

historians. He recognizes that the collapse of the silver supply served as a major impediment to prosperity, but he suggests that the situation was not entirely gloomy. From a strictly monetary point of view, he argues that the addition of gold to the money supply alleviated some of the problems associated with declining silver, and he also believes that the increasing use of transferrable paper obligations compensated to some extent for the drop in circulating coinage.

While the basic framework is fairly conventional, the main attraction of Bolton's book is the compelling way he relates monetary changes to other developments. His treatment of changing standards of numeracy, for example, is cleverly linked to better-known arguments about changes in literacy associated with the work of Michael Clanchy and others. He also provides first-rate accounts of the adoption of direct production by great estate holders in the later twelfth century, the legal enforcement of debts, and the impact of taxation at various points in time, among other things. The book manages to be both accessible and scholarly, and provides an excellent guide to anyone wishing to know more about the medieval English economy.

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LLOYD BONFIELD. *Devising, Dying and Dispute: Probate Litigation in Early Modern England*. Burlington, VT: Ashgate Publishing, 2012. Pp. 310. \$119.95 (cloth).
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This is a study of “contested probate”—that is, litigation over the validity of wills brought before the Prerogative Court of Canterbury between 1660 and 1700. The author, Lloyd Bonfield, employs a straightforward sampling technique in order to extract fascinating and varied material from the plentiful records of testamentary litigation collected in the archives of this court. He also incorporates evidence from the early modern legal literature, including Henry Swinburne's influential work *A Brief Treatise of Testaments and Last Wills*, first published in the sixteenth century and reprinted and relied upon in subsequent centuries as well. Bonfield provides a robust synthesis of the doctrinal history, clearly setting out the nuances of legal procedure and placing appropriate emphasis on the specificity of the ecclesiastical jurisdiction for English probate, especially in an appendix titled “A primer on probate jurisdiction in early modern England.” Some of this material also appears in the second chapter of Bonfield's book, concerning probate jurisdiction, which is less happily subtitled “England's Own ‘Peculiar Institution’ in Crisis.” Here Bonfield was likely echoing William Blackstone's description of ecclesiastical probate as England's “peculiar constitution” or alluding to the creation of exempt “peculiar jurisdictions” within the Church of England, rather than making any association with the institution of slavery, but for this reviewer the use of the phrase was jarring.

Bonfield traces several essential patterns within the litigation in the late seventeenth-century Prerogative Court. His evidence demonstrates that when wills were contested, most disputes revolved around questions about capacity: What was the will maker's mental state? Was he of sound mind and free from coercion by others? The other main focus of dispute, Bonfield shows, centered on the question of authenticity: Was the document presented evidence of an authentic testamentary act? Or, even more frequently debated, were words spoken acceptable evidence of an authentic oral (nuncupative) will? In seeking to understand why these patterns emerged, Bonfield turns to four explanatory contexts. He elucidates litigants' motives and strategies by relying upon scholarly traditions that characterize this period as a moment of transition in property law theory as it moved inexorably toward “Lockean” property rights; and as a moment of change in the “scientific understanding of mental illness” as it moved “towards more rational views” (2–6). Bonfield also usefully connects these litigation patterns to social and legal historians' recent analyses of women's legal agency and behaviors

within the uncertain marriage culture of the time. Finally, Bonfield emphasizes the significance of broader legal-political trends to the study of probate litigation. He specifically underscores the relevance of passage of the Statute of Frauds in 1677, legislation that marked the beginning of a shift toward a more formal, written, and modern English legal culture.

One of the clearest contributions this book makes is in its reinterpretation of the Statute of Frauds. In contrast to scholars' earlier emphasis on contract and conveyancing interests as major factors behind the 1677 reform, Bonfield argues that this legislation was adopted in large part as a remedy for the crisis that had developed in ecclesiastical probate. This crisis stemmed from growing challenges to the peculiarity of the church court's jurisdiction. In addition, the author explains, this crisis emerged because the very nature of seventeenth-century will making encouraged uncertainty and litigation. Here Bonfield makes another important scholarly contribution through his richly detailed exploration of this early modern "culture of will making." As he documents the prevalence of "last-minute testamentary activity" (176) in this culture, seventeenth-century attitudes become clear: this was a time when death could be sudden and when men and women feared that they might tempt fate—and hasten death—by settling their earthly affairs too soon. The prominence of women in this culture of will making also becomes clear here: because they were caregivers and frequent deathbed companions, women were key players in last-minute will making and key witnesses in subsequent probate litigation.

The Statute of Frauds, Bonfield concludes, mandated formality and written documentation in order to reduce the number of dubious testamentary acts produced in this environment. In so doing, the statute also aimed to reduce the ensuing uncertainty that permeated litigation. There are a number of subtle and compelling claims advanced about the relationship between courts and legislature in developing this solution. Perhaps the most interesting is Bonfield's insistence on the critical influence of Prerogative Court judge Leoline Jenkins. Jenkins, who authored several amendments to the final bill, provides important evidence of the impact of ecclesiastical court litigation on legislation (60–62). Since Jenkins played such a central role, as both judge and lawmaker, it would have been useful to include some information about his broader career and his jurisprudence. Indeed, although Bonfield describes the actions and concerns of litigants in numerous cases, he does not discuss the judges in these disputes. Who were the men overseeing the Canterbury court in these years?

The question of the character, education, and approach of the judges is significant because these men continued to have the primary responsibility for deciding will validity even after passage of the Statute of Frauds. In the end, Bonfield contends, the statute provided only a partial solution to the probate crisis. While oral wills became fewer in number and subject to stricter rules for proving their validity, other problems stemming from uncertainty about capacity and authenticity in written wills remained. The judges of the Prerogative Court responded to the challenge and "may have discouraged contests to some extent," Bonfield explains, "by creating a healthy presumption of will validity" (78). For Bonfield, a key to understanding this presumption lies in that context of a developing "individualistic" property theory, in which "freedom of disposition of property is a highly valued norm" (134).

This explanation must be complicated by Bonfield's own work on strict settlement, and, in fact, the short conclusion to this book demonstrates that the author's animating questions initially emerged from his earlier scholarship. How, he asked, do different methods of intergenerational transfer—settlements and wills—compare? Why did the 1677 statute deal with problems in transmission of personal as well as landed property? Attention to these kinds of questions, especially in the last chapters on marriage, family, and women, allows Bonfield to move away from some of his more schematic claims about property theory. Such questions lead him to offer valuable insights into the operation of social norms and family relationships that shaped property transmission in seventeenth-century England.

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