





## Current will introduction

I, [Name of testator] of [testator's location including state] being of sound mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all prior Wills and Codicils.

---

---

---

---

---

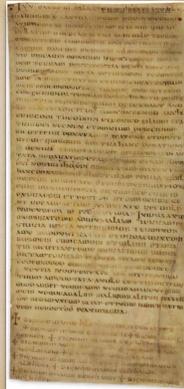
---

---

---

## Oldest surviving Anglo-Saxon charter issued in 679

Some of these charters include wills



---

---

---

---

---

---

---

---

## Will written in 1682

In the name of God Amen ye 11 day of April in ye thirty fourth year of ye reign of o'r Sovereign L'd Charles ye second by ye grace of God of England Scotland ffrance & Ireland King Defender of ye ffaith £c & in ye year of o'r l'd God 1682 I [name of testator] ye elder of ye p'sh of Kirtlington in ye County of Oxon yeoman do mak being very sick & weake but in perfect memory do make & ordaine this my last will & testam't in manner & forme following...

---

---

---

---

---

---

---

---

## The Thorn

Ye is also the second person, plural,  
personal pronoun (nominative)

Gothic and Icelandic

þ þ Þ Þ

---

---

---

---

---

---

---

---

## Abbreviations

- ◆ Those generally used
- ◆ Those made up by the person writing the will
- ◆ Those used to save ink

---

---

---

---

---

---

---

---

## Let's go back to the old will

In the name of God Amen **ye** 11 day of April in ye  
thirty fourth year of ye reign o' **o'r** Sovereign  
**L'd** Charles ye second by ye grace of God of  
England Scotlanc ffrance & Ireland King  
Defender of ye ffaitt **£c** & **n** ye year of o'r **L'd**  
God 1682 I [name of testator] ye elder of ye p'sh  
of Kirtlington in ye County **Oxfordshire** man do  
mak being very sick & weake but in perfect  
memory do make & ordaine this my last will &  
testam't in manner & forme following...

---

---

---

---

---

---

---

---

## Important notes

- ♦ Testator is "Elder" of the parish
- ♦ There is likely another person of the same name
- ♦ There might be enough to identify the testator

---

---

---

---

---

---

---

---

Of course, you will have to deal with the handwriting



---

---

---

---

---

---

---

---

Look for the same words and phrases



---

---

---

---

---

---

---

---

## Use a legal dictionary

### Black's Law Dictionary

See The Law Dictionary  
<http://thelawdictionary.org/>  
for words and phrases

Internet Archive <https://archive.org/>  
Free complete text of Sixth Edition

---

---

---

---

---

---

---

---

## Stare Decisis

- ◆ Judge made law is very conservative
- ◆ Any changes in the wording of a will would mean a reevaluation of the law
- ◆ In the law "old is good"

---

---

---

---

---

---

---

---

Words, grammar and spelling  
change with time

The earliest will on FamilySearch.org  
from Maryland 1698



The Great Register of Wills Records, 1625-1897, Images: FamilySearch, https://familysearch.org/ark:/61903/3:1:3Q9M-CSK3-S?i=1000&cc=1000000, accessed 17 Aug 2020, Prince George's Agt, Wills 1698  
High Image: U.S. Nat. Arch. Records, nycpl.org

---

---

---

---

---

---

---

---

## Enlarged view of 1698 will



name of God Amen I James Williams being  
of sound memory God be praised for it, and calling to mind  
that I am appointed all Men once to dye, I do by these my last  
wishes made either Verball or by writing, and do here make ordaine  
and Make testament in manner & form following - (1698) I give to God  
I had it. Trusting hoping & firmly believing that though by the grace  
of our Lord Jesus Christ I shall receive Remission of my sins & etc.

The wording is the same as  
many more modern wills

## Earliest wills in recognizable form

Date from the late 13th Century

ONLINE  
INTERNATIONAL BIBLIOGRAPHY OF  
MEDIEVAL AND EARLY MODERN  
WILLS AND PROBATE INVENTORIES

<http://campus.belmont.edu/honors/WILLBIBHOME.htm>

## Will transcription continued

Bequest = leave to a  
person or other beneficiary by a will.  
Dorothy Anne ten pounds a peece to be paid to each of them at *illegible*  
Mich Feast of St. Michael e hereof. Item I give to my wife Judith my  
best September 29 to my son Abraham to five pounds to be paid  
at Michaelmas next ensuing ye date hereof. Item I give to my wife Judith all  
ye corne now growing upon ye land belonging to her. Item I make my *illegible*  
sons John Abraham Joint Executors of this my last will testament, wch  
goods I have I have to be equally divided. Legacy = money or  
ye five p'ds given to Abraham is deducted ye property left in a will  
Witness my hand and seale ye day and year above written



## Expressions of intent

- ◆ make and declare
- ◆ constitute and appoint
- ◆ aforesaid
- ◆ jointly
- ◆ give and bequeath
- ◆ give and devise

---

---

---

---

---

---

---

---

## Other expressions

- ◆ appurtenances
- ◆ my decease
- ◆ share and share alike
- ◆ signed, sealed and declared
- ◆ messuage or tenement (house and land)

---

---

---

---

---

---

---

---

Thanks for watching



---

---

---

---

---

---

---

---