NOTES AND QUERIES

WILL FORMULARIES

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Bernard Capp¹ has done a service to students of documentary drafting procedures, in bringing to notice the form of will contained in *Fly. An Almanacke*. Although he is probably correct, however, in saying that we have no printed formula available in mass circulation before the appearance of *Fly* in 1657, it must be born in mind that printed collections of precedents were available to lawyers and their clerks long before then. Comparison of the two forms given at length in one of the most popular of these collections, William West’s *Simboeleography*² with some of the clauses expressing testators’ religious beliefs, discussed by Dr. Spufford³, tends to reinforce Mr. Capp’s doubt whether the wills were as original in their wording as they were supposed to be.

The forms given by West are as follows:

(Part I, Section 642) I J.H. the vnprofitable servant of GOD, weake in bodie, but strong in minde, doe willingly and with a free heart render and glue again into the handes of my Lord GOD and Creator, my spirite, which he of his fatherly goodnesse gaue vnto mee, when hee first fashioned me in my mothers wombe, making me a living and a reasonable creature, nothing doubting but that for his infinite mercies, sette forth in the precious blood of his deereely beloued sonne Jesus Christ our onely Saviour and Redeemer, he will receive my soule into his Glorie, and place it in the company of the heavenly Angels and blessed Saints.

(Part I, Section 643) I R.L. of &c. sicke of bodie, but of good & perfect memory (God be praised) do make and ordaine this my last will and testament in manner and forme following, that is to say: First I commend my soule into the hands of God my maker, hoping assuredly through the only merites of Jesus Christ my Sauior, to bee made partaker of life everlasting . . .

Both of these are contained in what appear to be straightforward copies of wills dated 1592, which might perhaps be identifiable. The former resembles (not only in the clause set forth above) the wills of Geoffrey Holmes (1569?) and Ursula Barnard (1592) and “another will of about the same date” mentioned by Dr. Spufford, so that it may be a matter for less surprise than she expresses, that this form remained in use. The latter resembles the wording of the wills of Thomas Dillimore (1638), John Hodgkin (1647) and John Crouch (1667)⁴ though the resemblances are rather less striking.

This of course leaves the question open, whether the forms given by West are themselves derived from formularies which circulated, perhaps in manuscript, at earlier dates; and whether the wills which are later than the first publication of West’s book are directly derived from it. I have hopes that a computer program on which I am now working may make it easier to investigate problems such as this, by providing a collation of the texts of documents and indicating their possible relationship to one another. If any reader has a body of texts of wills which might be used for this purpose, I should be glad to hear of it.
NOTES

1. B. Capp, 'Will Formularies,' Local Population Studies 14, p.49.
2. First published 1590, and then in 1592, with numerous subsequent editions until the middle of the seventeenth century. The extracts given here are from the edition of 1603. I have not had an opportunity to check them with earlier editions.
4. Ibid., pp. 341-2.
5. Ibid., pp. 336 and 339.