

“Stand Up for Bastards!”
Remembering Illegitimate Children in Two Wills, 1437 & 1535



Figure 1 - Figure 1: Will of Nicholas Metley, 1437 (detail)

“Now gods, stand up for bastards!” With these words, Shakespeare’s Edmund, illegitimate son of the Earl of Gloucester, concludes his cynical – and compelling – soliloquy on the discrimination he faces for his legal status as a bastard (*King Lear*, 1.2.22). As the remaining action of the play makes clear, Edmund neither needs nor expects the divine intervention he invokes in order to obtain property, status, and power. However, a look through the late medieval and early modern archive illustrates why illegitimate children hoping to inherit from their biological fathers might feel compelled, like Edmund, to cry out to the heavens.

The archive collections of the Shakespeare Birthplace Trust house numerous items which put a human face on this now defunct legal status. According to medieval and early modern law, bastards are necessarily excluded from claiming legal kinship with their biological fathers, and thus barred from inheriting property, titles, or any other hereditary benefits. Hence, we tend only to notice the exceptions when fathers make special allowances in wills or other legal documents on their illegitimate children’s behalf. Thus, when this does occur, it offers a glimpse of the way that people on the margins of medieval and early modern family life make it into the official records. Moreover, in collections like the SBT’s which span centuries, these documents, when placed side by side, can suggest and illuminate subtle changes in social attitudes over time – especially across the traditionally drawn line between the medieval and early modern periods.

Take, for example, the 1437 [will of Nicholas Metley](#), a substantial landowner in Warwickshire (SBT Collection DR3/258). Metley’s will stipulates that manors in Wolfrageston and Merston [i.e. Wolston and Marston] should be left to his wife Joan, thereafter passing to their daughter Margaret on Joan’s death. The will names no other legitimate children, but states that the sum of 100 marks (roughly £67) should be left to his illegitimate son, unnamed in the will.

Though not an inconsiderable sum, to put this figure in perspective, the will also sets aside £200 to be paid to one Nicholas Jones and others in the King’s Court, evidently the sum required to ensure that the Wolston and Marston manors would pass directly from wife Joan to daughter Margaret without contest: “so that upon the death of the said Joan the said manors might pass freely and completely to the said Margaret and her heirs forever” (translation from Latin here and below taken from the SBT catalogues description of this item). In other words, the legal fees alone associated with his legitimate daughter’s legacy cost nearly three times what Metley’s illegitimate son received in total. Other properties in Northamptonshire and Bedfordshire are set aside for the use of Metley’s nephews, sons of his brother John. Additionally, the will stipulates that further properties in Baddesley, Wabenbury, and Wollesthorne should be sold, and the money used “to provide four chaplains to say masses for his [Metley’s] soul and the souls of his ancestors for one whole year after his death, or else to provide two chaplains for two years after his death.”

It is perhaps dangerous to extrapolate overmuch information about the priorities of historical persons from the details of their wills – as longstanding erroneous conjecture concerning Shakespeare’s notorious “[second best bed](#)” makes clear. Nevertheless, it should not surprise us to discover that a late medieval man would assign greater monetary value to the fate of his immortal soul, represented by posthumous investment in the singing of masses, than to the material welfare of his living, bastard son. Masses for the dead would, of course, become the frequent object of outrage and derision by religious reformers a century after Metley’s death, in works like Simon Fish’s *Supplication for the Beggars* (1529). It is therefore interesting to note that Edmund characterizes the social institutions which insist on his illegitimacy in terms not unlike those which Protestant reformers used to describe Catholic rituals – as merely persistent superstitions, the “plague of custom” and “curiosity [quaint customs] of nations” as Edmund phrases it (1.2.3-4). As such, the substantial sum which Metley sets aside for the four chaplains (or, alternatively, for the two chaplains for twice the length of time), sheds light both on Edmund’s resentment as well as his immersing religious skepticism.

It seems only fair to add that, of course, we cannot know with any certainty what Nicholas Metley’s precise relationship with his son might have been during his life, nor what the younger man’s circumstances were at the time of his father’s death. Rather, what is perhaps most striking about Metley’s will is not the comparative smallness of the illegitimate son’s inheritance, but rather, the fact that, without his inclusion in this will (which of course does not even mention his name), this illegitimate son is unlikely to have appeared in any other legal documents connecting him with his father. Thus, even his presence in this will suggests a much greater number of absences, so to speak, elsewhere in the legal record.

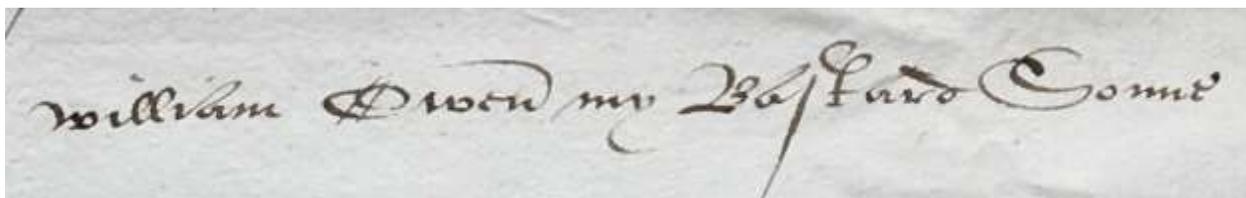


Figure 2 - "William Owen my Bastard Sonne": detail from the will of Sir David Owen, 1535, pg. 5

Another example, almost exactly a century later, illustrates a drastically different perspective on illegitimacy, and potentially on questions of social belonging more broadly. This is the [will of Sir David Owen](#), uncle to Henry VII – a contemporary copy of which is held by the Shakespeare Birthplace Trust (SBT Collection DR10/1404). Though leaving the bulk of his considerable holdings to his widow Anne, and to his first-born son Henry, Sir David Owen wills a substantial amount of land, including estates in “Watforde” and “Borysworth” (i.e. Bosworth), “to the use and behoofe of one William Owen, my Bastard Sonne and of the heirs, male of his body Lawfully begotten” (pg. 5).

Bosworth was a significant location for Sir David personally as well as for English history. It was there, half a century earlier in 1485, that Sir David Owen fought alongside his nephew Henry – before the battle, only Henry, Duke of Richmond, but after, King Henry VII. Sir David received his knighthood from Henry himself directly upon Henry’s return to British soil at Milford Haven, following his time in France evading Richard III, and just a few short weeks before the battle. In the years following, Sir David grew to become one of the “new men” of the new king’s reign – selected for personal merit rather than hereditary privilege, and rising to power (like the Tudors themselves) from relatively obscure origins. It was precisely these “new men,” famously decried by Perkin Warbeck as “caitiffs and villains of simple birth,” who’s role in government helped transform England from its feudal state at the end of the Middle Ages into a nascent form of modern political bureaucracy under the Tudors. (For more on this topic, see Steven Gunn, *Henry VII’s New Men and the Making of Tudor England*, Oxford University Press, 2016.)

It also cannot go unmentioned that Sir David Owen was, himself, an illegitimate son – the child of a now unknown woman and the grandfather of Henry VII, Owen Tudor, perhaps best remembered for his scandalous marriage to Henry V’s widow, Katherine of Valois. Significantly, David Owen’s

illegitimate son is named “William Owen” in the will, showing that, though illegitimate, he was allowed to use his father’s sur name in just the same way as David Owen’s legitimate sons – a courtesy which was not evidently not extended to David himself. (Lacking any information about the identity of his mother, it would appear that David used his father’s given name, Owen, as his surname, rather than his father’s family name, Tudor.)

It would, of course, be anachronistic to infer from this small sampling that medieval hereditary privilege was radically transformed in new wave of egalitarianism under the Tudors, or that bastards no longer faced legal discrimination as the late Middle Ages gave way to the early modern period. Indeed, as Edmund’s complaint makes plain, the “plague of custom” which barred illegitimate children from claiming legal kinship was still very much in effect as the Stuarts took the throne at the beginning of the seventeenth century. Nevertheless, it seems appropriate that a man of Sir David Owen’s personal trajectory would have remembered his own illegitimate son in his will. If the gods would not stand up for bastards, then at least other bastards occasionally did.



Figure 3 - Tomb of Sir David Owen, St. Mary’s Church, Easebourne

Links:

Will of Nicholas Metley: Memorandum, 28 June, 2 Edward IV [1467], DR3/258, Shakespeare Birthplace Trust Collection, Stratford-upon-Avon.

http://collections.shakespeare.org.uk/search/archive/dr3258-baddesley-clinton-wolston-marston-wappenbury-co-warwick-woolsthorpe-co-lincoln-and-cos-bedford-northampton-and-berkshire/search/everywhere:bastard-133102/sort_by/earliest_date/order/asc/page/1/view_as/grid

Will of Sir David Owen: Copy of a codicil dated 16 July, 27 Henry VIII [1535], to the will of Sir David Owen, DR10/1404, Shakespeare Birthplace Trust Collections, Stratford-upon-Avon.

http://collections.shakespeare.org.uk/search/archive/dr101404-southwick-wiltshire-deeds-and-papers/search/everywhere:bastard-133102/sort_by/earliest_date/order/asc/page/1/view_as/grid

Shakespeare Birthplace Trust – Let’s Talk Shakespeare Podcast: “Did Shakespeare Love His Wife?”

<https://www.shakespeare.org.uk/explore-shakespeare/podcasts/lets-talk-shakespeare/did-shakespeare-love-his-wife/>