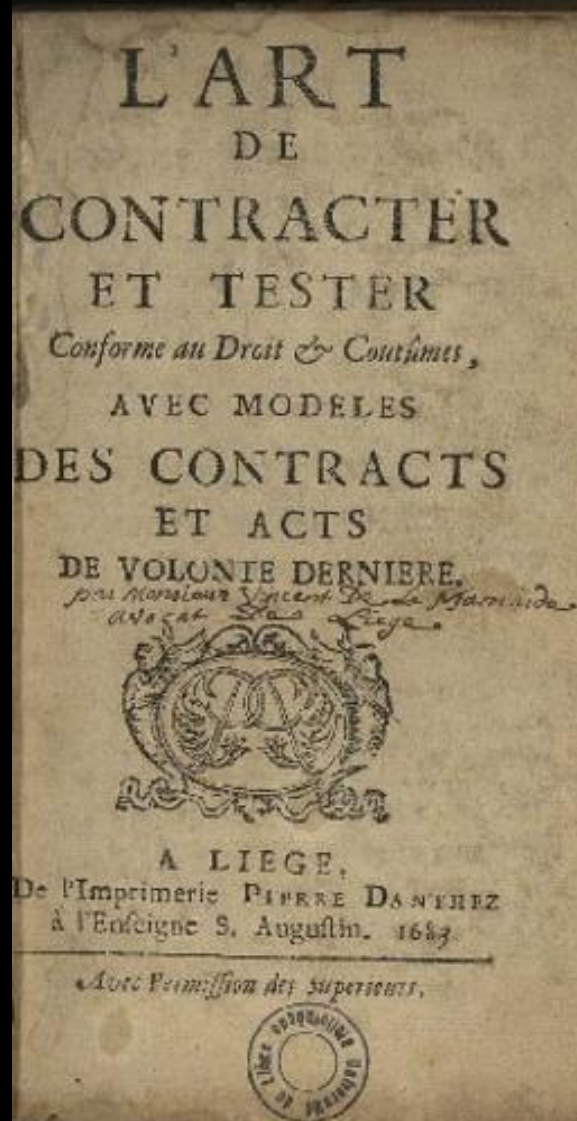
I. Sources

Most of the marriage
contracts and wills
studied were originally
drafted by **notaries**



I. Sources

The two most famous
manuals for notary
practice were La
Hamaide's (17th century,
left) and Simonon's (18th
century, right)



(*convenances*)

First page of a will
(left) and of a
marriage contract
(right)

[illegible][illegible]

I. Sources

Selection's criteria (for last wills):

1. The last wills of men whose wives were still alive;
2. Conjunctive wills, i.e. wills drafted jointly by the spouses;
3. The last wills of married women and widows.



I. Sources

The last wills of married women and widows:

1. Married women: only 6,5% of examined wills;
2. Widows: 15% of examined wills.



I. Sources

Echevins de Liège (Souveraine Justice de Liège). Convenances et testaments

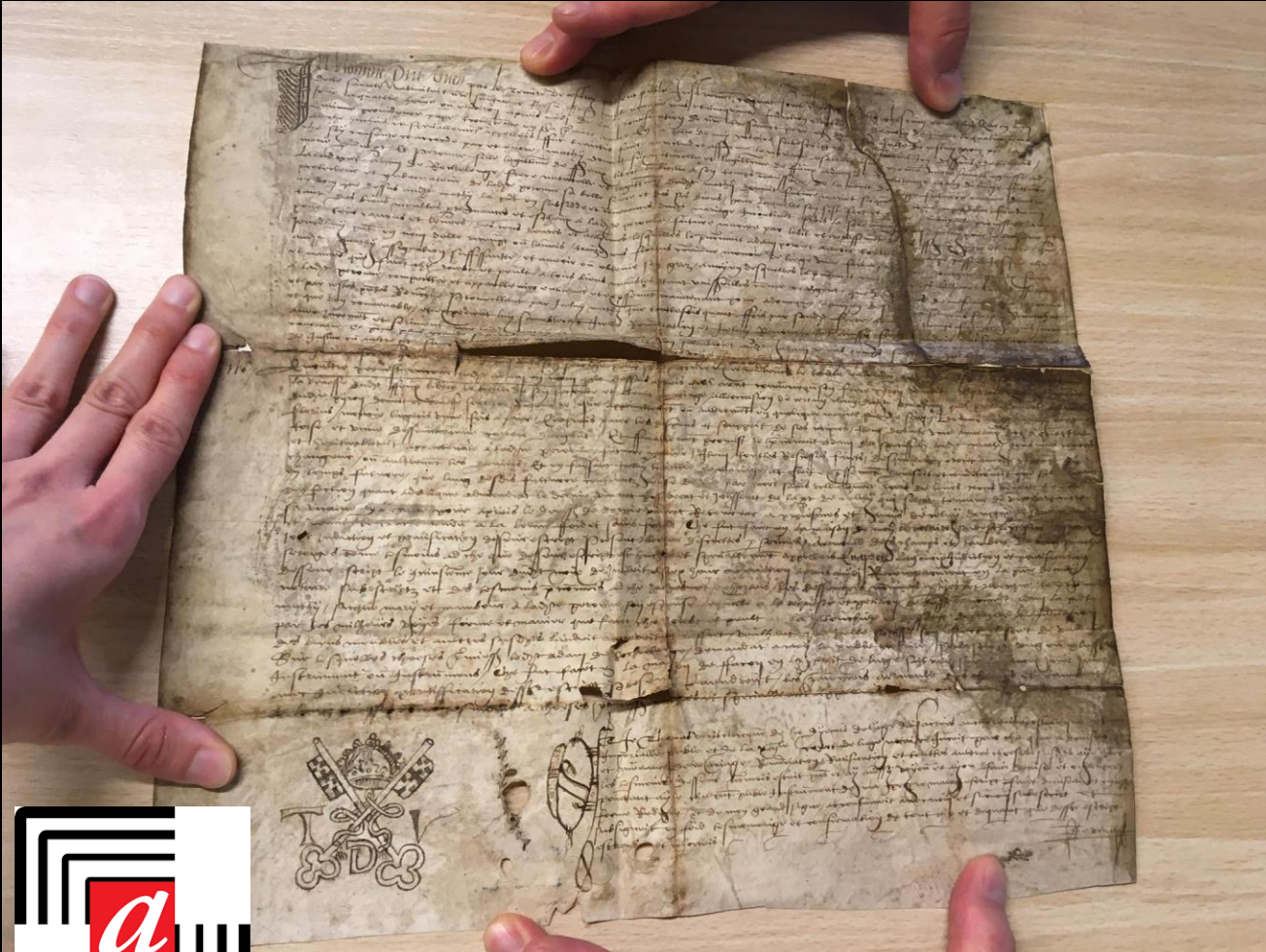
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- 3480. f°202. Convenances entre G. Libiez, mangon et J. Hustin dele Cort à Visé.
- 3481. f°203. Convenances entre J. de Méan dit de Herstal clerc et C., veuve de Pierre Fruytz.
- 3482. f°204. Convenances entre Thiri le Drappier et A. Coenaert de Beaufays.
- 3483. f°205. Convenances entre L. de Chalmont et A. de Grymont.
- 3484. f°206. Testament de Messire Pire Goisson.
- 3485. f°207. Convenances entre Huwet de Fexhe, fils M. Carvelier dite de Fanchon et Ide Lagale.
- 3486. f°209. Convenances entre J. Pisset et Cath. de Momale.
- 3487. f°210. Convenances entre Collar de Fraisne de Voroux et M. Wilkin de Chokier.
- 3488. f°211. Convenances entre Gile Doir batteur de Huy et M. de Triexhe.
- 3489. f°212. Testament de J. Dansonheit de Fléron.
- 3490. f°214. Convenances entre Thiri, seigneur Doyon et Is. de Blehen d'Abée.



Shortcomings of
the inventories?

I. Sources



The Notary's Hand

Use of standard forms?
Precision of the deeds?
Role played by the notary?



I. Sources

Precision of the deeds?

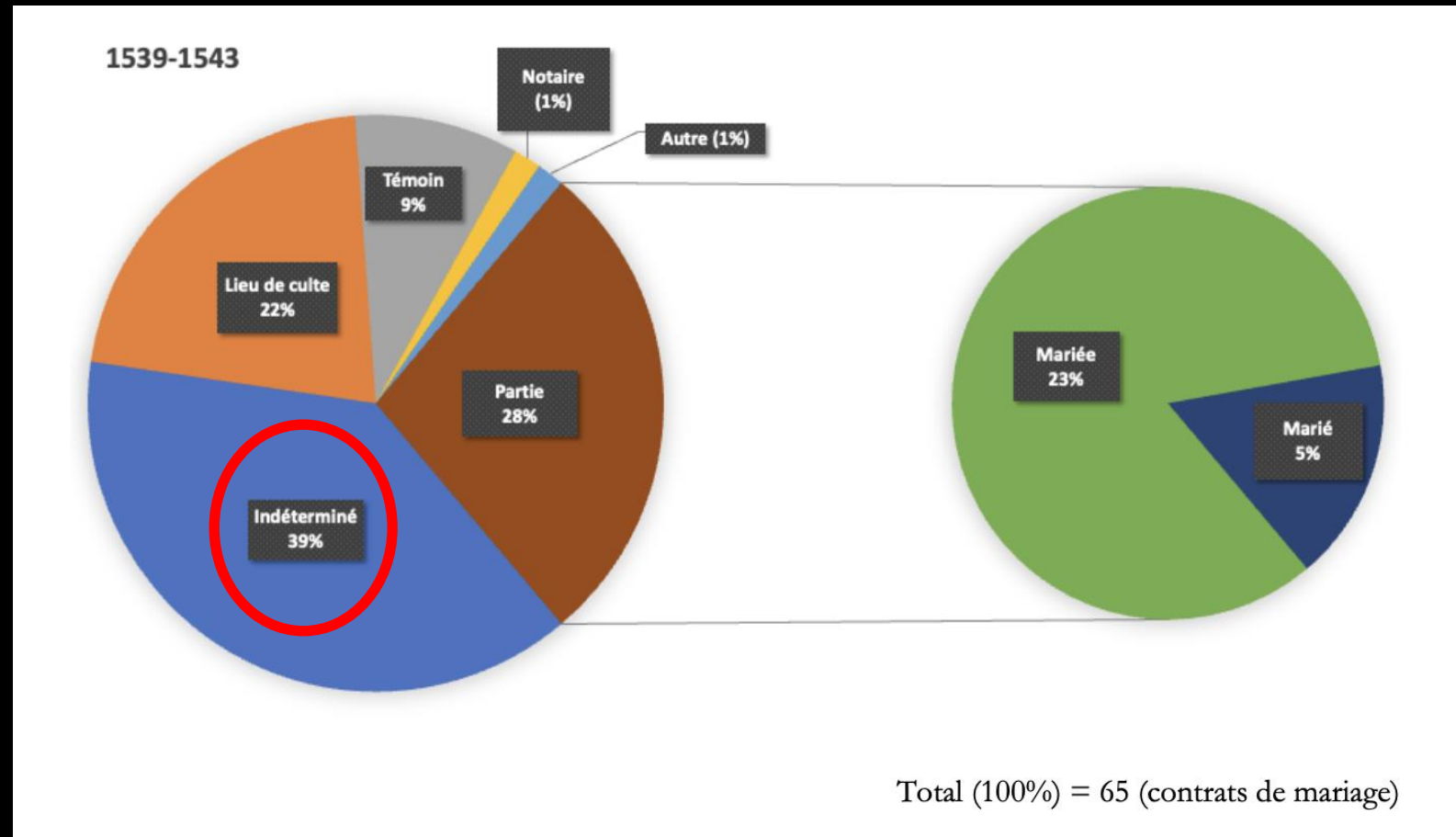
- Age of the testatrix or of the future bride?
- Attendance of the future bride to the negotiation and conclusion of her marriage contract?



I. Sources

Precision of the deeds?

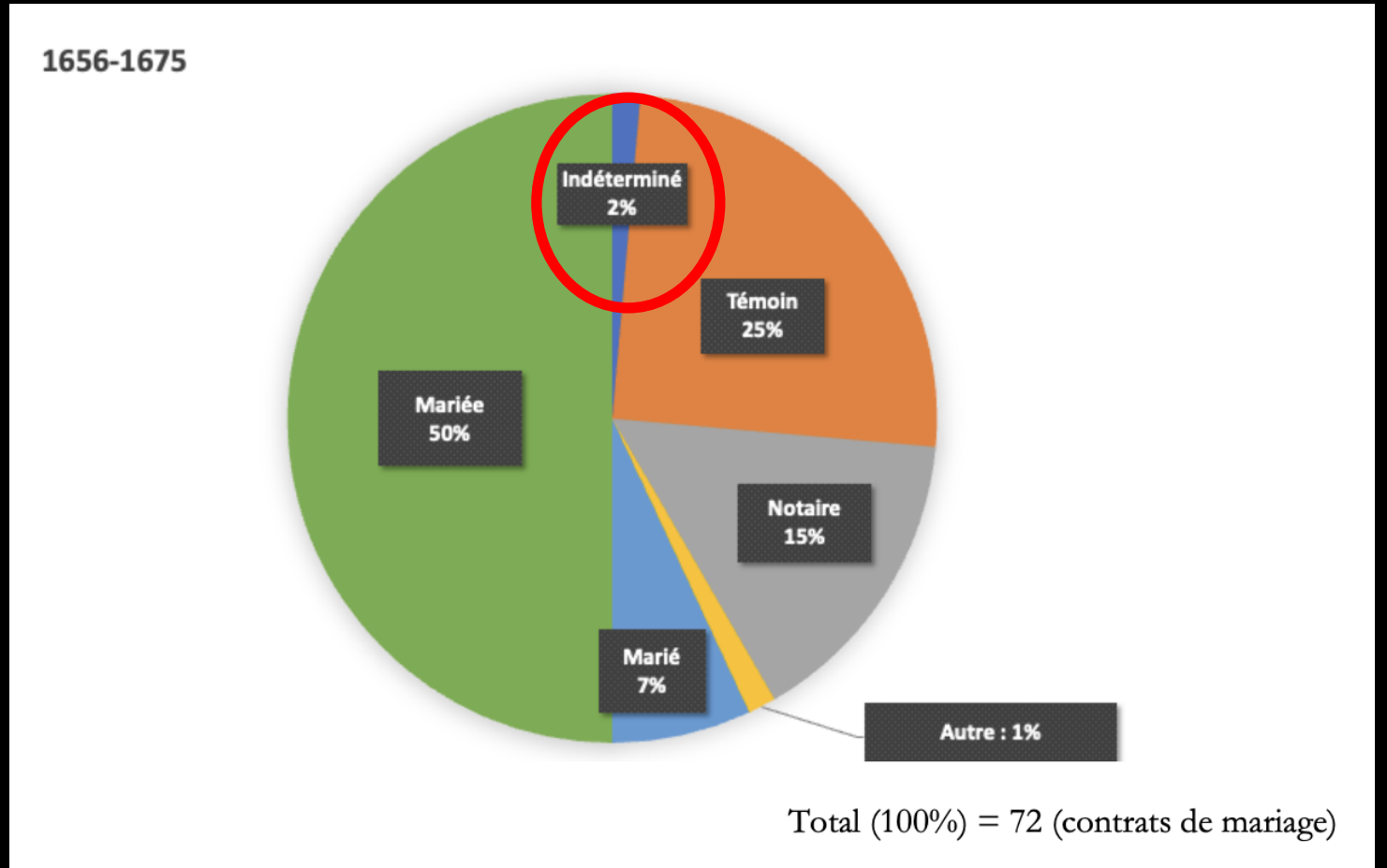
Example: the mention
of the location of the
conclusion of marriage
contracts



I. Sources

Precision of the deeds?

Example: the mention
of the location of the
conclusion of marriage
contracts



I. Sources

Role of the notary?



II. Findings

2.1. Inheritance Rights of Daughters

According to the law of Liège, daughters were excluded from the succession of fiefs and of censal property located outside the city's "franchise" by their brother(s).

This led to the development of a legal practice consisting of granting equal shares of the parents' inheritance for sons and daughters.



2.1. Inheritance Rights of Daughters

Date de l'approbation	1505-1510 (vol. 25)	1521-1529 (vol. 29)	1539-1543 (vol. 34)	1555-1557 (vol. 40)	1569-1572 (vol. 48)	1583-1587 (vol. 61)	1595-1601 (vol. 50)
Total des actes de l'échantillon	46	36	38	40	48	60	52
Nombre d'actes de l'échantillon dans lequel la clause apparaît	5 (11%)	8 (22%)	13 (34%)	16 (40%)	24 (50%)	19 (32%)	22 (42%)

Chart 1: Number of clauses providing for the equal share of the succession between all children, regardless of the sex, in last wills of the sample (16th century)

2.1. Inheritance Rights of Daughters

Date de l'approbation	1612-1619 (vol. 53)	1626-1656 (vol. 84)	1656-1675 (vol. 85)	1675-1680 (vol. 94)	1680-1682 (vol. 95)	1692-1697 (vol. 97)
Total des actes de l'échantillon	72	65	129	21	20	64
Nombre d'actes de l'échantillon dans lequel la clause apparaît	34 (47%)	30 (46%)	43 (33%)	11 (52%)	10 (50%)	23 (36%)

Chart 2: Number of clauses providing for the equal share of the succession between all children, regardless of the sex, in last wills of the sample (17th century)

2.1. Inheritance Rights of Daughters

Around 1720-1721, a reform of the law of Liège was contemplated by the government.

In line with the egalitarian trend that had emerged in legal practice, the authors of the project suggested abolishing the exclusion of daughters from the succession of censal property located outside the city's franchise when there were sons.



2.2. Escaping Marital Power

Under the law of Liège, married women were subjected to marital power (“mainplévie”).

Like elsewhere, marital power implied a duty of obedience on the part of the wife and the loss of her legal capacity for the most important legal transactions (in Liège, the wife needed marital authorisation to act).

But it also involved the husband's capacity to dispose of his wife's estate without her permission.



2.2. Escaping Marital Power

In response, provisions emerged from legal practice in order to preserve a woman's legal capacity and/or the assets she brought into the marriage.

In my sample, such clauses can be found in 28% of marriage contracts (132 contracts out of 469):

- 73 concern a first union;
- 56 concern a remarrying widow.



2.2. Escaping Marital Power

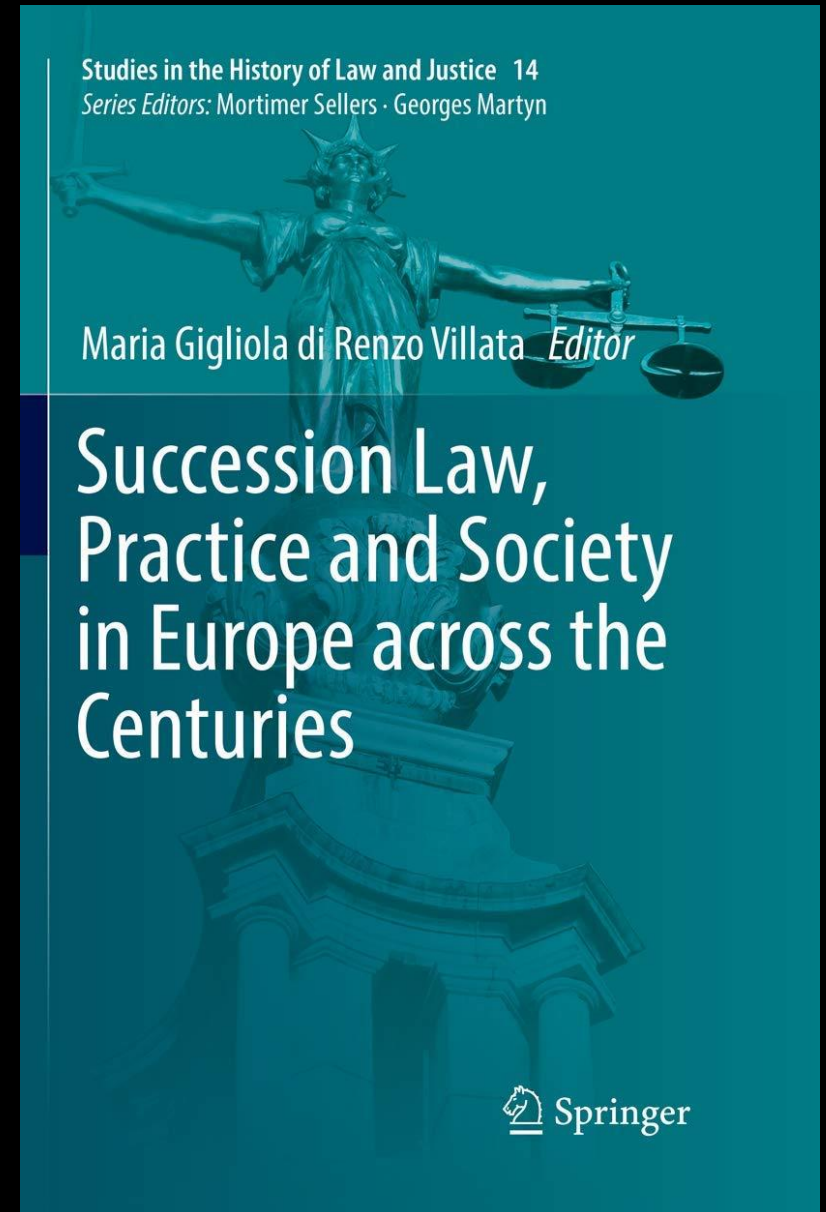
In the 1720-1721 revision project, the authors suggested that the husband's ability to dispose of his wife's assets should require her consent, thereby promoting a more balanced approach to household management between the spouses.



2.3. Singular Features of Women's Wills?

- Provisions to share the succession more equally between sons and daughters?
- Transfer of assets between women by means of the will?

L. Garlati, “Women’s Succession from the Middle Ages to the Modern Era”, in M.G. Di Renzo Villata (ed.), *Succession Law, Practice and Society in Europe across the Centuries*, New York, Springer, 2018, pp. 207-230.



Thank you!