

Understanding and interpreting wills

This section may be used in two ways: in general, as background explanation to help the general reader to understand fully the significance of the text of wills, and how the emphasis in the will gradually shifted; and more specifically, as an aid for those who are interested in transcribing wills themselves.

Content of will and testament

Two significant changes took place in the structure and content of wills at the close of the medieval period (the dates of the changes varied, but they both took place in the province of Canterbury long before they were made in the province of York):

- In the late medieval period the will and the testament were often two separate documents: the **will** related to bequests of land and property (and was usually written in Latin) and the **testament** dealt with the dedication of the soul and the commitment of the body, and with bequests of goods to church, charity and lay beneficiaries (and it was usually written in English). As a result of the development of a legal device known as 'use' (which referred to the transferrable right to occupy land and property and thus benefit from the 'use' of it), property and land became more easily transferrable, and the will of land and the testament were gradually combined into a single document known as the testator's 'last will and testament', and usually written in English throughout.

- Prior to this point, inheritance was governed by the principles of *legitim* (hence such expressions as 'legimate heirs').

Legitim

(a term derived from 'legitimate part'), obtained throughout the province of York until 1692, and survived in some parts of the province of Canterbury into the early 1500s. According to this rule, only a man who had neither a wife nor child could dispose of all his chattels as he wished. If he had a wife but no child (or offspring but no wife), his moveable goods, after his debts had been paid, had to be divided into two halves; one half constituted the 'dead's or 'soul's' half and could be disposed of by the testator as he wished, and the other half went to his wife or children. If the testator was survived by his wife and by offspring, his moveable goods (once his debts had been settled) would be divided into three parts, one for the soul, one for the wife and one for the children.

The wife's portion

When a woman married, her dowry (the goods that she brought with her to the marriage) became the property of her husband; thus it is not uncommon to read among a man's bequests in his will 'I bequeath to my wife the goods that she brought with her' or some similar phrase.

Death was frequent in both youth and middle age at this period, and consequently re-marriage was the norm rather than the exception. Thus, bequests to a man's widow are often made conditionally 'unless she marry again'; for example, if the man's oldest son is old enough to be named as chief heir, the widow might be granted bed and board under her son's roof only until she re-marries - and this is particularly so if the heir is her stepson rather than her son. Such clauses may at first seem harsh - but that would be to misinterpret, for the real purpose was threefold; genuine love for the widow and desire to protect her as long as she wished to stay; but recognition of her right to re-marry for comfort and love; and finally, the absolute need to avoid splitting up the family's fragile inheritance.

Changes caused by religion and politics

- **Religion:** Reformation, counter-reformation, counter-counter-reformation, and finally puritanism, all made significant changes on society during the 1500s, and these were reflected in the text and content of the will. The soul dedication, for example, changed from the catholic version 'God, the blessed Virgin Mary and the holy company of heaven' to the reformed version 'God, and Jesus Christ my redeemer'; and bequests to the church fell drastically as the multiple altars, images and candles were replaced by plain whitewashed walls, and pulpit and sermon took the place of high altar and mass.

- **Politics:** Key legislature that altered the legal status and content of wills and bequests was contained in the Mortuary Act (1529), the Statute of Uses (1536), and the Statute of Wills and Land (1540). You can view/download a copy of these acts in PDF format by clicking here on [Mortuary](#) , [Uses](#) , or [Wills](#) ; and finally, [here is a link](#) to a brief document summarising the changes introduced by each statute.

Language and layout of the will

At first sight, the most striking feature of the will is its script, which appears very different from modern handwriting. Although various types of script were used during the medieval period, in practice the study of early wills will involve only two late-medieval forms of handwriting - bastard hand and secretary hand.

The easiest way to gain some experience in reading these styles is to follow the excellent tutorials offered on The National Archive website; try [this link](#) , or [this one](#) , for example.

Once the script can be read, the next most significant feature of the will is its formulaic nature. This can be turned to advantage, especially when deciphering particularly bad examples of writing and/or torn or damaged sheets - knowing the order of items in the formula and the standard phrases that are used in every will, it becomes much easier to guess difficult words or fill in gaps where the page is illegible.

The standard formulary for a testament virtually always deals with topics in the same order and using the same phrases:

- Invocation: "In the name of God, amen";
- Date and name: "The 10th day of May in the year of our Lord 1556, I John Smith, being sick in body but of good understanding (thanks be to God), make this my will and testament in manner and form following, that is to say:"
 - Soul dedication: "Firstly I bequeath my soul to God ..." etc
 - Bequests to church: "I bequeath to the mother church of Lincoln 2d, and to the (name of the local village) church ... etc"
 - Bequests to charity: "I bequeath to 6 poor men 2d each" (for example)
 - Bequests to family: (these can vary widely - but certain consistent principles are evident)
 - Bequests to others: (these too vary widely, and are less consistent)
 - Nomination of executors: (normally spouse and eldest child, but may also be close friends; normally two executors are named)
 - Nomination of overseers: (from the 1300s to the mid 1600s it was normal to appoint one or two persons of known probity, to ensure that the named executors performed their duties as set out in the will; the responsibility was eventually taken over by local government)
 - Witnesses: (at least 2, and in the 1400s and 1500s it would often be 5 or 6 or more - probably to allow for higher mortality)
 - Signature: prior to the 1600s this often takes the form of a "mark", usually a cross or a single capital letter

Probate

Probate copies of wills bear further valuable evidence - the date of probate (usually within 1-3 weeks of the date of death), and often a summarised statement of the assessed value of the testator's estate, which together with the money and goods mentioned in the will itself can give a better appreciation of the social status of the testator.

Inventories

Typically attached to a probate copy of the will, the inventory is a very useful document, for it lists all the items in the household and the outbuildings (and it states which rooms they were in, which thus gives valuable data about the size and structure of the house, of great interest to house-historians), and also assesses the value of each item and states the total overall value.

The probate inventory was usually compiled by two men (generally they are high-status neighbours, and quite often the same man's name appears time and again in a whole range of inventories for different testators).

For some reason, inventories for the 1500s are very scarce in Northamptonshire, though they are not so rare in Warwickshire. The majority of surviving Northamptonshire probate inventories cover the early and mid 1600s and the later 1700s.

Some examples

One or two typical examples of Northamptonshire wills may be viewed/downloaded here, by kind permission of the archivists of the Northamptonshire Record Office:

Date	Name and Will
1530	Thomas Belche, Barby
1541	John Malbye, Crick
1553	William Flamell, Onley
1573	John Watson, Ashby St Ledgers

Glossaries, dictionaries and reference books

Many goods named in wills will be unfamiliar to modern readers (hogerill, ship, chilver, maslin, cratche, lair, pillowbear, hilling, ambry, hovell timber, etc). To cope with this, it is essential to have at hand a few good glossaries of terms, with explanations in modern English for each term.

Glossaries of the words used in wills and manorial documents are given in several of the standard reference books on this topic, such as Denis Stuart's 'Manorial Records', and Eileen Gooder's 'Latin for Local History'. Charles Trice Martin's 'The Record Interpreter' is another excellent resource, though now mostly obtainable only second-hand. Among the online sources of Latin glossaries, a particularly helpful one is that prepared by Dr Christopher Harrison of Keele University, which he makes available to other researchers, and which may be [downloaded from this site](#)

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A particularly useful and extensive glossary of terms found in early wills was prepared by the late scholar Ernest W. Timmins, to which a few additional terms have been added by G.W. Hatton. A copy of this glossary in PDF format may be [downloaded here](#) , by kind permission of the trustees of the Timmins estate and subject to similar copyright conditions as set out in Dr Harrison's glossary.