regime to the liberal society. However, these questions are not directly related to my main concern, the preparation for death, and as much they will have to wait for further consideration in the future.

MARGARIDA DURÃO

TESTAMENTARY PRACTICES IN VENÂDE (MINHO), 1755-1815

I

It is probably not necessary to recall the importance of death as a subject of investigation in the context of recent historiography, and the countless works published in the last 40 years. Death as a demographic factor; the behaviour of men before death; the preparation to die and the ambience in which death occurs - these are only a few of the themes which have aroused the curiosity of historians, and led to major contributions by Ariès, Vovelle, Chaunu, Lebrun, Goubert.¹

The sources used in those works are quite varied. But inasmuch as this theme has been regarded in the perspective of longue durée, what has assumed a central place in the course of the last decade is the subject of wills.² It is difficult today to deny the importance of wills to the history of mentalités, and to


social history in general.

Piçado Baroque et Deschristianisation was the book which prompted my interest in the study of this kind of source, which has thus far received scant attention in Portugal. Relying on Vovelle for the method and on Ariès for the theory, the task was to test their applicability to the Portuguese case, and to check any deviations from the model. The first set of questions was, thus, to find out which type of will had been made in Portugal, and where they could be found.

II

According to Apontamentos de Teologia Sacramental, a theological handbook of the 18th century, there were two ways of making a will: 'an open one, and a closed one; the closed one is written and then closed so that the witnesses which must be present will not know the bequeather's will; the open one is that made before the witnesses'. In order to be valid, a testament had to obey certain 'solemnities'. If written, the bequeather had to sign it or have it signed on his or her behalf if he or she could not write, and then it had to be brought in the presence of five witnesses to a public notary, who would register it in legal form. The 'open will' - also called nuncupative - could be made by the notary, or by the bequeather or his representative, or it could be made merely by word of mouth, when the bequeather was on his deathbed. In any case, it had to bear the signature of several witnesses.

The first step of my research thus consisted of an analysis of the notarial books. Surprisingly, there were almost no wills registered in them during the 18th century - this statement, however, is not based on any statistics. The rarity of wills in notarial books, in turn, led me to other sources. Moreover, the few testaments found in the notarial records refer to very specific situations, like the bequeathing of one's own property before entering a monastery. According to some medievalists, testamentary practices were known in Portugal and were common mainly among the privileged social strata. This encouraged my pursuit of 18th-century wills, and finally I found a great deal of them in parish registers.

Making wills was a widespread practice by the end of the 18th century and early 19th - only social practice differed some-

from the strict legal rules. The notary played a very small role; he could write wills (only 6 out of a total of the 227 I am concerned with here were actually written by notaries), but he was mainly called in to approve them. This approval would be registered in the will itself which would then be kept by the bequeather until his death. This applied to both closed and open wills, although the notary's approval was more common in the former case (84 wills were of the closed kind and were judicially opened). The nuncupative wills would generally bear the witnesses' signatures only, there are 143 wills of this kind.

The same cannot be said with respect to the clergyman's role. On the contrary, we can say that wills depended upon their actions. They would disseminate amongst the population the need to make a will as a requisite for a 'good death', through sermons and prayers, and during their attendance on a dying person in order to give the last sacraments. The priests were often called upon by those who could not write, and this must have been more strongly felt in the rural areas with higher illiteracy rates. Out of the 227 wills, 35 were written by priests, 11 by 'surgeons', 52 by rural notaries; the others do not mention who wrote them. The priests would also demand from the heirs, after the bequeather's death, the presentation of the wills in order for them to be transcribed - either in full or just the 'pious vows' - a practice strictly controlled each year through the visitations. The priests' commitment to their

3 Apontamentos de Teologia Sacramental (18th century), Arquivo Diocesano de Braga (A.D.B.) MS.613.
parishioners' bequeathing practices was so zealous that in the beginning of the 18th century the King intervened and sent a letter to all ecclesiastical authorities in which he ordered that their excessive demands should cease.  

It is, however, thanks to the zeal of the priests that we are able today to use a large quantity of wills, registered in the parish books. We are all aware of the criticisms raised against such sources, although their merits have long since been established thanks to historical demography. The problems relating to the late beginnings of the parish registers, to the existing gaps, and to the loss of many books are equally relevant to the registers of wills. In the province of Minho, only 292 out of 804 parishes have thus far shown their registers, and they do not go back further than the early 18th century.

To these difficulties one must add the different procedures employed by the priests. Some of them transcribed the whole document, others recorded the 'plious vows' leaving the 'material' aspects out, and sometimes only the number of masses and other religious services required by the bequester were kept. The quality and quantity of the wills are, thus, quite variable.

Apart from these documents, mainly from rural parishes - wills are also to be found in the archives of the municipalities. These date principally from the 19th century, are of the closed type, and come from urban parishes, which do not generally possess registers of wills, or have them in significant numbers. The wills kept in these archives are also legal transcriptions made after the bequestor's death, and were made in order to allow the authorities to control the execution of the arrangements.

I hope to be able to conciliate the three different sources in the course of my regional research. But since my main interest relates to the rural society of Minho, and my research is linked with other research currently being pursued in the Centre for Regional Development of the University of Minho, I decided to study a well-documented parish of this area - Veneda, in the municipality of Caminha, where I found wills registers covering roughly one century from the 1750s. This paper presents

the first results of my analysis; it does not aim to present an overall picture of attitudes towards death in the Minho, not to mention in Portugal. This parish is only representative of itself although it may produce an image which must later be compared with other case studies.

Analyzing the death registers of Veneda between 1755 and 1815, I realized that only 290 of a total of 638 dead persons had not made a will. This means that in the second half of the 18th century and early 19th, 54.8% of the population made wills. The percentage of the population dying intestate, although in line with the findings of Vowell, could well decrease if more closely observed. The 265 intestates can be divided into three groups: 144 single persons, 97 married persons, and 44 widowers. Why did they not make a will? Was it because many single persons were minors? Out of the 144 single persons, 20 were undoubtedly minor, and did not have the legal capacity to bequeath, whereas 6 had died suddenly, 34 'were very poor and had nothing', 29 had died in Lisbon, Viana, Lamego and other parts of the country, 2 were mentally handicapped, and 34 offer no reason at all. It is possible that the last group included some youths, but there can be no certainty about that. From the group of those who had ever been married, 36 did not make their will due to poverty, 9 died suddenly, 4 were out of the parish, and 97 offer no justification. In all, 50% of those who died intestate did so for a good reason. Thanks to the care of the priests, who made complementary notes, it is also known that those included in the category intestate were generally awarded a bol de alma (literally, a good thing to the soul) paid by the heirs, most certainly under pressure from the clergy, or perhaps a means to pay.

Among the death entries referring to a will some cases must be specified. As we have seen, there were 348 such entries, but

11 Other demographic history studies suggest that this is far too small a number of minors. The 36 deaths of intestate persons, which carry no explanation for the fact may be added to the numbers of minors' deaths.

12 The ceremonies are usually noted on the margin, and are generally three - the mass on the day of the funeral, and the celebrations of the first month and first year after death.
only 112 wills have been found. What sort of testament would the others have made? A testament by word of mouth? Several references suggest that testamentary practices among rural populations began through this form of testament; on the other hand, the gap between 112 and 348 seems to be too large to be true at a time when written wills had expanded considerably. Does this not rather reflect one of the basic problems raised by parish records? As if to confirm my suspicions, there are also 115 testaments without a corresponding death entry. We can therefore assume that both death and testaments are under-recorded in the registers. This is the point where the crucial problems arise, because the confrontation of different sources - in this case, the records of deaths and wills - show gaps, and one wonders whether the results can be validated. In the circumstances, I decided to consider a) death entries which indicate that a will had been made despite its not having been transcribed (236 cases); b) wills with a corresponding death entry (112 cases); and c) wills without a corresponding death entry (115 cases). If we exclude those who died before reaching the age at which they could make a testament, the majority of the population (about 60%) made their testament - a finding in line with what has been found for the south of France. We can therefore say that the act of making a formal testament was 'almost unanimous' in Venade in the period under consideration, assuming that the standard measure for its representativeness is the number of deaths.13

As the research progressed I noticed that there were particular years when almost everyone seems to have made a will, and the fact that they died. From the 1780s the proportion of those who died after making a will tends to go up, and continued to be high in the early part of the 19th century. What was the cause of this rise?

Amongst the various elements which must have played a role, the following hypotheses ought to be considered before a conclusive study is attempted:

(i) Did it derive from a greater awareness of testaments or from an acceptance of formal bequeathing practices?

(ii) Could it mean that parish religious life intensified? If so, was it on the personal initiative of the priest or was it in accordance with orders from the Archbishop?

(iii) Was it be that we are in the presence of a period of crisis affecting the population both in terms of demographic behaviour and in their mentalité? Oliveira's study on agrarian history14 has made it clear that the economic systems prevailing in rural Minho underwent a process of rupture at this time, and Vovelle has suggested that in a time of crisis, testaments exert greater appeal.15

The questions raised here require the study of a significant sample of parishes before any conclusions can be reached. But apart from this problem, as well as that of the frequency of bequeathing practices when compared to fluctuations in mortality, others deserve some attention. The testament is an important document. But who does bequeath? Men or women? Which social group do they come from? Do testaments mean wealth? Or social prestige? How can social status be revealed through testaments? It is probably true to say that in earlier times, bequeathing was mainly a male practice, but by the 18th century things had significantly changed - women became equal to men, and in certain cases there even was a reversal of their former positions.

In the case of Venade, about 70% of the testaments were made by women, although they were able neither to write nor to sign them; men could not write them either (except in a few cases), but they often signed them. Why do women have this supremacy? There is no easy answer, and it would be extremely interesting to start by determining when the change occurred. In this parish, it is worth mentioning the large number of widows (69) and single women (19). There were also 28 married women. The fact that when married couples made their testament both spouses made one, and the diffusion of this form of bequeathing, may account for the high proportion of women to the total number of bequeathers. The social status problem is somewhat more difficult. The bequeathers seldom state their occupation, although we know they all belonged to a rural society. But within each rural society differences in wealth and in the relationships between individuals can be substantial, and when no direct means are available, it is still possible to try an approach to social differentiation through indirect indices. One such index may be obtained from the testaments which comprehend a 'material' section, i.e. references to the possessions to be shared by the heirs. This method presents some problems, since donations might have been made and not referred to in the testament, for example when the bequeather had a married son. The major problem, however, derives from the priests' lack of interest in this aspect of the testaments, which must be held


Testamentary Practices in Venade

responsible for the overwhelming registration of 'moral
testaments' only, the exceptions being those cases which invol-
ved large amounts of money.

The second index can be derived from the 'moral testament' it-
selves. The *bem de alma* should be paid for by the heir entitled
to the *terço do terço* (literally, the third of the third, the
third being the freely disposable part of one's own property),
and only when the 'pious legacy' had been fulfilled could the
heir benefit from his inheritance.16 An evaluation of the
'pious legacy' may therefore suggest the social status of the
bequeather, and it comprises several indications of the number
of priests to be present at the funeral, the number of masses,
the alms to the poor, the donations to institutions, the
death shroud, and even the place of burial. The last act one
accomplished in this world ought to be in accordance with 'the
uses and customs of those of his rank', and both the bequeather
and the heir wished to profit from the occasion to make clear
their position in the parish hierarchy. It must also be stated
that some bequeathers made the task easy for us by declaring
that they ask for no more because they are poor, or by ordering
all their valuables to be sold in order to pay for the *bem de
alma* or, on the other hand, when they prefix their names by Dom
or Dona - a sign of social prestige. This could lead us to
think that testaments were the last thing to be made in
a person's life, and in which a significant part of the disposable
goods was in fact registered. It would nevertheless be an
exaggeration to suggest that testaments were some sort of
commercial transaction with the representatives of the *Afterlife
(God, the Virgin, the Saints and the Angels)* aimed at acquiring
the salvation of the soul. The practice was undoubtedly well
within the spirit of the Catholic Reformation, and assumed a
dramatic character through which the bequeather hoped to obtain
a 'good death'. The first feature can be proved by recalling
the expressions found in testaments: the Holy Trinity, God, the
Eternal Father, the Most Precious Blood of the Only Begotten Son
Split on the Tree of the True Cross, the merits and sufferings of
Jesus Christ - all these are invoked as testimony of an
absolute faith in all the mysteries and doctrines taught by the
Holy Roman Catholic Church'. The Virgin Mary, Mother of God and
of all sinners, is asked to plead for the dead person's soul
before the Son, and the Angels, the Saints, and the Souls in
Purgatory are urged to use their influence in the Holy Tribunal.
These expressions can be found all together, or in simplified
 versions, depending mostly on who wrote the document. In the
case of Venade, wills were seldom written by the bequeathers
themselves, and this suggests that the formulae used in the
'recommendation of the souls' were largely the clerk's respon-
sibility, who used current expressions from the liturgy. There
is, however, a peculiarity I wish to underline: 98% of the
testaments contain a statement of belief in 'all the mysteries
and doctrines taught by the Holy Roman Catholic Church', and in
the 'hope that such faith will save the soul'. Is this an
expression of the influence the Council of Trent had in Portugal?
On the other hand, does not the expression 'hope that such faith
will save the soul' reveal the knowledge of other sets of
beliefs? The word 'hope', I believe, can be read as allowing a
feeling of doubt or even of anguish at a crucial moment.

IV

The scope of my analysis does not yet allow sound conclusions,
but it provides sufficient ground for some considerations
- problematic and theoretical - bearing on my research.

First, I think that the influence of the Catholic Church
and the priests on a dying person was very important, leading to
uniformity in bequeathing practices during the 16th and 19th
centuries.

Second, I attribute the reduction of 'pious legacies'
(number of priests, services, alms to poor, etc.) in the same
period not so much to a 'dechristianisation' or a 'laicisation'
of the act of writing a will as to the diffusion of this practice
amongst the poorer groups of the population which were not used
to doing so. Testaments were no longer the privilege of some
well-off people but became common practice. Was it that the
Kingdom of Heaven was no longer the province of the poor and
unhappy, who now also had to guarantee their salvation?

Third, the extent to which the testament represents a mode
of personal assertion and prestige within the parish community
is still unclear.

Finally, the effect of economic and demographic crisis on the
mentalidade and behaviour of the Minhotos remains to be
ascertained.

Religious sentiments at the moment preceding death strongly
influenced the behaviour of these people, and even in the 19th
century testaments throw light on hidden aspects of their mental
and psychological lives. The fact that no other source reveals
more directly these phenomena places the study of wills in a
privileged situation for all those who care about these
questions.

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16 This fact was always mentioned when the material dispositions
were copied and when one heir benefited from the *terço*. This
heir was generally appointed executor of the will and had to pay
the *bem de alma*. Dowries also show the *terço* being kept
associated with the payment of the *bem de alma*. 