



“WHEN GOD IT SO DESIRES”:

A Critical Edition, Translation and Analysis of the
Wills of Richard Beauchamp and Sir Humphrey
Starkey

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Introduction

Medieval succession law is valuable for the study of both philology and law. The field of philology has much to gain from a better understanding of medieval succession law, while the field of legal studies has much to gain from a clearer understanding of the literary aspects of laws of succession. It is therefore remarkable that not much research has been done into the medieval law of succession. This subject is also interesting for the field of manuscript studies, because of the large volume of documents that were produced surrounding the death of a medieval person. Moreover, since wills were in the Church's jurisdiction during the medieval period, many of these wills have been well preserved, making them a valuable source of evidence.

Among the largest collections of medieval wills is that from the Prerogative Court of Canterbury, which used to have many copied and original wills from the late fourteenth century up to the 1857. Today, the documents originating in Canterbury have been microfilmed, and made accessible online by the National Archives. However, many of these wills have still not been translated or received the critical interest they deserve, which makes them the perfect subject for this thesis. Two wills from the National Archives have been chosen as the focus of this thesis: 'The Will of Richard Beauchamp Earl of Warwick.' shelfmarked PROB 11/1/133 and 'The Will of Sir Humfrey Starky, Chief Baron of the Exchequer of Saint Leonard Shoreditch, Middlesex.' shelfmarked PROB 11/7/350. This thesis offers an edition and translation of these two important wills. These wills have been chosen because both testators were actively involved with different aspects of the governance of the state. Richard of Beauchamp was involved in the legislative and executive branches, for example, he sat on the minority council of Henry VI. Humfrey Starky was part of the judicial branch and presided over taxation disputes as a judge of the Court of the Exchequer. The different relations Richard and Humfrey had to the law makes the language interesting, because it approximates the highest forms used of legal language from these different perspectives. Moreover, both were able to devise and bequeath a substantial amount of property in their wills, which provided more examples. A proper definition of the will as a legal document will be provided later in the thesis.

When studying a manuscript, it is often a good idea to make an edition of the text contained in the manuscript. An edition is a reconstruction of an original text written down in a manuscript. Editions then allow scholars to understand the original text without having to consult the manuscript or having to wrestle with the sometimes illegible handwriting. The

question of why the editor of a medieval text makes a translation is partly answered by Raymond Clemens and Timothy Graham. They argue that “[w]hereas the purpose of a transcription is to record accurately the textual content of an individual manuscript, including its errors, it is the business of an edition to try to undo the process of corruption, to present the text of a particular work in as correct a form as possible” (77). The edition produced in this thesis tries to undo the process of corruption through the addition of footnotes, the writing out of abbreviations, which for example could be mistaken for flourishes, and the addition of socio-cultural information on the testators and specific legal culture surrounding will making in medieval England.

However, the edition of this thesis also seeks to preserve the original texts’ historical elements (termed foreignness in translation theory). The translations of the wills, then, are an exercise designed to bring these corrupted forms back to life in the present. Dimitris Maronitis elegantly provides another answer to why the editor produces a translation when he describes the practice of translating classical texts as follows:

When classical texts remain untranslated they lead a sort of lethargic existence while translation brings them to life by awakening and energizing them, thus enabling them to communicate with us. At the same time these texts reveal the details of their origin (historical, literary, aesthetic) and by doing so they free themselves from the shackles of dogmatic mythologization that imprison them. Such a linguistic transfer of classical texts from the past to the present also serves the purpose of proving their real value, this time in the context of contemporary culture, a culture which they affect while being themselves affected by it. (374-375)

The reasons to produce an edition or translation are very similar to one another. Both editions and translations of medieval texts are used for pedagogic purposes, as an exercise by the editor/translator to advance the research done in a specific field, or to preserve and make accessible texts that might otherwise be lost to the world or an audience, be they academic or not. However, the difference between them is that an edition’s audience is predominantly scholarly, while a translation is often seen as literature and treated as being the original (Maronitis 377). For example, courses in Classical literature prescribe the original version of Ovid’s *Metamorphosis* rather than Stephen Fry’s *Mythos*, although the field of classical literature could certainly merit from research done into the latter text. Lynne Long agrees

with Maronitis and argues that “[w]hereas in medieval times there was some awareness of the origins of a text, for an increasing number of readers today a translation, whether inter- or intralingual or even intersemiotic, functions as an original, and the earlier history of the transfer process remains unexplored and unrecorded” (62). Thus, where an edition seeks to preserve an older text’s foreignness, a translation seeks to highlight a text’s domesticity. Note that an edition of a Modern English text would not preserve its foreignness, while there are no foreign elements for a present-day English reader.

We find that the ideas of Long and Maronitis hold up when we relate them to modern translations and editions of classical literature. In the first paragraph of the preface, Howell Chickering tells us the *skopos* of his *Beowulf; A Dual-language Edition*:

This book is meant to make *Beowulf* available as poetry to readers who have not studied Old English (Anglo-Saxon) before and to those who have only a rudimentary knowledge of it. The text, translation, and commentary are designed for flexible use, from a rapid reading of the translation to a literary study of the Old English poem.” (ix)

In his introduction to *Sir Gawain and the Green Knight*, James Winny tells us that “[t]he present translation tries to represent as closely as possible the sense of the poem, without compromising that aim by insisting that lines alliterate (xx).” Winny and Chickering aim to make both poems accessible to a modern audience, and thus provide a translation alongside the edited text, but do not suppose their translations to be the original. Lewis Thorpe puts similar sensibilities forward in his translation of Monmouth’s *The History of the Kings of Britain*. As does Seamus Heaney in his translation of *Beowulf; Bilingual Edition*, Ciaran Carson in his translation of *The Táin*, Jesse Byock in his translation of *The Saga of the Volsungs*, and David Raeburn in translation of Ovid’s *Metamorphoses*.

Interestingly, none of these people have a background in translation, but are philologists (and in the case of Raeburn a classicist), specialists in their field of literature. Moreover, they seem to use no translation theory at all in the discussion of their translation to back their translational choices, but base their choices on their own knowledge of the text and other translations. Maronitis, who sees a clear distinction between a philological, word-for-word translation and a ‘freer’ literary translation (376), supports this idea. He argues that this distinction “is by all accounts due to the academic exigencies of classical philology, which has wanted to keep for itself the rights of any authoritative translation of classical texts, thus

shielding them from any amateurish attempts at translation by those coming from the literary world” (Maronitis 377).

Given that scholarly editions and translations often lack the positive influence of a background in translation theory, and translations often lack the positive influence of a scholarly background to do a text justice, this thesis aims to combine the field of philology and the field of legal translation. The thesis will, therefore, first produce a critical edition of the texts of two Middle English wills, and then make an annotated translation of these texts into Modern English. Thus, this thesis will be an exercise in both philology and translation. It will offer a close historical, legal, and stylistic analysis of the manuscripts, looking specifically at the following key themes: the laws of will-making, the history of the will in England, and the philological and cultural backgrounds of the will and will-making.

The wills of Richard Beauchamp and Humphrey Starkey have been selected for this thesis, because of their length; both wills contain about 3000 words, which means both Richard Beauchamp and Humphrey Starkey had quite some lands and objects to devise and bequest. Moreover, both men had a different relationship to the law during their lives, but were also actively involved with the law. Richard Beauchamp as governor to Henry VI, nobility, and lieutenant-general and governor of France and Normandy, whereas Humphrey Starkey was a judge. Their respective wills thus provide two different perspectives on the key themes.

This thesis will first provide a concise description of both wills in order to give the reader an idea of the features of both manuscripts. The second chapter will provide a short biography of Richard Beauchamp and Humphrey Starkey, set out the process and laws concerning the succession laws in Medieval England, which will further establish the manuscripts in their historical context. A brief description of the script and language used in the manuscript will also be given to provide to a more textually historical context. Next, the theoretical framework will be discussed to substantiate the editions and translations of both manuscripts. Finally, an edition of both wills will be given, as well as a translation.

Concise Descriptions, Including Date and Origin

This chapter will describe the physical features of the original manuscripts. The physical features of the manuscripts inform us of what might have been the intended function of the manuscripts.

‘The Will of Richard Beauchamp Earl of Warwick’

The manuscript of ‘The Will of Richard Beauchamp Earl of Warwick’ currently has the shelfmark: Kew, The National Archives, PROB 11/1/133. The origins of this probate copy can be traced to the Court of Arches, Canterbury, England, July 1447 and it was then kept in the Prerogative Court of Canterbury, according to The National Archives.

The manuscript is of good quality and well preserved. The script is clear, neat, and looks accomplished. Black ink was used by the scribe and black seems to be the only colour used in this manuscript; since the present edition is based on a grayscale photocopy of the manuscript, not all colouration details might be visible. While the photocopy focusses on the text of the manuscript and has been numbered, which clearly are later additions, the manuscripts will be discussed as having pages rather than folia.

The manuscript is made of parchment, and some of the hair follicles are visible in the margins. Moreover, at the bottom of pages two, three and four, one can see veins and stretch marks. The top corners of the third and fourth pages are missing. It is likely that these pages had a defective edge as the result of a deficit of skin when it was cut into leaves, and someone decided to cut off this defect. This could indicate that some costs were saved during the production, and Clemens and Graham argue this might indicate a manuscript of lower quality (12). The overall quality and purpose of this manuscript does call into question this explanation; the manuscript was made to last, as is indicated by its purpose, the script, and overall quality of the parchment. Yet the defective edge is contained within the margin so it is likely that the defect was deemed small enough for the leaf to retain the necessary level of quality. All the pages have some small damages around the edges, and there are lighter areas on some of the pages, which could indicate these pages have been repaired.

Unfortunately, the dimensions of the original manuscript cannot be reconstructed from the photocopies that have been used for this thesis. The prickings made by the scribe are visible, but the rulings are not. The text is written in a single column stretching from margin

to margin. The first page contains fifty-three lines, the second and third page fifty-four lines, and the fourth page seventeen lines. The text contains some flourishes, but none are elaborate enough to be called decorations. The script used by the scribe is fifteenth-century English secretary hand. It looks accomplished and contains an average number of abbreviations. This is based on the similarities of the script of the will with the examples given by Clemens and Graham (166-167). Other visible material features are the marginal glosses on the first page, where the name of the testator has been written in the right margin in a larger and more flourishing script. This marginal gloss was most likely used as a finding aid (Clemens and Graham 43-44).

The text is written in both English and in Latin, with the will itself being written in the vernacular and Latin being used in the probate clause added by the court. The text is clearly identifiable as the will of Richard Beauchamp Earl of Warwick, because the Earl names himself as the author of the text. Nonetheless, the author of the probate clause cannot be identified from the text. The text genre is clearly of legal nature, since the text has been identified.

It is also worthy to note that double page numbering is visible, and both are later additions. On the first and third page, the numbers “146” and “147” are visible in arabic in the upper right corner, which seem to be later additions. Centered in the bottom of each page Arabic numbers have been added by the National Archives to mark the pages of the will as a separate document.

‘The Will of Sir Humfrey Starkey, Chief Baron of the Exchequer of Saint Leonard Shoreditch, Middlesex’

The current shelfmark of “The Will of Sir Humphrey Starkey, Chief Baron of the Exchequer” is Kew, The National Archives, PROB 11/7/350. The origins of this manuscript can be traced back to the Court of Arches, Canterbury, England, 02 September 1486, and was kept in the Prerogative Court of Canterbury (The National Archives).

The actual quality of the original manuscript is hard to establish, because of the black-and-white photocopies used in this edition. However, the script is clear and overall legible. It is likely that only black ink was used by the scribe, but some corrections have been made and could very well be in red the colour commonly used by a rubricator. The upper right corner on page three and four have suffered some damage by what seems to be a liquid.

The writing materials used are not visible from the photocopy. One can assume high-quality parchment was used for two reasons. First of all, it was kept by the Prerogative Court for further use; a will could theoretically always be challenged, if it was not probated in solemn form. Secondly, one can expect the ecclesiastical courts, especially the Prerogative Court which was headed by the Archbishop, to have had sufficient funding. The outer corners above and below are damaged, and the upper and lower corner have a fold on page three and page four.

Again the dimensions of the original manuscript cannot be reconstructed from the photocopies that have been used for this thesis. Moreover, neither the prickings or the ruling are visible on the copies. The text is written in a single column stretching from margin to margin. The first page contains fifty-five lines, the second fifty-six lines, the third sixty lines, and the fourth page sixty-two lines. The text contains some flourishes, but none are elaborate enough to be called decorations. The script used in the manuscript is the fifteenth-century English secretary hand. The script is of good quality; it is small, and contains an average number of abbreviations, many of which are flourishes at the end of words. This is based on the similarities of the script of the will with the examples given by Clemens and Graham (166-167). Other visible material features are marginal glosses. In all the upper margins of the pages has been written ‘1/3’, which is most likely a later addition considering the script. Page one contains a marginal gloss in a larger script than main body of text, and another in a similar script. Page three contains one letter with an abbreviation marker in a larger script. Lastly, page four has a correction which seems to be a later addition, and is written in a

different script in the left margin. Page four also has a marginal gloss in the right margin written in a script that is similar to the main text.

The main body of the text is written in English, while the probate clause is written in Latin. The text is easily identifiable as the Will of Sir Humphrey Starkey, Chief Baron of the Exchequer of Saint Leonard Shoreditch, Middlesex, as the author of the main text establishes himself as Sir Humphrey Starkey. However, the author of the probate clause is unknown. The fact that the manuscript is a will makes it a legal text.

All the page numbers were added to the manuscript after it was copied. In the upper right corner of the first page, three numbers have been written: “25”, “195”, and 144”. In the upper corner of the third page, the number “25” is also visible, and one can see two more. However, due to what seems to be a liquid, which has damaged the corner, these have become illegible.

The Authors, Wills, and Language

Biographies of the Authors

Here the backgrounds of the authors of the wills will be described. These biographies will help contextualise the wills to the time in which they were made, which in turn will help shed light on the manuscript.

Richard Beauchamp the Thirteenth Earl of Warwick

Richard Beauchamp, thirteenth earl of Warwick, was born January the 25th or 27th at Salwarp, Worcestershire to Thomas Beauchamp, twelfth earl of Warwick (1337x9 - 1401) and Margaret, daughter of William, third Lord Ferrers of Groby states the Oxford Dictionary of National Biography. Richard received his knighthood in October 1399 during the coronation of Henry IV, after Richard II had almost destroyed his family during the last two years of his reign. Beauchamp served the king in Wales suppressing the rebellion of Owain Glyn Dŵr, and took part in the Battle of Shrewsbury against Sir Henry Percy ('Hotspur') in 1403. Richard Beauchamp then went on a pilgrimage to Rome and The Holy Land, during which he became a renowned jousting knight (Edmundson 46). Under Henry V, Warwick's influence grew even further. He was steward at Henry V's coronation, became captain of Calais in 1414, and was sent as an ambassador at the Council of Constance. Beauchamp was chief commissioner at the sieges of Caen and Rouen during England's conquest of Normandy and Picardy, and was much engaged in the treaty of Troyes of 1420. Henry V even named Warwick one of the executors of his will at his death. Warwick sat on Henry VI's minority council, and was made his personal governor and tutor in 1428, carrying the young prince in his arms at his coronation, as Christine Carpenter writes in the Oxford Dictionary of National Biography. He led multiple campaigns into France and Flanders in name of Henry VI, and reportedly attended the trial and execution of Joan of Arc (Britannica Academic). Warwick was rewarded for his service to the crown with an appointment as lieutenant-general and governor of France and Normandy in 1436. Warwick died in Rouen on April the thirtieth 1439, having written his will in Caversham on August the eighth of 1437. At his death, Richard Beauchamp was one of the most notable landowners in England, and is estimated to have been the third wealthiest noble in England by the 1430s. During his life, Warwick had served three kings loyally, often not receiving as much compensation as his fellows. He had

managed to set right the faults done to his father by Richard II, consolidated the lands belonging to his earldom, as well as expanding his lands in England by purchase, marriage, and alliances. Beauchamp proved himself a most competent noble during his life. He excelled in warfare, maintaining diplomatic relations, politics, as well as the management of his own estates, even though he spent much time abroad (Oxford Dictionary of National Biography).

The will of Richard Beauchamp was created on 8 August 1437 as is stated in the document (1.4). In July 1437, Beauchamp was made lieutenant-general of France. The will was probably drawn up right before his last departure to France. He died at Rouen on 30 April 1439. In line three Beauchamp explicitly declares that he himself made de will at Caversham, but whether he dictated the original will, or wrote it himself is unknown.

Sir Humphrey Starkey, Chief Baron of the Exchequer

Sir Humphrey Starkey was appointed chief baron of the exchequer by Edward V on 15 June 1483. Even though it is not clear when Starkey was born, it is known he lived in London in 1445. He joined the Inner Temple in 1451, and in Hilary term 1454, he is described as a lawyer in the year-books. In 1478, Starkey became recorder of London, “a magistrate with criminal jurisdiction” (*Black’s Law Dictionary*), following Sir Thomas Urswyck and was named serjeant in Trinity term 1478, according to Kingsford (*Oxford Dictionary of National Biography*). He resigned his position as recorder upon receiving the title of chief baron of the exchequer, which he received only ten days before the the dethronement of Edward V (Foss 329). However, this patent was renewed a couple of days later by Richard III. Starkey was knighted at the ascension of Richard III, and retained both his positions as chief baron of the exchequer and a justice of the Common Pleas until his death. He died on 21 or 27 August 1486, leaving his wife, son, and three daughters (*Oxford Dictionary of National Biography*).

The will of Sir Humphrey Starkey was made on 28 July 1486 about a month before his death. It is unclear whether the original will could have been written by him, although the fact that the last case he presided over was on midsummer (Foss 329), makes it likely. Nonetheless, this cannot be ascertained from the document. His health might have been deteriorating given that he passed a month after the will was made. Probate was granted on 2 September 1486.

Wills and Will Making in Medieval England vs. Today

When thinking of medieval texts, one will probably think of the Bible, and perhaps some Arthurian romances, such as Malory's *Le Morte Darthur*. One hardly thinks of the many legal texts that were created during this period. Although, England's common law notoriously lacks a written legal code and relied instead on custom and case law (Barker 1), many legal documents were created in the medieval period. One of the most common legal documents produced during this time was the will.

A will is a document through which the testator attempts "to exert control over their property – and their heirs – after their death" (Grannum and Taylor 13). According to Karen Grannum and Nigel Taylor, a will generally contains the following aspects: the name, place of residence, and profession of the testator; a proclamation of good health and mental capacity; a declaration of faith, usually Christian; the bequests made by the testator to his legatees; the minutae of said bequests; burial instructions; the names of the witnesses to the will; the names of the executors; the date of the making of the will. Then, depending on whether one deals with the manuscript of a will or a probate copy, the document will contain a signature of the testator or probate clause, respectively (Grannum & Taylor 61-67).

When studying English wills it is important to note that English Testamentary law differs from Roman Testamentary law. For instance, Testamentary law was not handled by the secular courts as in the rest of Europe, but by the ecclesiastical courts, who blended Canon law with Roman law. Although many documents were produced surrounding someone's death, the will is probably the most important document for the testator. And since the Church held jurisdiction over the law of succession until the Court Probate Act 1857 was introduced, many wills have been well preserved. The Prerogative Court of Canterbury, for example, has many copied and original wills from the late fourteenth century up to 1857. Today, these documents have been microfilmed, and made accessible online. In this chapter, I will argue that the stylistic form of the manuscripts used in this thesis, the registered copy wills of the Prerogative Court of Canterbury, are in accordance with the manner of their practical use. This will be illustrated by considering the legal history of testamentary law, and the legal process concerning probate in the ecclesiastical courts of medieval England. I will also look at the actual form in which we find the documents in the probate records of the prerogative court of Canterbury.

The law of succession in England differs much from the law of succession on the continent, even though the origins of both can be traced, at least partially, to Roman law.

These differences are, as one would expect, partly due to the common law, but more so to the institution which governed this area of the law in England: the Church. The Church's jurisdiction over this area of the law started at least during the reign of William the Conqueror, and persisted until the Probate Act of 1857, which transferred this jurisdiction to the secular National Court of Probate for England and Wales. However, the rules of the ecclesiastical courts and the law of probate did not change when it was brought to the secular courts, and even today the law of succession in England is still a mix of Roman law and Canon law.

English common law features another peculiar aspect concerning the law of succession. During the medieval period, the ecclesiastical courts only adjudicated on wills of personal property, which included leasehold, but “[i]n medieval times a person had no right to dispose of freehold land as the strict feudal law laid down that the land had to devolve on the heir at law” (Baker 286). This rule is connected to the universal feudal idea that all land is ultimately owned by the sovereign; this meant that “landowner's rights were possessory, and in medieval law title was based on the concept of *seisin* (a possessory right)” (Barker 257). The fact that England has retained these ideas until today, makes the law of succession unique within Europe, and one should be aware of these differences when one concerns themselves with the law of succession in England. However, as this chapter discusses wills and will making in Medieval England versus today, the differences between Roman law and Canon law will not be further discussed in detail.

The ecclesiastical courts had multiple jurisdictions besides handling testamentary affairs:

“The discipline of the clergy
 The fabric of church buildings
 Suppressing recusancy (refusal to attend the parish church)
 Non-payment of tithes
 Matrimonial disputes
 Defamation
 Heresy” (Grannum & Taylor 32)

At first glance, the Church's jurisdiction over the handling of personal property and matrimonial disputes might seem strange to us. However, considering the latter, the Church performed marriages, so it made sense to let them handle the disputes that arose as a

consequence. The Church's jurisdiction over matrimonial disputes then lies in the fact that they performed the associated rituals. One could argue a similar case when dealing with wills, because first of all, the church dealt with the burying of the dead, and the will of the deceased usually contained one's wishes concerning their burial. Secondly, wills were in general made on one's deathbed, which was ordinarily visited by a priest of the local parish, to perform confession, and to prepare the person for heaven. A part of this preparation is, arguably, the settling of one's worldly affairs, which makes the link between the jurisdiction over the will and the Church at least feasible by simple reasoning. Michael Sheehan argues that the church had an internal jurisdiction, because:

“[w]hether a man died testate or intestate was very often depended on the word of his confessor. When a written record was made, the clergy supplied it. Where there was question of the contents of a will, the facts could be learned from them and, sometimes, from no one else” (167)

Moreover, Sheehan claims that the clergy was not supposed to participate in the debates of secular courts, making the development towards the ecclesiastical courts almost natural (Sheehan 167). Scholars are not certain about why the Church in England retained the jurisdiction over wills, while, on the continent this jurisdiction was vested in the secular courts. Nevertheless, Ranulff de Glanvill, chief justicar during the reign of Henry II (1154-89), testifies to the Church's jurisdiction in his discussion on of the will in Book VII of his book *The Treatise on the Laws and Customs of the Kingdom of England* (Sheehan 173).

As mentioned above, a person's last will was generally made at the very end of the testator's life. This happened because of a superstition that making one's will invited death to come early (Grannum & Taylor 15). Most of the time, the testator was illiterate, which meant that a large number of wills were nuncupative, and either written down by witnesses afterwards, or at least in court during probate. Canon law stated that at least two or three witnesses needed to be present when a will was declared for it to be valid, and scholars believe the executor, if named by the testator, was also present (Sheehan 182), which still holds true today to some extent (Barker 288).

Depending on the lucidness of the testator, the will was declared by the testators themselves or formulated through questions asked by someone, normally the member of the Church present. Sometimes, the will would be written down by a member of the clergy present, or a witness at a later moment, but the latter is still considered a nuncupative will.

Even rarer was the holographic will: a will written down by the testators themselves. Since the will was often written near the end of the testators' lives, they were often too weakened to be able to write, if they could write at all. This means that most of the original wills were written down by a member of the clergy at the moment of declaration of a will.

These written original wills would have to be read out loud in the presence of witnesses and confirmed with the witnesses' seals and signatures, then sealed and kept safe by the executor. This made the written will more work, than the nuncupative will. Moreover, the written document did not have the same legal status as it does today. "The document was considered to be a permanent witness to the act, but the act was valid without it" (Sheehan 186). However, when probate was given, a will was always written down as proof that probate had been granted by the Church. This process proved that the executors held the legal rights to exercise the contents of the will on behalf of the testator. The record also held the executors liable to the fulfilment of the will, and in case the will was challenged later, a record of the probated will would always be available for the Court to consult.

It was only after the testator had died that the ecclesiastical courts got involved, because they had to grant probate. Probate "is nothing more than an official acceptance that the will is a genuine one, and that the executor's right to administer the estate is officially sanctioned" (Barker 295), and the process of granting probate was fairly straightforward; the only complication was determining where one was supposed to apply. The executor applied for the probate of the testator's will at the ecclesiastical court in their archdeaconry called the peculiar court, at the bishop's court called the consistory or commissary court, or at the archbishop's Prerogative Court depending on the location of the testator's property. There were two Prerogative Courts, one in York and one in Canterbury, with the former having jurisdiction in the north of England, and the latter in the south, and over people who owned property in England and Wales but who passed away abroad, including soldiers and sailors.

Arriving at court, the executor and the witnesses brought with him swore an oath to the legitimacy of the will, and a public proclamation was made to find out if the public had objections to the validity of the will. This would be enough to prove the will in common form. However, this type of will could always be challenged by anyone with a claim to the testator's estate. This could be prevented, at least thirty years after probate was granted, by applying to prove a will in solemn form. According to John Baker, all the legatees of the will needed to appear before the court for citation, and the witnesses of the will needed to testify to its authenticity in order to prove a will in solemn form (415). The difference between proving a will in solemn form and proving a will in common form was that the cost

of the legal procedure for was more expensive for the former. However, doing so would provide more protection to the legatees by safeguarding the will against challenges after thirty years after probate was granted. Nonetheless, interested parties often quarrelled about the contents of a will, and, more commonly, the sanity of the testator when the will was challenged. The church courts must have had a hard time, while they “sought to enforce the last wishes of individual testators, to provide sufficient support for infants and those who were incompetent in the eyes of the law, and to meet the competing demands of creditors, legatees, and the church itself” (Baker 426).

Once probate was granted, the seal of the official was added to the will, along with the name of the official, date, and terms of grants. If the executor was willing to pay, a scribe made a probate copy of the original will, which also received the official’s seal, to be added to the probate register (Grannum & Taylor 38). These probate registers consisted of large bound ledgers, which were filled entirely with back to back copied wills (Grannum & Taylor 38). Later the original was placed in the probate register, and the copy was returned to the executor. This means that only a few of the limited number of written wills from the medieval period survive today, and that most of the ones that have survived are scribal copies, such as the ones discussed in this essay. More evidence for legal proceedings, including all probate cases, can be found in the probate act books, which contain the court notes. However, these probate act books do generally not contain entire wills (although it is worth to note that some wills solely survive in these books) (Grannum & Taylor 39). For example, if in the case of a nuncupative will a witness declares the wills contents before the court, the will might have been written down in the probate act books. If then probate was not granted, this would be the only record of the will.

Both wills used in this thesis were copied into one of these probate registers of the Prerogative Court of Canterbury, and are illustrative of the general form in which these documents were written down during the fifteenth century. The probate registers in which these wills were kept, are now in the care of the National Archives, where they named the probate register from which these wills originate PROB 11. Sadly, the National Archives do not provide much information about the books in which these registered copies were kept. Nor do they show pictures of the books on their website. However, we do know that, as mentioned above, the executor needed to pay in order for the will to be copied, and taken up into the probate register. These registers are large bound ledgers, and, fascinatingly, “[q]uires in PROB 11 almost invariably consist of eight leaves” (<http://discovery.nationalarchives.gov.uk>). This means that there probably were rules

regarding the number of leaves in a quire, which would mean that scribes had to plan carefully in terms of the layout of their pages. More importantly, the quires were probably only bound into a book at the end of a set period.

Regrettably, nothing has been written about the practical use of the registered copies of these wills. This subject seems to have received little attention; most of the research done into this field focusses on the original will rather than the records held by the church. However, the mere existence of these registered copies signals a need that they must have fulfilled, and thus a practical use, no matter how few there may have been. As mentioned above, the registered copies were kept in bound ledgers, and according to the National Archives:

“The individual volumes that make up the registers constitute individual pieces, and have been numbered in chronological order. It is not possible to tell from the catalogue reference alone which particular register an individual volume belongs to. Thus PROB 11/393 is the final volume in register Exton, the register for 1688, and it contains quires 131 to 172 of that register. PROB 11/394 is the first volume in register Ent, the register for 1689, and it contains quires 1 to 46 of that register. The wills have been digitised and can be searched by name.” (<http://discovery.nationalarchives.gov.uk>)

These bound ledgers were kept at the courts that gave probate. PROB 11 was kept at the Prerogative Court of Canterbury, which means that it must have been convenient to keep these records close for consultation if someone disputed a will's validity. While the church also settled disputes concerning the execution of the will or could hold the executors liable if they did not settle contents of the will as ordered by the testator, the reason for this must have been for the officials to look up the wills when this happened. Wills could be proved in common form, or in solemn form, as mentioned, whereas the latter could not be challenged after thirty years, the former could theoretically always be challenged by a person with legal interest in the chattels of the testator. The original simply being a piece of parchment, one can, therefore, imagine the original having perished, if the will was challenged some years after it had been executed. The registered copy, thus, served several purposes. It was a safeguard for legatees and executors in case someone challenged a will years later; it helped to keep track of certain goods, and it was considered to be a witness to the act of probate.

The registered copies discussed before testify to the fact that there must have been a further use for these documents. The fact that all of these wills are still here, readable, and in a relatively good condition proves this first of all, as mentioned above. The body of the text, which is always a solid block containing no space for additions, is meant to be final. Both testators left precise instructions to their executors, which could also indicate an increase in expenditure on the making of these copies. This might not be entirely surprising given the fact that one had to have a large estate for a will to be proven in the Prerogative Court of Canterbury. The similarity in punctuation and capitalisation suggests that these aspects were governed by some form of rules.

Despite the uniformity of these stylistic features, there are distinct differences in quality between the two wills. These differences could be owed to the quality of the photocopies used here, but they may instead indicate that the executor had some say in the quality of the copy. The quality of 'The Will of Richard Beauchamp Earl of Warwick.' (PROB 11/1/133) seems much better than the other will. It also has paragraph divisions, which are not present in the 'Will of Sir Humfrey Starky, Chief Baron of the Exchequer of Saint Leonard Shoreditch, Middlesex.' (PROB 11/7/350), meaning it probably cost more money. Lastly, there is a difference in the placement of the margins. All the registered copies have been prepared for notes, which is illustrated by the names of the testators. Both manuscripts have margins, which seem to be of similar width. It is worth noting that the distance between lines becomes smaller in PROB 11/7/350. These features of the layout of the page are illustrative of what gives a text its legal status. In particular, a legal text should not be altered once it is written down; doing so would make the document null and void. For example, the space between the lines of a text should not allow any additions to safeguard a document from alteration after it was finished.

Although the literature on the subject is limited, this chapter was aimed at shedding light on the practical use of the documents under investigation. It has been shown that the documents were probably used as a security against the loss of the original will, in case it was ever challenged, giving it the same legal status as an original, which is supported by the fact that later a copy was given to the executor, and the original was retained by the courts. Given the current lack of research on the topic, it is hoped that the claims presented here will provide avenues of investigation for future research.

The Fifteenth-Century English Secretary Hand

The script used to write both manuscripts, is a fifteenth-century English secretary hand. This cursive script originates from Italy and was heavily changed in France before it came to England. The script became one of the most commonly used scripts in England for formal documents. By the end of the fifteenth-century, secretary hand was even used to copy vernacular authors, such as Chaucer, Gower, and Lydgate (Clemens and Graham 168). Secretary hand is a clear script with elegant loops at the ascenders of *b, h, k*, and *l*. It uses two types of *r*, and contains both *u* and *v* depending on whether the letter appears used at the beginning, or end of a word. Moreover, the *u* and *v* are hardly distinguishable from the other minims *i, n* and *m*. The secretary hand in both manuscripts often features the single compartment *a*, making it a purer form of secretary hand, than the Aglicana *a* often found in English secretary hand (Clemens and Graham 168). This information not only helps as a reference whilst transcribing the text; it can also be used, along with author biography and other features, to date and locate a text or even to investigate whether one scribe copied multiple texts.

Language

When dealing with legal documents, it is important to be aware of the features of the language used in these documents. In their *Investigating English Style*, David Crystal and Derek Davy argue that there are five levels of style for the language of written documents: graphetic, graphological, grammatical, lexical and semantic (15). The graphetic level considers what a text looks like, such as font, spaces and use of space. The graphological level examines how a text diverges from the linguistic system in which it was created, such features include the use of rhythm, repetition, capitalisation. The level of grammar discusses the specific internal structure of the units called sentences in a language, and the way these function in sequences (Crystal & Davy 18). The lexical level examines the words chosen to discuss a subject. And finally, the semantic level explores “(t)he linguistic meaning of a text over and above the meaning of the lexical items taken singly (Crystal & Davy 19).” An individual style is then defined by the features that appear more often within a specific type of text, and by the features that are scarce in other types of text (Crystal & Davy 21). This chapter will study the legal style of the manuscripts using the levels and the features of legal English as discussed by Crystal and Davy in their *Investigating English Style*.

According to David Crystal and Derek Davy, most legal writing is planned, and often it is duplicated from ‘form books’ containing formulae. These formulae and forms have proven themselves in the past and people who write are reluctant to try new modes of expression, which means that legal writing is linguistically very conservative. It has become a “visual language, meant to be scrutinised in silence” (Crystal and Davy 194). Early legal documents therefore often contain blocks of text which range to the margins. It was not uncommon for one block of text, or even page, to only contain one sentence. Moreover, these documents often lacked spacing entirely, both because it was more economical and to prevent later additions, as well as a lack punctuation. However, capitalisation is present, including miniatures, and sometimes words were underlined to add stress.

Both of the manuscripts studied in this thesis conform to many of these graphetic features. The pages are filled with text, which continues from margin to margin. PROB 11/1/133 does use a paragraph division, whereas PROB 11/7/350 is written as one block of text. Spacing is employed in both manuscripts where the modern reader would expect them to be, but no punctuation has been used by the scribes. Capitalisation is used to indicate a new

major semantic unit that seems to correspond to a sentence. Finally, both manuscripts start with a miniature at the start of the will and the probate clause.

Examining the graphological level we find that however the text diverges much from today's linguistic system, the text deviates less from the Middle English system. Punctuation was introduced as a prosodic device, to keep the formulae apart or the repetition of lexical items and phrases (Crystal and Davy 200). Middle English sentences are often long and coordinated, which is similar to legal writing. Moreover, the marks used for punctuation carried a different weight in Middle English compared to today, for example the comma used to be a rhetorical device rather than a punctuation mark. Punctuation in the Middle Ages generally helped to deliver the text orally (Clemens and Graham 82). Also, the oral tradition underlying Old English and Middle English makes most written texts highly formulaic (Louden 346).

The manuscripts contain no punctuation at all, as was to be expected, but capitalisation was used by the scribe. In PROB 11/1/133 capitalisation is consistently used at the start of every new paragraph. These paragraphs always start with 'Also', and thus seem to form a new semantic unit in relation to the previous paragraph. Geographical names have been capitalised consistently as well as the days of the week, but personal names sometimes lack capitalisation where one would expect them to be today. Lastly, many of the ecclesiastical words have been capitalised, but not all. For example the word 'god' is often not capitalised, but 'chapel' and 'abbot' are. According to Crystal and Davy, "[i]t can be seen from all this that the legal draftsman is prepared to call attention by graphetic and graphological means to any grammatical unit or combination of units in order to point more effectively the meaning of the whole document" (199). In PROB 11/7/350 the start of new bequests or legacies similarly open with a capitalised 'also' or 'and'. Moreover, the names of people, including the king's, are not capitalised consistently. Titles and geographical names are consistently capitalised, and similarly as in the other text, some ecclesiastical names are capitalised while others are not, such as 'god'.

The grammar of Legal English aims to support the most important aspect of legal texts, clarity. To attain this clarity, Legal English consist completely of major sentences (Crystal and Davy 203). It merges pieces of language other styles would put into different sentences, utilising many subordinating devices. "As a result, legal sentences are usually self-contained units which convey all the sense that has to be conveyed at any particular point and do not need to be linked closely either to what follows or to what has gone before" (Crystal

and Davy 201). This means that any sentence contain all the necessary information, and does not need any other sentence to give itself meaning. Anaphoric links within and between sentences are, therefore, never used and repetition is a given in any legal document (Crystal and Davy 202). However, according to Crystal and Davy, a large amount of a sentence can be brought back to 'if X, then Z shall be Y' or, alternatively 'if X, then Z shall do Y' (203). 'X' then is often supported by adverbial clauses, either conditional or concessive, which clarifies the adverbial part of a sentence. This means that all legal sentences are complex (Crystal and Davy 203). Moreover, the adverbial clauses always appear in the places where they create the least ambiguity. Adverbials are where they are supposed to be and not moved around to create a better reading experience (Crystal and Davy 204). Legal English is also highly nominal, and the nominal group structure are often lengthy and complex. This is especially true when compared to the verbal groups, "which are relatively few, and selected from a restricted set of possibilities" (Crystal and Davy 205). In addition, the nominal groups are often the subject of postmodification, which always appear where they provide the most clarity, like adverbials. Premodification is less common, but "the determiner position in almost every nominal is filled, no doubt in keeping with the general inclination to be specific" (Crystal and Davy 206).

These grammatical features are all evident in both manuscripts, and the formula 'if X, then Z shall be Y' is clearly visible in sentences such as the following taken from PROB 11/1/133:

I will that when God it so desires that my soul departs from this world, my body shall be entered within the collegial church of our Lady in Warwick where I will that in such place as I have devised, which is well-known there, be made a chapel for Our Lady wholesome and well-build within the middle of which chapel I will that my tomb be made and in the meantime my body shall be laid in a virtuous church before the altar that is on the right hand of my Lord, my father's tomb till the time that the said chapel and tomb for me is finished and then my body is to be carried and laid therein.

These lines could be broken down into 'If I die (X), then my body (Z) shall be placed in a tomb (Y)'. The rest of the sentence is a clarification of which tomb he wants to be placed in, and what shall be done with his body during the construction of this new chapel and tomb.

The modifying adverbial and nominal phrases are placed where they should be, but not where one would expect them. For example, 'When God it so desires that my soul departs from this world, I will that...', would be a more logical sentence structure for a modern reader.

On a lexical level, it is notable that adjectives describing quality, or other features that could be defined as subjective, are not commonplace, and intensifying adverbs are not used at all in Legal English. Also, "many of the nominals are 'abstract' or not referring to some physical object" (Crystal and Davy 206). Many of the verbal groups are non-finites, and the finites are almost exclusively of the type "*modal auxiliary (usually shall) + BE + past participle*" (Crystal and Davy 206). In Legal English, the modal auxiliary 'shall' always functions as an obligatory consequence, rather than a marker of future tense. Legal English also employs some archaic words and phrases which are not used elsewhere. These archaisms place the language in a higher register, "and in this respect those found in legal documents complement the extremely large proportion of words which, even though in current use, seem highly formal in their effect" (Crystal and Davy 207). Moreover, Legal English uses Latin or French, and their English synonyms, or near-synonyms, in coordination with one another, such as 'will and testament' to enlarge its vocabulary and to provide an all-encompassing legal definition for technical terminology. This feature again comes from the need to be precise and clear in a legal text (Crystal and Davy 208). Legal English has a high proportion of Romance to Germanic words, and many of the Romance words are Law Latin and Law French loans. Finally, Legal English contains many terms of art, often archaisms with a Romance origin. "Terms of art are those words and phrases about whose meaning lawyers have decided there can be no argument. Their application within different legal contexts may be disputed, but when terms like *tort*, [...], are used lawyers are quite certain what is meant" (Crystal and Davy 210).

The texts in PROB 11/1/133 and PROB 11/7/350 both contain a couple of adjectives, even subjective adjectives are used, such as 'wholesome' and 'well-build'. However, no intensifying adverbs have been used in either text. Two instances can be found of the obligatory function of the modal auxiliary 'shall', and more could be added. To discuss archaisms in both wills would be futile, while they themselves are archaic.

Crystal and Davy argue that the semantic level might be the most important stylistic level of Legal English. The crux is found in the preciseness and the vagueness of a legal text. "Lawyers know that anything they write, and much of what they say, is likely to be examined with an acuity that is seldom focused on other forms of language" (Crystal and Davy 212).

For example, wills can be challenged if it is believed to have been executed improperly. The texts studied in this thesis are extremely precise. Sums of money are stated fully as well as to whom the sum is to be delivered. If an amount of goods, such as bread, is to be delivered, the amount of goods is expressed in monetary value. If there are three cups and someone only receives one of them, the cup will be described in detail and weight. However, in order to keep lands in his own family, Richard Beauchamp wills that if one of his children dies without issue, the lands remain would go to his other heirs. The vagueness 'heirs' then provides a solution for any circumstance in case none of his own children live when these lands need to be redistributed. "It is because of this concern with meaning is so constant and inescapable in legal contexts that the semantic aspect of legal language is in many ways the most important for stylistic study" (Crystal and Davy 213).

Theoretical Framework

Editorial Policy

The transcriptions of the wills follow most of the practices and procedures set by Clemens and Graham (2007), in keeping with what has become common practice when preparing an edition. The editorial practices and procedures of the Early English Text Society were also considered for this project, but were ultimately deemed insufficient for this project, because these practices included normalising many of the features of the text, which will be already be done in the translation. Clemens and Graham, on the other hand, argue that “[t]he purpose of a transcription is to provide an accurate record of the text, or a portion of the text, in a particular manuscript” (75). This means that the transcriptions here will maintain the characteristics of the original manuscripts, including obvious errors. The choice to maintain these characteristics is not out of convenience for the editor, but to preserve the important philological and linguistic information these characteristics provide for future researchers, who are perceived as this edition’s target audience. Normalisation of the spelling would, thus, mean a loss of these characteristics, and feign a perfection that does not exist in the original manuscript, and is generally not applicable to the Middle English language, which had only the beginnings of standardised spelling. However, an annotation will be provided where notable philological and linguistic characteristics occur, either to supply a correct reading, or a most likely reading.

Word separation seems to be practiced in the manuscripts by the scribes in places where a modern reader would expect word separation. Since the manuscripts had a legal function, their texts were designed to be unambiguous, and clear word separation helps achieve an unambiguous text. Where the word separation is not clear the word separation in this edition has been normalised and annotated.

The text is written from margin to margin leaving no room for later additions on the line. This practice is common in legal documents, and even maintained today (Crystal and Davy 197). However, because these lines are so long, the same number of words do not fit on the lines used in this thesis, which is of course governed by its own style. The line-breaks in this edition will, therefore, be maintained, following a practice observed by Clemens and Graham (2007), albeit not explicitly mentioned in their book. Clemens and Graham maintain the original line-breaks by starting a line with an indentation in the transcription to signal that the line has not finished in the original manuscript (see for example, Clemens and Graham

137,145,159). The start of a new line in the manuscript will not start with an indention in the transcription.

Capitalisation will be used where it is found in the manuscript. This choice is supported by Crystal and Davy who point out that legal writers often used the layout of a text, graphetic and graphological means to imbue meaning to important words. Some of the techniques used to imbue meaning by using the layout are capitalisation, underlining and change of style. Normalising capitalisation would, therefore, impoverish the legal style. And since this edition is aimed at a scholarly audience who is interested in these features, normalising the capitalisation would defeat this purpose.

The punctuation will not be modernised, as the near absence of punctuation marks is a characteristic of not only medieval writing, but also of legal writing. By adding punctuation, one would ruin both these writing styles. Changing this would go against the main principle set by Clemens and Graham (2007), which I am trying to uphold in these transcriptions. Moreover, normalising the punctuation would not be helpful to the target audience, as mentioned above, who gain more from a faithful transcription than a normalised one.

The symbols that will be discussed are all used by Clemens and Graham (76). Abbreviations have been expanded, and placed between ‘()’. Letters written in superscript receive annotation, but are not marked otherwise by symbols. If a word is illegible, or nearly so, the word has been placed between ‘† †’, which contains the inferred reading. Where a word is completely illegible, it received an annotation containing the legible part with ‘.’ marking the illegible letters. ‘/\’ signals scribal insertions on the line, and ‘\ /’ an insertion on the interline – two features which should not, of course, appear – in an official legal document. ‘\ \ /’ signals an insertion in the margin, ‘[]’ letters cancelled by scraping or washing, and ‘[/]’ indicates a substitution of a new letter, or word over an erasure, the original reading is placed left of the slash. ‘[[*]]’ indicates that a portion of the text is lost through damage, the asterisk shall either be replaced by the number of words suspected to be missing, or retained to show no estimation can be made (Clemens and Graham 76). The beginning of new manuscript pages has been recorded.

Finally, because these transcriptions are based on black-and-white digital copies, any colourised text, such as rubrication, is invisible (Clemens and Graham 71), so the words suspected to have been written in a different colour will be annotated. However, no certainty can be given, as it is impossible to consult the originals in order to support any conclusion concerning this matter. At the beginning of a new will, the name of the testator is written in the margin. I suspect these names might have been written in a different colour as a reading

aid. However, this is pure speculation on the part of the editor, and the fact that they are written in the margin draws enough attention to them, without being written in a colour other than black.

Theoretical Framework of the Translations

Translation Strategy

In their *Comparative Stylistics of French and English : A Methodology for Translation*, Vinay and Darbelnet recognise two translation strategies: direct translation and oblique translation. These pairs are also termed overt translation and covert translation, or foreignizing translation and domesticizing translation. To help the translator choose between these two strategies, Vinay and Darbelnet describe seven translation procedures: literal translation, borrowing, calque, transposition, modulation, equivalence, and adaptation. The first three procedures are employed by a translator, who aims at a direct translation. This means that the source text is clearly visible through the translation, thus moving the reader towards the writer, or foreign culture. The remaining four are encompassed within oblique translation, which aims to move the writer towards the readers of the target culture/language. When making an oblique translation, the translator gets to present the translation as an entirely new text. However, one cannot change every feature of a text.

According to Vinay and Darbelnet, a language has servitudes and options. The servitudes are that “to which we have to submit; e.g. the gender of nouns, the conjugation of verbs, the agreement between words are unalterable facts of the linguistic system” (15). Opposed to servitudes are options, which have been accepted voluntarily by the translator. Vinay and Darbelnet argue that “in the analysis of the SL translators must pay particular attention to the options” (16). Doing so will help the translator to discern the servitudes which will restrict his options, as well as see which options are available to him in order for the translator to communicate the various intricacies of the target text.

In addition to the two strategies proposed by Vinay and Darbelnet, Williams and Chesterman provide us with three basic models in their *The Map: A Beginner's Guide to Doing Research in Translation Studies*: comparative, process and causal. The comparative model focusses on the equivalence of the source text to the target text, and ideally resembles this:

$$ST = TT$$

But more accurately looks like:

$$ST \approx TT$$

Williams and Chesterman state that the comparative model is often used to study inequality between the ST and the TT, and thus fits nicely with Vinay and Darbelnet’s idea of direct

translation and oblique translation. When analysed with a comparative model, a direct translation would highlight the ST in the TT by maintaining many of the foreign/original options in the translation. On the other hand, when an oblique translation would be used, a comparative model would bring forth the new differences in the TT towards the ST. For example, translating ‘Santa’ as ‘Sinterklaas’ would domesticise ‘Santa’ for a Dutch audience.

Contrary to the comparative model are the process models. Process models do not consider translation to be a product, but a process (Williams and Chesterman 51). In the case of the translation process, the standard model for communication:

Sender (S) → Message (M) → Receiver (R)

Becomes:

S1 → M1 → R1/S2 → M2 → R2

Here the translator is depicted by R1/S2 and the model allows for the analysis of various developmental stages of translation. For example, Williams and Chesterman argue that “[p]rocess models are also used when the research focus is on the translator’s problem-solving procedures” (52). This model corresponds to Vermeer’s *skopos* theory, which relates to the aim on the translator’s part, or “the goal of this process” (Vermeer 194). Process models, thus, aim to describe why certain options were chosen by the translator, why certain options were not chosen, and what the intent of the translation mode is.

The third and last models, are the causal models, which at its simplest can be illustrated as such:

Causes >> Translation(s) >> Effects

These models differentiate levels of causation, which eventually lead to a translation, whose effects will again lead to causation. These levels are according to Williams and Chesterman: the translator’s cognition, “the translation is as it is because the translator has so decided” (54); the external conditions, “the client’s instructions, the translator’s computer programs and dictionaries, the deadline, etc.” (54); and lastly, the socio-cultural level, which is determined by “norms, translation traditions, history, ideology, general economic goals, the status of the languages involved” (55). Vermeer’s *skopos* theory can also be placed in these models, since the intent of a translation could be seen as the final effect of a text (Williams and Chesterman 55).

Whereas Williams and Chesterman discuss translation mainly on a textual level, Grit’s theory of *realia* discusses this translation problem on the more specific level of individual sentences and words. Legal translation deals with many culturally determined

concepts and expressions, termed *realia* by Grit in his article “De vertaling van realia.” (The Translation of Realia). According to Grit, the term *realia* defines two aspects:

- “de concrete unieke verschijnselen of categorale begrippen die specifiek zijn voor een bepaald land of cultuurgebied en die elders geen of hooguit een gedeeltelijk equivalent kennen” (the actual, unique signs of categorical concepts which are limited to one country or culture and which elsewhere at most are only known to share partial equivalence);
- “de voor deze verschijnselen/begrippen gebruikte termen” (the terminology used to describe the signified concepts).

Grit argues that *realia* are often historically determined and Grit states that the members of a culture are more often than not unaware of the denotation of a signifier of another cultural community. This is even more true for the connotation of these signifiers. Grit then advises the translator to adopt a strategy to deal with these *realia*. The chosen translation strategy, direct or oblique, determines the procedures the translator can use to translate the *realia*. The procedures Grit propounds are similar to the seven procedures provided by Vinay and Darbelnet: preserving the *realia* of the ST, calques, approximations, describe or define, explication, adaptation, and omission, or a combination of two or more of these procedures. To help the translator to decide whether an direct or oblique strategy is most adequate for their translation, Grit provides three factors the translator should consider: the type of text, the aim of the text, and the audience. Thus, Grit uses a process model to decide whether the translation can be/needs a direct translation or an oblique translation.

Realia are products of history and culture as argued by Grit. This idea is supported by Heaney, who in the introduction of his translation of *Beowulf* describes the transmission of the Old English *þolian* to the Ulster dialectal word ‘thole’, which his relatives used. Because of this transmission, Heaney realised that languages and by extension *realia* are “not just a self-enclosed family possession but an historical heritage” (xxviii-xxix).

The argument posed by Heaney can similarly be made for the historical heritage of English law, which is unique in Europe, in that the common law is based on historical precedent rather than in written laws, as is the case in civil law. However, the law of succession was until the Court of Probate Act 1857 under jurisprudence of the Church courts which practiced canon law and derived many customs from civil law. The law of succession, thus, has a rich history reaching both into common law and civil law.

This rich history is also apparent in the language of legal documents. Many of the legal realia today was established back when people started pleading their cases to the local courts. This is partly due to the fact that the common law has no written code, but relies on precedence. Lawyers therefore specialised themselves in the field of law and studied the formulae which offered the most successes in court (Crystal & Davy 207). These formulae would be written in form books and updated everytime a new precedent had been set. These formulae were also used by the courts themselves, for example in the writ system. Because of these formulae, which are often still used today, a direct translations would allow for the more authentic legal translation, while a overt translation would ask for definitions, explications, and approximations. However, the translations in this thesis will have a scholarly aim rather than maintaining the legal purpose of the orginal will. The translations will thus be a mix of the oblique and overt strategies. The latter will be found in the form of footnotes, which will explain, define, and describe where necessary. While the former will be more apparent in the text itself, maintaining most of the soure text's formulae. the This change of aim, or *skopos*, influences the translations strategies, as will be discussed below.

Translation Theory

It quickly became apparent while working on the theory for these translations that not much research has been carried out into the field of the cross-temporal translation (which is also termed diachronic translation, or, in some cases, intralingual translation). This scarcity of relevant research may seem curious, while translation has been practised for centuries. This is illustrated by the popularity of works like the Bible of which there were about thirty-three different translations by 1450 and seventy-one versions by about 1800 (Encyclopaedia Britannica). Due to the lack of research into cross-temporal translation, one could perhaps argue that scholars see translation theory as being subject to universal laws, an unchanging discipline in time. And this idea of universality is applicable if one considers the act of cross-temporal translation an exercise from language A to language B without considering the extra step the translators has to make to bring the text forward in time. As stated in the introduction, none of the translators mentioned in the introduction, such as Thorpe, Heaney and Raeburn, consulted translation theory before attempting their translations. Maronitis, therefore, argues that on the whole the authoritative translation of classical texts is more often than not a scholarly translation. Literary translation is seen “as fit mainly for bringing forth the meaning of a classical text but woefully inadequate to do justice to the stylistic peculiarities of that same text” (377). Thus a professional literary translator can never produce an authoritative translation of a literary text, but only by being a scholar in a relevant field can one hope to provide an authoritative translation. There is no need for a scholar to have a background in translation theory to justify their translation choices.

However, unknowingly, scholars still link their choices, or options to an audience, as is advised by Grit. Chickering, for example, provides an aim for his translations, and thus his translation choices, although he does not cite any translation theory. The aim used by Chickering was termed *skopos* by Vermeer. Vermeer relates *skopos* to three aspects of a translation: “a. the translation process, and hence the goal of this process; b. the translation result, and hence the function of the *translatum*; c. the translation mode, and hence the intention of this mode. Additionally, the *skopos* may of course also have sub-*skopoi*” (Vermeer 194). Therefore, *skopos* also helps a reader, scholarly or not, to discern the motivations the translator might have had to translate a particular text, when the *skopos* is placed in the growth of literary culture. For example, a text might be translated to appropriate the literary values of a source culture for the target culture. Moreover, it could illustrate the theories the translator held to be more important, and even whether the translation was part of

an encompassing ideal the translator was aiming to achieve (Long 63). Vermeer's theory is applicable to any translation and seeks to support the translator in justifying certain translation choices depending on the *skopos* of the translation. More importantly, *skopos* theory places the target text on the same level as the source text and places the function of the text in the target language and culture at the top of the translation hierarchy. Vermeer's *skopos* can thus help the translator to answer the problem of equivalence (Paolucci 89).

More often than not, the *skopos* is largely decided by the party that issues the assignment of the translation of a certain text. This might seem obvious in our commercialised society. For example, when the International Court of Justice in The Hague issues the translation of a legal text important to a case, its aim could be to carry the same legal force it has in the source legal culture. However, a source text also has a *skopos*, and this is just as valid for medieval texts if not more so. In his "Cultural residue in medieval manuscripts", Erik Kwakkel argues that:

Generally speaking, a medieval producer of books knew precisely who would open the pages of the finished manuscript for the first time: in most cases it would have been either his fellow monks (if the scribe was a member of a religious house), the patron visiting the artisan's workshop (if the scribe was paid to produce a book), or the copyist himself (if the book was made for personal use). This closeness of scribe and future user, both in physical proximity and in their working relationship, significantly affected the manuscript's design. While the scribe naturally infused certain mannerisms into the book he produced (as discussed), if he copied the object for someone other than himself, the other party may have communicated to him what material features he would prefer to have included. (66)

Kwakkel's article mainly explores the information these choices give us about the materials and strategies used by the scribes. Nonetheless, it fits well with the process models and causal models described by Williams and Chesterman discussed before. The information provided by these options tells us much about the scribe and the reader of a manuscript, and makes Kwakkel's description of manuscript production transferable to translating and the influence of *skopos*. The decisions made by the medieval scribe, do not differ much from the decisions a translator needs to make, and the wishes of other parties she has to comply with when attempting the translation of a text. Kwakkel argues there must have been a conversation between the scribe and the buyer about "writing support material (parchment, paper),

dimensions, page layout details (number of columns and lines), and script (type and grade of execution)” (66), in addition to payment and possible deadlines. This conversation is not unlike the one many translators have with their employers when they need a text translated. Regardless of the subject of a text, sometimes a more general translation will suffice, when sometimes they want the target text to be as faithful as possible. The *skopos* of the employer of a translation determines the quality of a text, just as a person ordering the copy of a manuscript could determine the quality of his eventual copy.

If we apply the theory of *skopos* to the translations in this thesis, the employer would be the university who wants the student/producer (me) to write a thesis which is illustrative of the academic skills my professors have taught me over the course of my academic career. These academic skills vary per academic field, but the field of humanities usually expects an indepth discussion on a subject relevant to their academic field, or a more practical exercise, like this thesis, in which learned skills are demonstrated by the student. Both types should be supported by a theoretical discussion using theories relevant theories to their academic field. The university also wants the thesis to comply with a certain acadmic style and complementing layout, which in this case would be MLA. The *skopos* of this thesis before starting was for the student to graduate, but also aimed at the student receiving a good grade, as well as possibly starting a discussion in an academic field that they had come to love during their studies. The student then discussed how they want to fulfil this excersise with their thesis supervisors, who act as a proxy for the university. The supervisor and the student further refined how the student could best illustrate the academic skills and academic level that they want to see from their student. Part of this discussion is the intended audience of the text to be produced, i.e. the thesis. For this thesis, the intended audience would be an academic peer in the field of philology with an interest in legal texts, and /or someone with a legal background interested in historical English legal texts, but who does not possess the skill to read the Middle English original. In order for the *skopos* of the translations of this thesis to be met, it needs to bring the readers closer towards the source text, and thus demands a direct translation strategy.

Another article that is relevant to the subject of cross-temporal translation is Holmes’ “The Cross-temporal Factor in Verse Translation” from 1972, which has become the go-to-guide for many translators. Holmes’ article sets out the three areas in which a translator can manipulate to historicise or modernise an older text: linguistic (language), literary (style), and socio-cultural (104-105). This means that one can modernise the language to today’s speech, or use a temporal dialect, which for the English language would generally be Shakespearian

English. The poem used in the Holmes' research is a rondel by Charles d'Orleans. The translators could historicise the style by maintaining the syllabic French verse form, or modernise the verse form by utilising another form. For example, one translator used anti-style to modernise the style. Lastly, a translator can modernise the socio-cultural aspect of a text. One can modernise the material-social-cultural aspect by changing horses to cars when the horses are a mode of transportation for instance. One can also modernise the immaterial-legal-cultural concepts, such as translate the idea of medieval feudalism to a modern idea of landownership. However, these ideas have not changed that much in modern England; the monarch still legally owns all of the lands in England. For the translation in this thesis, the language has been modernised, and the socio-cultural words have retained their historical aspect. Interestingly, the style of legal documents have largely been retained over time. This lack of change is largely due to the fact that the the job of lawyer is so dependant on what the courts judges to be adequate and therefore keeps relying on the those formulae which have been the most successful in court (Crystal & Davy 194). The translation attempts to maintain these formulae in order to highlight them for the reader.

Relating this to legal translation, the linguistic and literary aspects of Holmes' theory seems to work. One could only modernise the linguistic aspect of a text and leave the literary aspect untouched, or modernise both the linguistic aspect and literary aspect, but modernising the socio-cultural realia seems to be redundant for legal translation. Of course, one could convert the monetary values, which can also be done in footnotes if one so desires, or one could seek modern equivalents for some of the objects that are no longer in use today. However, translating the socio-historical aspect seems strange for this project, while the final product would simply be a modern will in which people would inherit a toilet, instead of a car. Therefore, one could call the translation a direct, overt, or foreignizing translation and opens the ST and TT up to comparative models.

In his article, Holmes does not express a particular preference for which dimensions should be historicised or modernised. Nonetheless, from his research he does conclude: “[t]here would seem to be a particular resistance to transposing a poem of another day into a metapoem that is completely modern on all levels, with nothing in it to indicate its ties with an earlier time” (109). Although Holmes discusses poems in his article, the same conclusion seems to apply to legal texts.

However, most legal documents already find their origin in a sort of ‘metapoem’, for example the writ system used in England (Barker 11-12). This idea is supported by Crystal and Davy who state: “much legal writing is by no means spontaneous but is copied directly

from ‘form books’, as they are called, in which established formulae are collected (194). Thus, transposing legal documents into an entirely historical or modern version is not impossible. However, this is not always desirable, because the ‘metapoems’ underlying these legal documents are sometimes still used today, and are written in such a way as to convey a certain meaning, which bring us the *skopos* of legal texts and their translations.

In their style guide *Investing English Style*, Crystal and Davy conclude that “whoever composes a legal document must take the greatest pains to ensure that it says exactly what he wants it to say and at the same time gives no opportunities for misinterpretation” (193). Therefore, one could argue that there is nothing more than the text itself, no deeper meaning or intention needs to be sought, because the document conveys all the necessary information. The translator of legal documents is advised to keep his translation clean and precise in order to convey exactly the same meaning as the source text. The target text should not declare more than the source text, but neither should it declare less than the source text. Crystal and Davy argue, “any *intentions* of the composer which fail to emerge clearly are not usually considered in arriving at what the document means, and if the composer happens to have used language which can be taken to mean something other than he intended, he has failed in his job” (193).

If the translator’s job is recomposing the source language into the target language, one could argue that the translator faces the same risks as the composer of the source text. This is, unmistakably, the case if the aim of the target text is to have the same legal force as the source text. For example, if a target text were to be used in a court case, the text should be as unambiguous as the source text as well as convey exactly the same meaning, or it could misinform the judges and lawyers working on the case, and leave an innocent person with a fine when ‘true’ meaning of the source text would have decided the case in their favour. However, “[w]hen the translated text is not designed to preserve the legal force of the source text, translators use greater discretion. Thus, in cases when the translated text will not have a legal function in the target language, there will be a functional shift (conceived and theorized by Vermeer within *skopos* theory)” (Paolucci 94). Another approach would be to be aware of this functional shift, but still adhere to the rules of the source text. This translations in this text will not have any legal force. For the benefit of the audience of these texts, the documents have been translated with this change to a more translational *skopos* in mind to aid the reader. For example, footnotes have been added to the translations which would not be allowed in a legal document, while the text itself should convey all the meaning.

This chapter has thus far discussed skopos theory and cross-temporal translation as the two important features of the theoretical framework surrounding the translations in this thesis. The translations of the legal documents will now be placed into this theoretical framework. This will be explained using the characteristics of legal documents as put forth by Crystal and Davy in their *Investigating English Style*. The *skopos* of these translations will be informative. The translations are aimed at legal professionals and scholars with no philological background, and might be informative to the undergraduate student of philology confronted with Middle English legal texts. This skopos will allow for the addition of footnotes, which is especially convenient for the French and Latin derived words in these legal texts, allowing more flexible adoption of the legal style. However, the translations, having an informative aim, will maintain many of the legal style's characteristics, while these characteristics illustrate the information that will be provided by the translations. First, the translations will uphold much of the original layout. However, paragraphs will be formed where this seems necessary. The readability will be improved where this is necessary, and does not break with the overall style of the original document. The translations, like the original wills, will contain solid blocks of text, long sentences, and few punctuation marks as in the originals. Nonetheless, full stops will be added at the end of paragraphs, signalled by line breaks in the original wills or 'Also', which signals a new semantic unit. Capitalisation that signals the start of a new semantic unit will be maintained. Capitalisation will be added where demanded by modern usage rules. Graphetic and graphological aids that have been used in the original will be carried over into the translations. Anaphoric links will not be added to the translation, as that would destroy the legal style, and the translation's aim to be a literary text.

Crystal and Davy also inform us that: "[l]egal English contains only complete major sentences" (203). Thus, the translations will try to maintain these sentences as much as possible. Unless, they clearly are erroneous in Modern English. The nominal character of legal English will be maintained, as well as the tendency for postmodification versus premodification (Crystal and Davy 205-206). Archaisms will be used where believed necessary, while they add to the formality of the text, and are still used in legal documents (Crystal and Davy 207), but will be annotated as to why they were used. Jargon will be similarly annotated, as well as the coordination of synonyms, or legal dualisms, such as 'Will and Testament.' Taking into account the three aspects described by Holmes, the wills will be translated into Modern English, hereby modernising the linguistic aspect of the texts. This category also includes any legal terminology that might have changed over the years; of

course, these will also receive an annotation. In the translated wills, an attempt has been made to retain the overall layout of the original manuscripts, but also to blend the two layouts of both wills to create uniformity in the translations. However, some features will be modernised to improve readability, as mentioned above. Therefore, the approach towards the literary aspect of the translation will be modernising historical. Finally, the translations will retain their original socio-historical realia. Retaining these features, in my opinion, will be more informative for students of philology and comparative law. This includes numerical values, which will not receive annotation, because they do not fall into the scope of this thesis.

The Texts

Transcriptions

‘The Will of Richard Beauchamp Earl of Warwick.’ PROB 11/1/133

Page 1

This is the last wil and declaracion of the last wil of me Richard Beauchamp therl of warwyk
 and of \\Richard Beauchamp Earl of Warwick & Auvemall †mo†¹//
 Auvemall touching the gouernaunce and disposicion(e)² of the landes that beth putt in
 feoffees handes by me
 or be myn(e) assignement afixt in rev(er)sion(e)³ as in demeine⁴ and of my goodes meobles⁵
 renywed and maad by
 me at Caviersh\|a/m⁶ the viij day of August the yere of our(e) lord god a M\|b/ CCCC
 xxxvij and of our(e)
 souu(er)ain⁷ lord king henry the Vj\|te⁸ after the conquest the fifteneth

Furst I wol that whanne it lyketh to god that my soule departeth oute of this werlde my body
 be entered
 within the church collegial of our(e) lady in warrewyk where I wol that in such place as I
 haue deuysed
 which is knowen wel there be maad a Chapell of our(e) lady wel same and goodly bilde
 within the
 myddyll of which Chapel I wol that my tombe be maad and in the meene tyme my body to be
 leyde

¹ Later addition.

² “**Dispōsiciōun** (n.) 2. The act of ordering, regulating, administering, or governing” (*MED*).

³ “**Reversiōun** (n.) 1. *Law.*: (a) The return of an estate to the grantor or his heir upon the expiration of the grant” (*MED*).

⁴ “**Dēmeine** (n.(1)) 2. (a) Land directly attached to the possessor's dwelling; land retained by the lord of the manor and managed by himself or a steward rather than by tenants, demesne; similar lands belonging to a king” (*MED*).

⁵ “**Mooble** (n.) (a) *Sg.* Movable wealth or treasure (esp. as distinguished from land, houses, etc.); (b) *pl.* movable goods, personal possessions” (*MED*).

⁶ Caversham.

⁷ Sovereign.

⁸ Sixte.

in a clene church afore the Awter that is on the right hand of my lord my my faders tombe til
the tyme

~~til the tyme~~⁹ that the said Chapel and tombe for me \be/ maad and thanne my body to be taken
up and leyd therein

Also I wol that euery man(e) and p(er)sone that hath astate in ony lande be waye of graunt or
feoffament

to myn(e) use or in my name make astate of al hit or relece al hit to such p(er)sones that I wol
and

ordeigne to have thexecucion(e) and ben executour(es) of my last wil

Also I wol that the saide p(er)sones executou\r/ of my wil ordeigne that to the diuine
s(er)uice in the saide chrch

collegial to be enacted þ(a)t/ be yiven and amorteyed thereto suffisant lyflode¹⁰ of lay fee¹¹
or of a uowesone¹² to

finde with iiij· prestes and ij Clerc(es) for euermore ouer the nombre of prest(es) and
Clerc(es) that now ar therein

the which iiij prestes and ij· Clerc(es) I wol to weren and usen the habite as the vicaires of the
college

there and to ben al vicaires and to do al that the vicaires there do in seruice of holy church
not corporat

be hem self but membres of the church and of the college

Also I wol that there be saide euery day during the werlde in the forsaid chapel that with the
grace of god

shal be thus nywe maad iiij· masses whereof on(e) euery day of our(e) lady goddes moder
with note¹³ after

and as the ordinal of Oaksbury doth assigne the secunde masse to be euery day withoute note
of

⁹ Scribal error.

¹⁰ “**Lif-lōd**(e) (n.) 1. (b) the necessities of life; food, clothing, and shelter” (*MED*).

¹¹ “**Lai-fē** (n.) 1. (b) lay people, the laity” (*MED*).

¹² I believe this is a contraction of ‘vowed’ and ‘one’, meaning clergy, as opposed to ‘laity’.

¹³ “**Nōte** (n.(3)) 1.(a) a song, melody” (*MED*).

requiem the thirde masse also withoute note to be the sonday of the Trinite¹⁴ the monday of the Angels¹⁵ the Tuysday of saint Thomas of Caunterbury¹⁶ the Wednesday of the holy gast¹⁷ the Thursday of corporis xpi¹⁸ the Friday of the holy crosse¹⁹ And the Saterdag of the

†Ann(e)ciacion(e)†²⁰

of our(e) lady and to the obseruaunc(es) of these masses in wise as it is aboue expressed in the said Chapel

during the werlde euery day to be dulyth saide I wol that the dean and chapitre²¹ and al the college of the

forsaid church and al thaire successours be bounde as strongly as the lawe wol in the amortising²² and

a yifte of the lyflode thereto to p(er)fourme the which I wol that there be ordeined and amortised thereto

fourty ponde of good and ther lyflode ouer al reprises²³ of such lyflode as is aboue specified that is to

wite for euery of the forsaid iiij prestes x marc(es) by yere and for either clerck v· marc(es) by yere and to

depart aswel among the saide prestes as among the othr(e) vj vicaires of the college to

†euerece†

thaire yeerly salary x marc(es) by egal portions to euery prest by yere xiiij (s)²⁴ iiij d²⁵

Also I wol that there be in al haast after my dedees and afore al othr(e) thing(es) do be seide

for me v \†m†/ \†t†/²⁶ masses

and the †v \m/ \t† masses done I wol that my dett(es) be first paied afore al othr(e) thing

trulyth and hollyth as

¹⁴ Trinity Sunday.

¹⁵ Easter Monday.

¹⁶ Thomas Beckett of Canterbury.

¹⁷ Pentecost.

¹⁸ Corpus Christi. “xpi: is and abbreviation of Christi” (Capelli 526).

¹⁹ Good Friday.

²⁰ Annunciation of Our Lady.

²¹ “**Chapitre** (n.) 2a. *Eccl.* (a) An assembly of dignitaries of the Church, as of a religious order, a cathedral, etc., acting as an administrative or legislative body; also, an assembly of all members of a religious house” (*MED*).

²² “**Immorteising/Mortising** (ger.) alienating of property in mortmain” (*MED*).

²³ “**Reprise** (n.) (a) *Law.* A fixed charge or expense deducted annually from the revenues of an estate” (*MED*).

²⁴ “**s** (n.) (e) An abbrev. for L **solidus**, used for shilling(s)” (*MED*).

²⁵ “**d** (n.) **3.** An abbrev. (a) for L **denarius**, **denarii** ‘penny, pence’ ” (*MED*).

²⁶ I believe this tho be an abbreviation. “**V:** five. **MT:** **meth:** **quemen** v. (b) to please (God, Christ, a deity), be or act in a manner acceptable to” (*MED*).

the foresaide executoures of my last wil wol answeere afore god

Also I wol that there be ordeigned xx marc[[2]]²⁷ of good lyflode ouer al †rep†rises and
 yiven to my college
 of †Churche† castell aswel to finde with there a prest for euermore ouer the nombre of
 prestes that is
 there now as to enacte the portion(e) of the p(er)son(e) there in sustenaunce of the same
 college and p(re)stes
 foreuermore

Page 2

Also I wol that Thabbot and conuent of Tewkesbury be treted †withhim† such wise as I may
 haue a masse seide
 euery †day† and myn obite holden(e) don(e) and kept euerich yere in the Abbey there
 foreuermore And the masse †to†
 †be† don(e) euery day at such time as the saide executour(es) of my last wil may trete with
 the saide Abbot †and†
 Conuent bin my desire is that it be the furst masse if it may be and elles I wolde it were the
 last

Also I wol that the p(er)sones that stondesth feoffed in the manores of Bronebury²⁸ and
 †Langeley(es)†²⁹ maken(e) †estate†
 or relece³⁰ to the saide executour(es) of my last wil

Also I wol that in name of heryot to our(e) lady there be yeuen(e) to the church of our(e) lady
 in warwyk myn
 ymage of golde of our(e) lady there to abide foreuermore

²⁷ I suspect the abbreviation marker was lost here.

²⁸ Axminster, Devonshire.

²⁹ Langley, Berkshire.

³⁰ “**Relēs** (n.(2)) **3. Law.** The transferring of property or a right to another; also, the instrument or deed made for the purpose” (*MED*).

Also I wol that my wif haue al maner stuffe siluer uessel stuff(es) of bedding and of
 housholde that I
 had with hir and that she haue also ouer al the said stuffe that was hir owen(e) and ouer al
 othr(e) stuffe
 and thing(es) that I haue yev[[2]]³¹ hir sith we were married ·ij· doseyne disshes of siluer
 xij chargeours³² of
 siluer xij sauciers of siluer a peux of basyns kouered siluer and al gyft ·iiij· basyns siluer
 not kou(er)ed iiij
 [[1]]³³ awers of siluer xij peces of siluer of on(e) sort with the imamayll³⁴ of myn(e) armis in
 their bottoms ·ij·
 pottz of siluer galoners³⁵ and vj potellers³⁶ of siluer

Also I wol that my saide wif haue the grete paytren(e) that was bought(e) of the countas of
 suffolk which
 som tyme was therls of Oaksbury being in my said wif warde

Also I wol that there be maad a goodly tombe of marbyll on my wifes graue that dede is in
 the Abbay of †Kingeswode†

Also I wol that in \al/ haast after my decesse whanne euer god wol that hit be al the remanent
 of lyflode which
 faileth yit for my Chaunterys³⁷ at Guyes clif³⁸ be assigned deliuered and maad sure to my
 saide Chauntries
 and prestes there foreuermore And that this be don(e) as the saide executour(es) of my last
 wil wol answeere

³¹ Yeven.

³² “**Chargeour** (n.) (a) A large serving dish or plate; (b) a dish of some other kind” (*MED*).

³³ Illegible.

³⁴ “**Enamel** (n.) 1. a. A semi-transparent or opaque composition of the nature of glass, applied by fusion to metallic surfaces, either to ornament them in various colours, or to form a surface for encaustic painting” (*OED*).

³⁵ “**Galoner** (n.) A gallon container” (*MED*).

³⁶ “**Potel(I)er** (n.) (a) A vessel of two-quart volume” (*MED*).

³⁷ “**Chauntour** (n.(1)) 2. *Eccl.* The leader of a choir, precentor; chef ~; also, a member of a choir, chorister; ?also, chantry priest [as in wills]” (*MED*).

³⁸ Guy’s Cliffe

afore god And also I wol that the chapels of Guyes clif and dwelling houses for my prestes
 there be
 bilde and maad suffisantly that is to say Chapelles as I haue deuised³⁹ and the housing for my
 prest(es)
 there as thay may reasonably holsomly and goodly dwelle therein

Also I wol that after my dett(es) quit and al these thing(es) above named p(er)fourmed and
 done if god wol that
 I haue a nothr(e) sone that the said executour(es) of my last wil maken(e) estate to hym of
 the manor and
 Castell of Bathekyngton(e)⁴⁰ with the appurtenaunt(es)⁴¹ and of the manor of Bronebury with
 the appurte
 naunt(es) to hym(e) and to his heires maal of his body lawfully begoton(e) And for lak of
 heire maal
 of his body lawfully commyng the remayndre of the said manor and castell of
 Bethkyngton(e)⁴²
 and manor of Bronebury with their appurtenaunt(es) to be to my right(e) heires

Also I wol that my wif haue an astate in the manor of Langeley with the appurtenaunt(es) to
 the terme of
 hir lyf the remayndr(e) thereof to be to my sone henry⁴³ and to his heires of his body lawfully
 commyng
 And if he dye withouten(e) heires of his body lawfully commyng if it happen me to haue an
 othr(e) heire male
 that thenne the remayndre of the said manor with the appurtenaunt(es) be to hym myn othr(e)
 heir(e) male
 and so fix heir(e) male to heire male of my body commyng til hit be dispended And if it
 happen the

³⁹ “**Dēvīs** (n.) 1. (c) a bequest in a will; the act of bequeathing” (*MED*).

⁴⁰ Baginton Castle.

⁴¹ “**Ap(p)urtenaunce** (n.) 1. A right, privilege, or possession subsidiary or incidental to a principal one (such as lordship, a manor, etc.); the totality of such rights, etc.” (*MED*).

⁴² Seems like an error by the scribe.

⁴³ Not capitalised.

heire male of my body commyng so to be dispended that thanne the same manor with the
 appurtenaunt(es)
 remayne and be to Anne my doughter and to the heir(es) of hir body lawfully commyng And
 in defaute
 of issue of hir body lawfully commyng the remayndr(e) of the same manor with the
 appurtenaunt(es) be
 to my right(e) heires

Also I wol that where Richard Lord Straunge and Constance his wif haue estate to the
 terme of thaire
 lyfes †in† †the† manor of Shenston(e)⁴⁴ in Stafford shir(e) the remayndr(e) thereof to my
 feoffes or to to my myne assignes
 a noon after the decesse of the said lord Straunge and Constance his wif my feoffees or
 assignes
 maken(e) estate of the said manor(e) of Shenston(e) with thappurtenaunt(es) to my sone
 henry or to his heires
 of his body lawfully commyng And for lak of heire males of his body lawfully commyng I
 wol that
 the remayndre of the said manor(e) with thappurtenaunt(es) abide and be to myn othr heire
 males of
 my body commyng And if none othr(e) heire male come of me I wol that it remayne to my
 right heires

†Also† I wol that they þ(a)\t/⁴⁵ haue or shal haue astate in ony land to the execucion(e) of my
 last wil restore and
 make due †affecth† [[2]]⁴⁶ al manor and þ(a)\t/ to holden(e) by me or in my †name†
 †wrongefully† †be† †extorcion(e)† †of†
 ony be which god defende And also that they repare suffisantly al man(er) extorcione †by†
 me †done†

⁴⁴ Shenstone, Staffordshire.

⁴⁵ That/who.

⁴⁶ To.

†if† ony be And also that they †awalde†⁴⁷ my servuant(es) þ(a)\t/ haue noo fee of me to the
 terme of
 thaire lyef after the †discre[[1]]ion(es)†⁴⁸ of hem the executour(es) of my last wil

Also I wol that al the manors land(es) and tenement(es) †o[[2]]ich†⁴⁹ the lady of
 †Bergavenny†⁵⁰ †had† by hir
 lyef †martely†⁵¹ with myn uncle of m[[1]]⁵² lorde my fadres yefte after this my wil
 †p(er)fourmed† †remaigne†
 and be to my †owner† sone if god wol I haue ony and to hir heires males of †hir† †body†
 †lawefully†
 †commyng† and for lak of heire male of his body †lawefully† commyng the †remayndre†
 of al the

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manors londes and tenement(es) to be to my sone henry⁵³ and to the heires of his body
 lawefully begoten
 and for lak of such issue of his body al the forsaide manors londes (and)⁵⁴ tenement(es)
 remaine to my †doghters†
 Anne margaret⁵⁵ Alianore (and) Elizabeth to haue (and) to holde to hem(e) (and) to the heires
 of thaire bodies lawefully(es)
 begoten(e) And for lak of such issue of hem the remaindre of al the saide manors londes
 (and) tenement(es)
 to be to myn(e) heires for euermore

Also I wol that my dett(es) quit (and) this my last wil p(er)fourmed al the quilett(es)⁵⁶ that I
 haue purchased in my

⁴⁷ “**Awēlden** (v.) 1. (a) To control, rule, govern, command; rule (a country)” (*MED*)

⁴⁸ Discretions.

⁴⁹ Of which.

⁵⁰ Abergavenny. Also Joan Beauchamp, Lady Bergavenny (1375–1435).

⁵¹ Marital.

⁵² My.

⁵³ Not capitalised.

⁵⁴ New abbreviation.

⁵⁵ Not capitalised.

⁵⁶ “**Quillet** (n.(1)) 1. A small plot or narrow strip of land” (*OED*).

Daies ouer tho that I in this will here aboue haue disposed remaine (and) be to such manors
of myne

As þei liggeth⁵⁷ and beth in as membres to the said manors for euermore

Also I wol that my sone henry⁵⁸ haue the cuppe of golde with the daunce of men and
women(e) (and) †after†

þis my wil p(er)fourmed (and) al my dett(es) quyrt I wol that al the residue of my uessel of
siluer (and) of

golde aswel of paneture celer(e) as of kechyn⁵⁹ remaine (and) be to my saide s[[2]]e⁶⁰ henry⁶¹
foreuermore

Also I wol that the foresaide executoures of my last wille ordeine iiij · ymages of golde
eu(er)y ch of hem

of the weight(e) of xx pounde of golde to be maad after my similitude o figure with myn
arnes

halding an Anker be twene his hands so figured (and) thenne to ben(e) offred and
deliu(er)ed my name

that is to saye oon(e) of hem at Shryne in the church of saint Albon(e) to þe worship of god of
our(e) lady and of saint Albon(e) an othr(e) of hem(e) in lyke wise at the Shryne in the
Cathedral church

of Caunterbury the iij · of hem(e) in lyke fourme at Bridlyngton(e)⁶² (and) the iiij of hem(e)
at the Shryne in

the church of saint wenefride in Shrewesbury

Also for the fourme (and) ordre of þe execucion(e) of my(e) saide wille I wol and ordeine
þ(a)\t/ eu(er)y ch article þ(er)of þ(a)\t/

toucheth me next that is to say myn owen(e) p(er)sone my soule and payment of my
dett(es) be first

⁵⁷ “**Lien** (v.(1)) 5. (a) Of land, a place, or other topographical feature: to be situated” (*MED*).

⁵⁸ Not capitalized.

⁵⁹ Pantry, cellar as of kitchen.

⁶⁰ Sone.

⁶¹ Not capitalised.

⁶² Bridlington.

executed afore al othr(e) And if ony p(er)sone of my body begoten(e) or of my blood or ony
 othr(e) persone
 named in this my wille do hereafter hynder or abregge⁶³ þexecucion(e) of my saide wille
 or of ony p(er)cell
 þ(er)of in any wise I wol and ordeine that they take non(e) auayle proufit or avauntage of
 my saide wille
 ner of my saide ordenaunce But that al such p(er)sones be utterly excluded of al man(er)
 proufit and avauntage
 thereof And thanne I wol that thay \that/ haue ony landes tenement(es) rent(es) reuersions or
 ony possessions to
 myn use fille⁶⁴ to my moost auaile⁶⁵ the same Londes tenement(es) rent(es) reu(er)sions and
 othr(e) possessions(e)
 to such p(er)sones as wol moost yiue therefor And hem feoffe þ(er)in in fee ony Article or
 wille beforsaid
 or at ony othr(e) tyme declared notwithstanding And with the money receiued therefor that
 they that they do for my soule and paie my †saide† dett(es) and do as it shal semen(e) hem
 best to
 the worship of gode and help of my soule and of al cristene Alway forseye if my goodes
 and
 catel⁶⁶ suffice not or may not be had for lening⁶⁷ of ony persone to satisfie my dett(es) and
 p(er)fourme
 my wil that onylich And singulierlich⁶⁸ toucheth myn owen p(er)sone my soule and my
 conscience
 that thanne hit be laful to the said execoutour(es) of my last wil to sille such lands as thay
 haue to myn use And that they execute my will of such articles as toucheth me only in
 forme before rehersed as thay thenke best in thair(e) discrecions(e) ony othr(e) ordenaunce or
 will
 before declared notwithstanding

⁶³ “**Abreğ(ğ)en** (v.) 3. (a) To limit (sth.) in scope or power, reduce in strength, curtail” (*MED*).

⁶⁴ “**Fillen** (v.) 6. (a) To satisfy (a desire, a craving), to indulge in (lust); (b) to alleviate (sorrow), to comfort; to remedy (a disease), to make up for or atone for (a fault or vice)” (*MED*).

⁶⁵ “**Avail(e)** (n.) 5. **to the most avail**, to the best advantage, most profitably” (*MED*).

⁶⁶ “**Catēl** (n.) 3. (a) A possession; -- only pl.; (b) **godes and cateles**, etc., goods and chattels” (*MED*). Legal dualism

⁶⁷ “**Lēning(e)** (ger.(2)) (b) a loan” (*MED*).

⁶⁸ “**Singulēr(e)** (adj.) 1. (a) Pertaining or belonging to oneself; private, personal” (*MED*).

Also I wol ordeine assigne and name to p(er)fourme and fullich to execute and to done this
 My pure will and al that is contened therein the Lord Cromwall the lord Typtoft John(e)
 Throkmarton(e) Richard Curson(e) Thomas Huggefurd Willia(m) Berkesirell prest and
 Nichol
 †Rody† †conilly† to gider be the ouersight(e) and assent of my said wif And I require(e)
 hem al
 and euerich of hem that they do ~~wenkt and~~⁶⁹ sauhfully⁷⁰ ther(e) part and deuoir(e)⁷¹ to
 execute
 and p(er)fourme this my last wil as thay alle and eu(er)ich of hem(e) wol answer(e) afor
 god at

⁶⁹ Scribal error.

⁷⁰ “**Saught(e)** (n.) (a) Peace, reconciliation; concord, harmony; also, atonement with God” (*MED*)

⁷¹ “**Devoir** (n.) 1. That which one ought to do, or has to do; (one's) duty, business, appointed task. (Chiefly in phr. **to do one's devoir**). *arch.*” (*OED*).

‘The Will of Sir Humfrey Starky, Chief Baron of the Exchequer of Saint Leonard Shoreditch, Middlesex.’ PROB 11/7/350.

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In the name of god Amen the xxviiij day of the moneth of Juyll in the yer(e) of our(e)

\\ Testmen humfridi Starky milit(es) //

lord god mccccclxxxvj And in the yere of the reigne of king henry the VII\th/ afte(r) the conquest of Ingland the first I Humfrey Starky knyght chief Baron of the †Esthequier†⁷² of our(e) sou(er)ayne lord †the† king hale of mynde blissid be almyghty god make and ordeyn this my p(rese)nt⁷³ testament of my moueable godes⁷⁴ in man(er) and forme ensnyng

†First† I

\\ Ultima Uolirutab

emsa iij Regrat iij

fune prox guatrui

seguint(es) //

bequeth and comitte my soule to almyghty god my redem(er) and sauoy\r/ and to our(e)

blissid

lady saint mary virgyn his moder and to all saynt(es) And my body to be buried in this

p(ar)ish

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church of saint Leonard of Shoredich in the counte of midd⁷⁵ in such place ther(e) according to

my degree after the discrecions of myn excecuto\r/(s) Also I adnulle and utt(er)ly reuoke all testament(es)

and last Willis of my moneable goodes by me made and diuisid afor the date of this p(rese)nt testament Also I bequeth to the high Auter of the church aforesaid for my tithis⁷⁶ and alle

⁷² Baron of the Exchequer

⁷³ The Latin abbreviation for ‘praesente’ is used by the scribe (Capelli 279). *Lexicon Abbreviaturarum*

⁷⁴ “**Mēvāble** (adj.) 5. Of possessions: (a) ~ god (thing), catel ~, movable goods, personal (as opposed to real) property” (MED).

⁷⁵ Middlesex

⁷⁶ “**Tithe** (n.(2)) (a) The tenth part of one's goods, income, etc. given to a church, cleric, etc. as a religious obligation” (MED).

ring(es) forgotten or withdrawen in discharge of my soule and conscience v mark(es)
st(er)ling(es)⁷⁷

Also I bequeth to the werk(es) of the body of the same church x mark(es) st(er)ling(es) Also
I beq(ue)\a/th

To the iiij orders of freres in the cite of london that is to sey freres p(re)chours⁷⁸
carmelit(es)⁷⁹

minores⁸⁰ and Augustens⁸¹ to thentent that they shall pray for my soule and go afor my
corps fro my haus the day of my deces to the forsaid chirch and ther(e)to sey dirige
for my soule by notis⁸² and on(e) the morow after masse of Requiem by note in ther(e) owen
chirches iiij li that is to sey to eu(er)y of the said orders of Freris xx s⁸³ Also I will that I
haue iiij tap(er)s⁸⁴ and xx\ti/ torchis of wex tobrenne aboute my corps in the seid chirch at my
dirig(es) and masses of requiem And I will that xxiiij povr(e)⁸⁵ p(er)sones hold the seid
torchis and

tap(er)s at the same dirig(es) and masses Also I will that I haue an(e) honest p(re)est of good
conv(er)sacion⁸⁶

and condicion to sing and sey diuine s(er)uice for my soule and for the soules of my Fader
and

moder and for all christen soules in the forseid chirch of saint Leonard by x hole yeris next
folowyng my deces And I will that the same p(re)est during the same tyme be at all diuine
s(er)uic(es) tobe song and said in the seid chirch And I bequeth to the same p(re)est for his
salary

in that behalf that is to sey for eu(er)y yer(e) of the seid yeris x mark(es) st(er)ling(es) Also I
bequeth

to the werk(es) of the chirch of saint mary stanyng(es) in the in the cite of London xx s Also I

⁷⁷ “**Mark(e)** (n. (2)) 2.(a) **mark of silver (sterlinges), mark sterling; mark in (of) gold**, a mark of gold equivalent to 6 lbs. in silver [see W. Cunningham The Growth of English Industry and Commerce p.652 fn. 5]” (*MED*).

⁷⁸ “**Fr̄er(e)** (n.) 4.(d) ~ **prechour**, a Dominican, a Jacobin friar” (*MED*).

⁷⁹ “**Fr̄er(e)** (n.) 4.(c) ~ **of the Carme**, a Carmelite friar; **frer(es) Carmes**, the Carmelites” (*MED*).

⁸⁰ “**Fr̄er(e)** (n.) 4.(b) ~ **menour, menour** ~, a Franciscan, a Minorite” (*MED*).

⁸¹ “**Fr̄er(e)** (n.) 4.(a) **Augustin** ~, ~ **Austin**, an Augustinian friar” (*MED*).

⁸² “**Nōte** (n.(2)) 1.(a) Benefit, profit, advantage” (*MED*).

⁸³ “**S** (n.) (e) an abbrev. for L **solidus**, used for shilling(s)” (*MED*).

⁸⁴ “**Tāper** (n.) (a) A candle, usu. of wax; also *fig.* as an epithet for the Virgin Mary; (b) **offringe** ~, a lighted candle given as an offering in a religious ceremony” (*MED*).

⁸⁵ “**Povre** (adj.) 2. (b) ~ **folk (peple)**, needy or indigent people, the poor; also, the common people” (*MED*). The poor were often asked to perform similar tasks, and were paid for their work. In the end, it would benefit both the poor and the deceased, whose good deed would be rewarded in heaven.

⁸⁶ “**Conversāciōun** (n.) 1. Manner of living; conduct, behavior” (*MED*).

bequeth to the p(ri)oresse and couent of the hous of priory of halywell seside Shoredich
to pray for my soule xl s Also I p(ar)don and forgeue⁸⁷ to the same prioresse and couent of
halywell xl s of the viij †l†⁸⁸ which they owe unto me Also I bequeth to the p(ri)or⁸⁹ of the
new
hospitall of our(e) lady withoute Bisshoppisgate toward the rep(ar)acion of the same \chirch
of the/ hospitall xl s
Also I bequeth to the p(ri)son(er)s of the p(ri)sons of Newgate and ludgate in london in brede
tobe
delyu(er)ed to them after the discrecions of myn executo\r/s xl s that is to sey to eyther of
the
same p(ri)sones xx s Itud⁹⁰ I bequeth to herry hert and his wiff xx s that is to sey to
either of
them x s Also I p(ar)don and foryeue to John mason of london hoster⁹¹ my ten(a)nt⁹² in
wodestrete
all such money which he owith unto me Also I bequeth to maister Gilb(er)t Ermeston p(re)est
xl s Also I bequeth to Kat(er)yn and Elizabeth my dought(er)s cccc mark(es) of lafull
money
of Ingland that is to sey to eyther of them cc mark(es) tobe delyu(er)ed to them whan they
come to their lafull age orbe maried if they be maried by the counsel and aduice of
Isabell my wiff if she be than sole and myn executo\r/s And if Aither of my seid dought(er)s
happen to deces or they come to their lafull age or be maried than I will [...] ⁹³ that
the one c mark(es) of the seid cc mark(es) by me bequethid in the forme aforeseid to that
my doughter so decessing remayn(e)⁹⁴ to Richard Starky my son if he be than ou(er) liue to
haue to hym as his p(ro)pre money foreu(er)mor(e) And of the same Richard be than dede I
will
that than the same c mark(es) remayn to myn executo(r)s underwretyn to thentent that
they shall distribute and dispose the same c mark(es) for my soule after their good discrecions

⁸⁷ “**Foryēven** (v.) 3. (a) To excuse (a debtor), excuse from payment of (a debt, ransom, tax, etc.), excuse from fulfillment of (a pledge, a promise, a vow, an obligation)” (*MED*).

⁸⁸ “**l** (n.) (e) in abbreviations for pound [L **libra**]; -- used of either weight or money” (*MED*).

⁸⁹ New abbreviation.

⁹⁰ Latin meaning ‘similar’.

⁹¹ “**Hoster** (n.) ?Innkeeper” (*MED*).

⁹² New abbreviation.

⁹³ Three line-fillers

⁹⁴ “**Remainen** (v.) 2. (a) = **remaindren** v.; also, to pass (to sb.) as an inheritance; (b) to devolve (upon sb.) as a duty.” (*MED*)

And I will also than that the other c mark(es) of the seid cc mark(es) by me bequethid to that daughter of my seid two dought(er)s so decesing remayn to that daughter of my seid two dought(er)s the other ou(er)ling tohaue and enioy to her as her p(ro)pre money foreu(er)mor(e)

And if my seid dought(er)s both deces befor that they come to their lafull age orbe maried Than I will that cc mark(es) of the forseid cccc mark(es) by me bequethid to the same my daughters as is aboueseid remain to the seid Richard Starky my son if he be than ou(er) lyue tohaue to hym as his p(ro)pre money foreu(er)mor(e) And if the same Richard be than ded I will than that the same cc mark(es) remain to my forseid executo\r/s to thente(n)t⁹⁵

that they shall distribute and dispose the same cc mark(es) for my soule after their good discrecions And I will than that the other cc mark(es) residue of the forseid cccc mark(es) remayn also to my seid executo\r/s to thentent that they shall distribute and dispose the same other cc mark(es) for my soule in masses tobe songen to pour(e) people most nedy in delyu(er)ing and redemyng of pour(er) p(ar)son(e)s oute of p(ar)son in repairing amending of foule

and feble weyes in mariag(es) of pour(er) maidons of good name and fame and in other dedis of charite after the good discrecions of my seid executo\r/s And I will that the forseid cccc mark(es) by me as is aboueseid bequethid to my seid dought(er)s be and remayn in the Keping of the maister of the chirch or hospital of saint Thomas of

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Acre of London to the use of my seid dought(er)s as is aboueseid And I will that the same cccc mark(es) be delyu(er)ed by my seid executo\r/s to the same maister by endentur(e)⁹⁶ tobe made

betwixt hym and my seid executo\r/s And if the same maister of the same chirch or hospital of saint Thomas will take upon hym the charge of the Keping of the forseid cccc mark(es) than I bequeath to the same maister xl s towards the rep(ar)acion of his seid chirch Also wher(e) Richard high(a)m⁹⁷ and Thomas marwe gentilmen been possessid to the use of me the forseid humfry Starky and of myn executo\r/s of and In the mortee of the wardship

⁹⁵ New abbreviation.

⁹⁶ “**Endenture** (n.) 1. *Law*. A written formal agreement” (*MED*).

⁹⁷ New abbreviation.

and Keping of all the lordshippis man(er)s londes ant ten(an)t(es) s(er)ui(es) reu(er)sions
 possessions and other here-
 ditainment(es) what soen(er) with their(e) appurten(au)nc(es) which wer(e) of herry Torell
 squyer And also of the
 morte of the keeping and marriage of humfrey Torell son and heir(e) of the forseid herry
 Torell
 The will and entent of me the seid humfry Starky in that behalf is this that is to sey that the
 forseid Kat(er)yn and Elizabeth my dought(er)s shall haue for their exhibicion and fynding x
 †l† that is
 to sey either of them c s yerely of the morte of the issuez p(ro)fit(es) and reuenowis
 commyng and
 growyng of all the forseid lordshippis man(er)s londes ten(an)t(es) and other p(er)misez unto
 the tyme
 that the seid Kat(er)yn and Elizabeth be maried And that the seid x †lo† be paid to Isabell
 my wiff yerely for the exhibicion of my seid dought(er)s in the forme aboueseid as long as my
 seid dought(er)s being unmarried shalle at the rule and fynding of my seid wiff And also I
 will
 that x mark(es) co(m)myng and growyng of thissuez p(ro)fit(es) and reuenewez of the forseid
 moyte⁹⁸
 of all the seid lordshippis man(er)s londes ten(an)t(es) and other(e) p(er)missis be leuied and
 applied yer(e)ly
 by the space of tene yeris next folowing after my decese for the salary of the forseid p(re)est
 which shall sing for my soule in the forseid chirch of saint leonard during the seid tene
 yeris as is aboueseid And I will also that after the forseid x †l† for the exhibicion and
 finding
 of my seid dought(er)s and the seid x mark(es) for the salary of the seid p(re)est be leuied and
 paid
 in the forme aboueseid that than Richard Starky my son haue and enioy to his p(ro)pre use
 yerely all that that shall remayn of the seid moyte of all thissuez p(ro)fit(es) and reuenewes
 co(m)myng
 and growing of all the forseid lordshippid man(er)s londes ten(an)t(es) and other p(er)missz
 ou(er) and byside the

⁹⁸ Presumable scribal error for 'morte'.

forseid x †l† and x mark tobe leuied and paid yer(e)ly as is aboueseid And also I will that

George

Torell brother to the seid humfrey Torell haue and enioy to his p(ro)pre use the halvynde
of all my p(ar)tis of the money which shalbe p(ar)ceyuid by myn executo\r/s for the sale of

the seid

mariage of the forseid humfrey Torell And that the forseid Richard Starky my son haue
and enioy to his p(ro)pre use the other haluendele of all the money which shalle p(ar)ceyuid

by

my seid executo\r/s for the sale of the seid mariage of the forseid humfrey Torell And if
outher of the seid george Torell or Richard Starky happen to deces befor the sale of
the seid mariage of the forseid humfrey Torell Than I will that the p(ar)te of hym of the
seid George Torell and Richard Starky so decessing remayn to hym of the same george
or Richard the other ou(er)leuing And ou(er) this I will that the forseid John Bardefeld
haue the ou(er)sight guyding and Keping of all such londes and ten(an)t(es) which I by my

last

will by me made of all my landes and ten(an)t(es) haue willid and diuisid to the forseid
Richard Starky my son And also of all the money and plate which the same Richard
My son shalhaue of my bequest And also of all the money which the same Richard shall
haue of and for the sale of the seid mariage of the forseid humfrey Torell And also
that the seid John Bardefeld to the use of the same Richard my son shall receyue
all the rent(es) issues and p(ro)fit(es) co(m)myng and growyng of all the forseid londes and
ten(an)t(es)

which I haue willid and diuysed to the same Richard as is aboueseid unto the tyme
the same Richard my son co(m)me to the age of xxj yeris And I will that the same John
Bardefeld haue allowance for his cost(es) in that behalf after his good discrecion And I will
that the forseid Richard my son be at lernyng and at co(m)mons in Cliffodes Inne unto the
tyme that the same Richard by his lernyng and good guyding be p(ro)moted and remouid
fro thens tobe in the temple or in any other Inne of court And I will that the forseid
Thomas marwe during all the same tyme haue theou(er)sight guyding and rule of the
seid Richard my son And I will that the forseid John Bardefeld during all the same
tyme pay and delyu(er) to the forseid Thomas marwe of the rent(es) issues and p(ro)fitis
which

the seid John Bardefeld shall receyue of the forseid londes and ten(an)t(es) which I haue
willid and dyuised to the seid Richard my son all such money as shalbe necessary nede-

\\+// full and convenient for the seid Richard for his arrayment and other sufficient exhibition and fynding all such tymes as the seid Thomas marwe shall haue nede of such money for the same arrayment exhibition and fynding of the seid Richard my son Also I bequeth to Emme my doughter the wiff of the forseid Richard high(a)m a playn standing Cupp w(i)\t(h)⁹⁹ a cou(er)ing therto gilt w(i)\t(h) a Seuens in the botom of the same cupp weying xxv unc(e) Also I bequeath to Anne my doughter late the wiff of John Wirtyll

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a playne standing cupp with a cou(er)ing therto gilt and w(i)\t(h) a seuens in the botom of the same cup weying xxv unc(e) Also I bequeth to the forseid Richard heigh(a)m one of my sawters Also I bequeth to the seid Richard Starky my son xl mark(es) in money and in siluer plate to the value of xl mark(es) Also I bequeth to the same Richard my son my boks callid abible Also I bequeth to the same Richard my son all my bok(es) of lawe of the lond of Ingland Also I will all my other bok(es) besold by myn executo\r/s underwretyn And that they all the money co(m)myng of the sale of the same bok(es) dispose for my soule after their good discrecions Also I bequeth to the for- seid Isabell my wiff all my bedding halling parluring chambering napry¹⁰⁰ bras peauter¹⁰¹ laton¹⁰² and all other hustilment(es) utensiles Implement(es) and stuff of my husheld wher(e)soeu(er) they be siluer plate and Juelx except Also I bequeth to the same Isabell my wiff c †l† in money Also I beq(u)\e/th

⁹⁹ New abbreviation

¹⁰⁰ “**Nāperī(e)** (n.) (a) Linen; sheets, tablecloths, napkins, etc.; also, the place where the linens are kept” (*MED*).

¹⁰¹ “**Peutre** (n.) 1. (a) An alloy of tin and lead or brass used to make tableware and church vessels, pewter; (b) an alloy of gold and silver, electrum; (c) pewterware, tableware made of pewter” (*MED*).

¹⁰² “**Latōun** (n. & adj.) (a) An alloy of copper, tin, and other metals (identified with the orichalcum of the ancients); latten; ~ **ware**, articles made of latten” (*MED*).

to the same Isabell my wiff in gilt plate and silu(er) plate to the ualue c †1† Also I
 bequeth to the \same/
 Isabell my wiff ou(er) and beside the same plate a goblett of siluer and gilt w(i)\t/(h) a
 keuering of silu(er)
 and gilt which goblet was her moders ueying lviiij unc(e) and an(e) half Also I bequeth to the
 same Isabell my wiff a masse boke a portons¹⁰³ a sawter a chalis two uestyment(es) and all
 the
 apparell of myn Auter Also I bequeth to the same Isabell my wiff all my gownes clokys
 and other arrayment belonging to my body she to dep(ar)te of the same arrayment after her
 discrecion to the seid Richard my son and Kat(er)yn and Elizatbeth my dought(er)s for their
 array-
 ment Also I bequeth to the same Isabell my wiff all my Kyen and Swyne Also I beq(u)\e/th
 to Randolf litiore my s(er)u(au)nt xl s and a blak gown Also I bequeth To John of
 lancasshir(e) my s(er)u(au)nt
 xxvj s viij d¹⁰⁴ and a blak gown Also I bequeth to Rob(er)t wenyngton my s(er)u(au)nt xx s
 and a blak
 gown Also I bequeth to Kat(er)yn wolf my s(er)u(au)nt xx s and a blak gown Also I
 bequeth to patrik
 laylesse my s(er)u(au)nt vj s viij d and a blak gown Also I bequeth to John Atkynson my
 s(er)u(au)nt
 xiiij s iij d and a blak gown Also I bequeth to Will(ia)m Sauy my s(er)u(au)nt xx s and a
 blak gown
 Also I bequeth to Alice Sale my s(er)u(au)nt vj s viij d and a blak gown Also I bequeth Alice
 Sauage
 my s(er)u(au)nt vj s viij d and a blak gown Also I bequeth to Elyn my cosyn the wiff of
 Rob(er)t
 legett of london scryuan(er) a playn stonding gilt cupp with a Ke\r/uing therto gilt and with
 \\Waives//¹⁰⁵ wawes of the See grauen in the botom of the same cupp weying xxiii unc(e) and
 a quat(er)en
 which cupp was Alice Genyes And I will that the residue of all my goodes tatall(es) Inell(es)
 and dett(es) aboue not bequethid after my dett(es) paid my buriyng don and this my p(rese)nt

¹⁰³ “**Port-hors** (n.) 1. (a) A portable breviary, portiforium” (*MED*).

¹⁰⁴ “**d** (n.) 3. An abbreviation (a) for L **denarius**, **denarii** ‘penny, pence’ ” (*MED*).

¹⁰⁵ Later addition.

will fulfilled shall remayn to my executo\r/s underwreten to thentent that they shall
 distribute and dispose all the same residue for my soule after their good discrecions And of
 this my p(rese)nt testament I make and ordeyn myn executo\r/s that is to sey the forseid
 John Bardefeld and Richard heygh(a)m and s(er) John Coup(er) uicar of the forseid
 p(ar)ish chirch
 of saint Leonard of Shor(e)dich aforseid And the forseid Rob(er)t leget And I bequeth to
 eu(er)y
 of the same John Bardefeld Richard heigh(a)m s(er) John Couper Rob(er)t Leget for their
 labo\r/s in the p(ro)missez to be had c s st(er)ling(es) and a blak gown In wittesse
 wher(e)of to this my
 p(rese)nt testament I haue putt my seale¹⁰⁶ Theis wittesse s(er) Rob(er)t Richardson p(re)est
 Will(ia)m marwe
 gentilman Randolf litalore [...] ¹⁰⁷ and op(er) youyn the the day and yere aboueseid¹⁰⁸
 \\uiil ultima(e) volu
 q(ua)t\r/uo sequen octauo//

¹⁰⁶ “**Sēl(e n.(3))1a.** (a) An identifying impressed figure affixed to a writing for identification or to give it legal effect, a seal” (*MED*).

¹⁰⁷ Four line-fillers.

¹⁰⁸ Long flourish.

Translations

The Will of Richard Beauchamp Earl of Warwick, PROB 11/1/133.

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This is the last will and the declaration of the last will¹⁰⁹ of me, Richard Beauchamp the Earl of Warwick and of Aumale, touching on the governance and disposition of the lands that have been placed in the hands of feoffees¹¹⁰ by me or by my assignment have been given as remainder¹¹¹ as in demesne¹¹² and of my movable goods renewed and made by me at Caversham the eighth day of August in the year of Our Lord God 1437¹¹³ and of our sovereign lord king Henry VI the fifteenth monarch¹¹⁴ after the conquest.

First, I will that when God it so desires that my soul departs from this world, my body shall be¹¹⁵ entered within the collegial church of our Lady in Warwick¹¹⁶ where I will that in such place as I have devised, which is well-known there, be made a chapel for Our Lady wholesome and well built within the middle of which chapel I will that my tomb be made and in the meantime my body shall be laid in a virtuous church before the altar that is on the right hand of my Lord, my father's tomb, till the time that the aforesaid chapel and tomb for me are finished¹¹⁷ and then my body is to be carried and laid therein.

Also I will that every man and person¹¹⁸ who has interest in any land by way of grant or feoffment for my use or in my name shall receive the interest¹¹⁹ of it all or release it all to such persons who I will and ordain to have execution and are the executors of my last will.

¹⁰⁹ **The last will and the declaration of the last will:** a statement specifying that the will in written form was also orally presented. "The document was considered to be a permanent witness to the act, but the act was valid without it" (Sheehan 186).

¹¹⁰ **Feoffee:** A feoffer could convey a freehold estate, or grant land in fee simple. The recipient of this fee or feud would be called a feoffee" (Garner).

¹¹¹ **Remainder.** (15c) *Property*. 1. A future interest arising in a third person – that is, someone other than the estate's creator, its initial holder, or the heirs of either – who is intended to take after the natural termination of the preceding estate" (Garner).

¹¹² **Demesne, n.** [French] (14c) 1. At the common law, land held in one's own right, and not through a superior; esp., land attached to a manor and reserved for the court's own use" (Garner).

¹¹³ The original uses Roman numerals, but the decision was made to bring the text towards the reader in this instance to make the text more accessible.

¹¹⁴ **Monarch:** the prepositional phrase was placed after the noun phrase to facilitate post modification (Crystal and Davy 205). 'Monarch' was added to explicate the phrase (Grit).

¹¹⁵ **Shall be:** The verbal phrases in present day English contain many non-finite verbs and finite verbs that are modal auxiliaries (often *shall*) + BE + past participle. "*Shall* is invariably used to express what is to be the obligatory consequence of a legal decision, and not simply as a marker of future tense, which is its main function in other varieties" (Crystal and Davy 206-207).

¹¹⁶ **I will...in Warwick:** This is a good example of the 'if X, then Z shall be Y' formula.

¹¹⁷ **Finished:** a literal translation would be 'has been made'. However, the present form of the passive was preferred to have agreement between them.

¹¹⁸ **Man and person:** This dichotomy is probably used to distinguish between adult males, vassals, feudal tenants, and any other natural person, such as unmarried women who, then, were allowed to hold estates.

¹¹⁹ **Interest:** in the original 'make astate'. 'Estate' is defined as "the amount, degree, nature and quality of a person's interest in land or other property" (Grant).

Also I will that the said executors of my will ordain that to the divine service in the said collegial church shall be admitted and that thereto shall be given in mortmain sufficient livelihood to recruit four more priests and two more clerks from the laity or clergy, forevermore, over the number of priests and clerks that are now therein, the which four priests and two clerks I will to wear and use the habit of the vicars of the college there and shall be vicars and do all that the vicars there do in service of the holy church not relating to themselves, but as members of the church and of the college.¹²⁰

Also I will that three masses shall be said there every day until the end of time in the foresaid chapel, which with the grace of God shall be thus newly made, whereof one shall be every day of Our Lady, God's Mother, with song¹²¹ after and as the Ordinal of Oaksbury¹²² assigns, the second mass shall be every day without song of requiem, the third mass also without song shall be on Trinity Sunday, Easter Monday, the Tuesday of Saint Thomas of Canterbury, Pentecost, Corpus Christi, Good Friday and the Annunciation of Our Lady¹²³, and to the observances that these masses in the manner as it is expressed above in the said chapel until the end of time every day shall duly be said, I will that the dean and chapter and the entire college of the aforesaid church and all their successors shall be bound as strongly as the law will by the gift of mortmain of the livelihood thereto to perform that which I will that there be conferred and given in mortmain thereto forty pounds of goods and the livelihood above all reprises of such livelihood as is specified above, that is to say¹²⁴ for every of the foresaid four priests ten marks per year, and for either clerk five marks per year, and to distribute as well among the said priests, as among the other six vicars of the college, to each of them their yearly salary of ten marks by equal portions to every priest per year thirteen shillings and four pence.¹²⁵

Also I will that there shall be said five masses for me in all haste after my passing and before all other things¹²⁶, and after the five masses have been held I will that my debts shall be payed first before all other things, truly and wholly, as the foresaid executors of my last will shall swear before God.

¹²⁰ **Also I... not corporate.**: The word order of this sentence was changed to improve the readability of the translation.

¹²¹ **“Song: ME nōte n.(3) 1. (a) A song, melody; also, tune, the setting of a song” (MED).**

¹²² **Ordinal of Oaksbury**: Unable to find any information on this subject.

¹²³ **Trinity Sunday... Our Lady**: These religious observances have been modernised to make the text more accessible for a modern audience, and thus break with the overall strategy to support the skopos of the translation.

¹²⁴ **That is to say**: literal translation would be ‘that is to know’. The manuscript of Starkey uses the expression used in this translation.

¹²⁵ **Also I... four pence**: The major sentence is retained from the ST, rather than dividing it into smaller ones. By retaining the ST sentence, the translation stays overt and agrees with the legal style which the TT aims to illustrate.

¹²⁶ **Also I... other things**: modernised word order to improve readability conform to the skopos.

Also I will that there shall be conferred twenty marks of livelihood goods above all reprises and given to my college of Castle Church¹²⁷, as well as to recruit there a priest, forevermore, over the number of priests that are there now as to enact the portion of the people there in sustenance of the same college and priests forevermore.

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Also I will that the abbot and convent of Tewkesbury shall be entreated with, so that a mass may be said for me every day, and that my funeral service shall be held, done, and kept¹²⁸ each year in the abbey there forevermore, and the masse shall be held every day at such time as the said executors of my last will may negotiate with said abbot, and convent, it being my desire that it shall be the first mass, if it is possible, and otherwise I want it to be the last.

Also I will that the people who are feoffed in the manors of Axminster and Langley¹²⁹ shall receive the interest or release to the said executors of my last will.

Also I will that in name of Heriot to Our Lady there shall be given to the church of Our Lady in Warwick my image of gold of Our Lady there to abide forevermore.

Also I will that my wife shall have all manner of things of silver vessels, beddings, and household items that I had with her and that she shall have also above all the aforesaid things that were her own, and also other stuff and things that I have given her since we were married: two dozen plates of silver, twelve large serving dishes of silver, twelve saucers of silver, a pair of basins covered in silver, and all gifts, four basins silver not covered, four ewers of silver, twelve coins of silver of one sort with an enamel of my arms on the bottom¹³⁰, two gallon-pots of silver, and six pottles of silver¹³¹.

Also I will that my said wife shall have the great painting that was bought from the Countess of Suffolk which once was the Earl of Oaksbury's who was in my wife's care¹³².

Also I will that there shall be made a fitting tomb of marble on my deceased wife's grave who lies in the abbey of Kingswood.

¹²⁷ **Castle Church**: added a capital to Castle and reversed the word order, thus modernising the text to keep with the skopos.

¹²⁸ **Shall be held, done and kept**: A legal formula used to add precision and encompass all the options to make sure this services is performed by the church.

¹²⁹ **Axminster and Langley**: Modernised spelling, used to .

¹³⁰ **The bottom**: literal translation 'their bottoms'.

¹³¹ **Two dozen... of silver**: All these object are post-modified, which was retained to keep with the legal style and skopos of the TT.

¹³² **Painting... wife's care**: Good example of post-modification. This was preserved in the translation because of the direct translation strategy, and to illustrate the legal style in the TT as was the goal.

Also I will that in all haste after my passing, whenever God it so desires¹³³, all the remains of livelihood which fails at my chantry at Guy's Cliffe, shall be assigned, delivered, and made¹³⁴ sure to my said chantry and priests there forevermore, and also I will that the chapels of Guy's Cliffe and dwelling houses for my priests there shall be build and made sufficient, that is to say chapels as I have devised and the housing for my priests there so they may reasonably, wholesomely and fittingly¹³⁵ live therein.

Also I will that after my debts are quit and all these things named above performed and done¹³⁶, if God it so desires that I have another son, that the said executors of my last will shall devise¹³⁷ unto him the manor and Castle of Baginton with the appurtenances¹³⁸ and of the manor of Axminster with the appurtenances to him and to his male heirs lawfully begotten by him, and for lack of a male heir lawfully begotten by him the remainder of the said manor and castle of Baginton and manor of Axminster with their appurtenances shall go to my rightful heirs.

Also I will that my wife shall have and receive the interest in the manor of Langley with the appurtenances to the term of her life the remainder thereof shall go to my son, Henry, and to his heirs lawfully coming from his body, And if he shall die without heirs lawfully coming from his body, if I should happen to have another male heir that then the remainder of the aforesaid manor with the appurtenances go to him my other male heir and so fix male heir¹³⁹ to male heir coming from my body till it be exhausted, And if it should happen the male heir coming from my body to be exhausted as such, that then the same manor with the appurtenances shall remain and go to Anne, my daughter, and to the heirs lawfully coming of her body, and in default¹⁴⁰ of issue lawfully coming of her body, the remainder of the same manor with the appurtenances shall go to my rightful heirs¹⁴¹.

Also I will that Richard, Lord Strange, and Constance his wife shall have the interest to the term of their lives in the manor of Shenstone in Staffordshire the remainder thereof to my

¹³³ **Whenever God it so desires:** The choice to retain this somewhat archaic phrase is supported by the historical and socio-cultural context of the text, and the decision not to modernise this aspect. A modern option would be “whenever this may happen”, but in this case the skopos and the direct translation strategy agree in retaining the archaism.

¹³⁴ **Assigned, delivered, and made sure:** Legal formula which illustrates the legal style.

¹³⁵ **Reasonably, wholesomely and fittingly:** Intentionally vague which is illustrative of the legal style.

¹³⁶ **Performed and done:** Legal formula used to add precision.

¹³⁷ **Devise** “A *devise* is a disposition of freehold land contained in a will. A *legacy* or *bequest* is a disposition of any other form of property, including leaseholds” (Barker 291). These terms might be considered archaic in modern English, but are still part of the legal English vocabulary.

¹³⁸ “**Appurtenance**, *n.* (14c) Something that belongs or is attached to something else; esp., something that is part of something else that is more important” (Garner). “**Ap(p)urtenance** *n.*: A right, privilege, or possession subsidiary or incidental to a principal one (such as lordship, a manor, etc.); the totality of such rights, etc.” (*MED*).

¹³⁹ **Male heir:** Social-cultural option, which was retained to keep in line with a direct translation strategy.

¹⁴⁰ **Default:** If the aim of this translation was to modernise the social-cultural aspect of this text. ‘absence’ would be a better translation. However, culturally the use of ‘default’ is an interesting choice, for it could imply that not being able to have children as a woman was almost sinful, as is implied by the word.

¹⁴¹ **Rightful heirs:** Intentionally vague to ensure that the manor is bound to his bloodline.

feoffees or to my assignees a noon after the passing¹⁴² of the said Lord Strange and Constance his wife, my feoffees or assignees shall receive the interest in the said manor of Shenstone with the appurtenances to my son, Henry, or his heirs lawfully coming of his body, And¹⁴³ for lack of male heirs lawfully coming of his body, I will that the remainder of the said manor with the appurtenances withstands, and goes to my other male heir of my body lawfully coming, And if no other male heir shall come from me, I will that it shall remain to my rightful heirs.

Also I will that they who have or shall have interest in any land to execution of my last will shall restore and make due effort to all manors, and who shall hold by me, or in my name shall be wrongfully extorted, if any be which God defends¹⁴⁴, and also that they repair sufficiently all manners of extortion by me done if any be, And also that they, the executors of my last will, shall govern my servants who have no fee of me to the term of their life after the dispersion of them.

Also I will that all the manor lands and tenements which the lady of Abergavenny held during her marital life with my uncle of my lord, my father, given after this my will performed, shall remain and go to my own son, if God it so desires I have any, and to her male heirs lawfully coming of her body and for lack of male heirs lawfully coming of her body, the remainder of all the

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manor lands and tenements shall go to my son, Henry, and to the heirs lawfully begotten¹⁴⁵ by him, and for lack of such issue of his body, all the foresaid lands and tenements shall remain to my daughters, Anne, Margaret, Eleanor, and Elizabeth to have and to hold¹⁴⁶ to them and to the heirs lawfully begotten by them, and for lack of such issue of them, the remainder of all the said manor lands and tenements shall go to my heirs forevermore.

Also I will that my debts shall be quit, and this my last will shall be performed, all the plots of land that I have purchased in my days, above those that I in this will here above have disposed shall remain and go to such manors of mine as they are situated and are as members to the said manors forevermore.

Also I will that my son Henry shall have the cup of gold with the dancing men and women and after this my will has been performed and all my debts quit, I will that all the residue of my vessels of silver and of gold as well as of pantry, cellar, as of kitchen shall remain and go to my said son Henry forevermore.

¹⁴² **A noon after the passing:** Retained the historical aspect this socio-cultural option.

¹⁴³ **And:** Maintained the capital letter from the ST.

¹⁴⁴ **If any be which God defends:** invocation to God to defend against any extortion which might happen, because of this will

¹⁴⁵ **Lawfully begotten:** Legal formula ensuring that children born out of wedlock could not inherit.

¹⁴⁶ **To have and to hold:** Legal dualism that defines the extent of interest being granted.

Also I will that the foresaid executors of my last will shall provide four images of gold, each of them weighing twenty pounds of gold, to be made after my likeness with my arms holding an anchor in its hands and then be offered and delivered in my name¹⁴⁷, that is to say one of them to the shrine in the church of Saint Albans to the worship of God, of Our Lady, and of Saint Albans, another of them likewise to the shrine in the Cathedral church of Canterbury, the third of them likewise to Bridlington, and the fourth of them to the shrine in the church of Saint Winifred in Shrewsbury.

Also for the form and order¹⁴⁸ of the execution of my said will, I will and ordain¹⁴⁹ that each article thereof that touches me next, that is to say my own person, my soul, and payment of my debts, shall first be executed before all others, And if any person begotten by me, or of my blood, or any other person named in this my will shall hereafter hinder or limit the execution of my said will, or of any part thereof in any way, I will and ordain that they shall take no available profit or advantage of my aforesaid will nor of my said ordinance, But that all such persons be utterly excluded of all manners of profit and advantages¹⁵⁰ thereof, And then I will that they who have any lands, tenements, rents, reversions, or any possessions to my use¹⁵¹, shall sell to my best advantage the same lands, tenements, rents, reversions, and other possessions to such persons who will give most therefore, And trust them therein in fee any article or will said before or at any other time declared notwithstanding, And with the money received therefore that they who care for my soul, and pay my said debt, and do as it seems them best to the worship of God¹⁵², and help my soul, and all Christians always, provided if my goods and chattels shall not suffice, or may not be had by loan of any person to satisfy my debts, and perform my will that only and personally touches my own person, my soul, and my conscience that then it be lawful to the said executors of my last will to sell such lands as they have to my use, and that they execute my will of such articles as it touches me only in the form rehearsed before as they think best in their discretions any other ordinance or will before declared notwithstanding.

Also I will, ordain, assign, and name to perform and fulfil to execute and do this my pure will and all that is contained¹⁵³ therein the Lord Cromwell, the Lord Typtoft John Throkmarton, Richard Cursone, Thomas Huggefurd, William Berkesirell, priest, and Nichol Rody Conilly to guide, be the oversight, and assent of my said wife, And I require them all, and each of them that they do their part and duty truthfully to execute, and perform this my last will as they all and each of them will swear before God.

¹⁴⁷ **Four images... in my name:** A good example of precise post-modification retained to illustrate the legal style to keep with the skopos and the direct translation strategy.

¹⁴⁸ **Form and order:** Legal dualism used to improve precision of the statement.

¹⁴⁹ **Will and ordain:** Legal dualism used to encompass more options.

¹⁵⁰ **Profit and advantages:** Legal dualism which is used to encompass as many options as possible.

¹⁵¹ **Any lands... to my use:** A good example of the legal language's need for precision and lack thereof.

¹⁵² **It seems... of God:** Intentional lack of precision.

¹⁵³ **Also I will... that is contained:** Legal formula retained to illustrate the legal style and skopos.

The Will of Sir Humphrey Starkey, Chief Baron of the Exchequer of Saint Leonard Shoreditch, Middlesex, PROB 11/7/350.

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In the name of God, Amen.¹⁵⁴ The twenty-eighth day of July in the year of Our Lord God 1486, and in the years of the reign of king Henry VII after the conquest of England. I the first, Humphrey Starkey¹⁵⁵ Knight, Chief Baron of the Exchequer of our sovereign lord the king, whole of mind¹⁵⁶, blessed be almighty God, make and ordain this my present testament of my movable goods in manner and form signed.

First, I bequeath and commit¹⁵⁷ my soul to almighty God, my redeemer and saviour and to our Blessed Lady, the Virgin Saint Mary, his mother and to all saints, And my body shall be buried in the parish

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church of saint Leonard of Shoreditch in the county of Middlesex in such place there according to my degree at the discretions of my executors.

Also I annul and utterly revoke all testaments and last wills of my movable goods by me made and devised before the date of this present testament.¹⁵⁸

Also I bequeath to the high altar of the church aforesaid for my tithes and all things forgotten or withdrawn in discharge of my soul and conscience five marks sterling.

Also I bequeath to the works of the body of the same church ten marks sterling.

Also I bequeath to the four orders of friars in the city of London, that is to say the Dominicans, the Carmelites, the Franciscans, and the Augustinians, with the intent that they

¹⁵⁴ **In the name of God, Amen:** Openings formula.

¹⁵⁵ **Humphrey Starkey:** In this will, the names were modernised where possible.

¹⁵⁶ **Whole of mind:** Legal formula used ensure that the will could not be challenged.

¹⁵⁷ **Bequeath and commit:** Legal dualism.

¹⁵⁸ **Also I annul...present testament:** Legal formula.

shall pray for my soul and go before my corpse¹⁵⁹ from my house on the day of my passing¹⁶⁰ to the foresaid church, and thereto say dirge for my soul through song, and on the morning after the Requiem Mass through song in their own churches four pounds, that is to say to every of the said orders of friars twenty shillings.

Also I will that I shall have four tapers¹⁶¹ and twenty torches of wax to be burned about my corps in the said church during my dirges and the Requiem Masses, And I will that twenty-four poor people shall hold the said torches and tapers at the same dirges and masses.

Also I will that I shall have an honest priest of good conduct and health to sing and say divine services for my soul, and for the souls of my father and mother, and for all Christian souls in the foresaid church of Saint Leonard for ten whole years after my death, And I will that the same priest during the same time attends all divine services to be sung and said in the aforesaid church, And I bequeath to the same priest for his salary on that behalf, that is to say for every year of the said years ten marks sterling.

Also I bequeath to the works of the church of Saint Mary Staining¹⁶² in the city of London twenty shillings.

Also I bequeath to the prioress and convent of the house of the Holywell Priory¹⁶³ in Shoreditch to pray for my soul forty shillings.

Also I pardon and excuse to the same prioress and convent of Holywell forty shillings of the eight pounds, which they owe to me.

Also I bequeath to the prior of the new hospital of Our Lady outside of Bishopsgate towards the maintenance of the same church of the hospital forty shillings.

¹⁵⁹ **Corpse:** ‘Corpse’ was retained from here, because it is not a common word to describe the remains of the deceased, moreover one’s own. A more common word would be ‘body’.

¹⁶⁰ **Passing:** A literal translation would have been ‘departure from this life’.

¹⁶¹ **Tapers:** Candles (*MED*)

¹⁶² **Saint Mary Staining:** “ST. MARY STAINING, the church of, was situated before the fire of London, on the north side of *Oat-lane, Noble-street, Foster-lane*, and derives its addition from the Saxon word *Staining*, of stone, being so built, whilst others were of wood. After the great fire, the parish was united to that of St. Michael, Wood-street.” [J. Elmes, *A Topographical Dictionary of London and its Environs* (1831) - transcribed by Brian Randell]” as cited in Millard.

¹⁶³ **Holywell Priory:** The Augustinian priory of St. John the Baptist in Holywell (British History Online).

Also I bequeath to the prisoners of the prisons of Newgate and Ludgate in London to be delivered in bread to them at the discretions of my executors forty shillings, that is to say to either of the same prisons twenty shillings.

Likewise I bequeath to Harry Hart and his wife twenty shillings that is to say to either of them ten shillings.

Also I pardon and excuse to John Mason of London innkeeper, my tenant in Wood Street, all such money, which he owes to me.

Also I bequeath to master Gilbert Ermeston priest, forty shillings.

Also I bequeath to Katheryn and Elizabeth, my daughters, four hundred mark of lawful money of England, that is to say to either of them two hundred marks to be delivered to them when they come to their lawful age, or be married, if they are married by the counsel and advice of Isabell, my wife, if she is single¹⁶⁴, and my executors, And if either of my said daughters happens to die, or they come to their lawful age, or be married, then I will that the one hundred marks of the said two hundred marks by me bequeathed in the form aforesaid to that my daughter so deceased to pass to Richard Starkey, my son, if he is then alive, to have to him as his proper money forevermore, And if the same Richard is dead, I will that then the same hundred marks pass to my executors underwritten with the intent that they shall distribute and dispose the same hundred marks for my soul after their good discretions, And I will also then that the other hundred marks of the said two hundred marks by me bequeathed to that daughter of my said two daughters so deceased, shall pass to that daughter of my said two daughters the other surviving to have and enjoy to her as her proper money forevermore, And if my said daughters both decease before that they come to their lawful age or be married, then I will that two hundred marks of the foresaid four hundred marks by me bequeathed to the same my daughters, as is said above, shall pass to the said Richard Starkey, my son, if he is then alive, to have to him as his proper money forevermore, And if the same Richard be then deceased, I will then that the same two hundred marks shall

¹⁶⁴ **If she is single:** Illustrative of the socio-cultural aspect of the ST. This was retained, because of the translation strategy, which is direct, and the skopos, which was to be informative and thus preserve these options.

pass to my foresaid executors with the intent that they shall distribute and dispose¹⁶⁵ the same two hundred marks towards my soul after good discretions, And I will then that the other two hundred marks residue of the foresaid four hundred marks shall pass also to my said executors with the intent that they shall distribute and dispose the same other two hundred marks for my soul in masses to be sung for the poor most needy of deliverance and redeeming of poorer people on behalf of the repairing, amending of foul and feeble ways in marriages of poor maidens of good name and fame, and in other deeds of charity after the good discretions of my said executors, And I will that the foresaid four hundred marks, as is said by me above, bequeathed to my daughters shall be and pass in the keeping of the master of the church of hospital of Saint Thomas of

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Acre of London to the use of my said daughters, as is said above, And I will that the same four hundred marks shall be delivered by my said executors to the same master by indenture to be made between him and my said executors, And if the same master of the same church or hospital of Saint Thomas will take upon him the charge of the keeping of the foresaid four hundred marks then I bequeath to the same master forty shillings towards the maintenance of his said church.¹⁶⁶

Also where Richard Higham and Thomas Marwe gentlemen shall be possessed to the use of me, the foresaid Humphrey Starkey, and of my executors of and in the mortmain of the wardship and keeping of all the lordship manors, lands, and tenants, services, reversions, possessions and the other hereditarians whatsoever with their appurtenances which were of Harry Torell squire, And also of the mortmain of the keeping and marriage of Humphrey Torell, son and heir of the foresaid Harry Torell. The will and intent of me, the said Humphrey Starkey, on that behalf is this, that is to say that the foresaid Katheryn and Elizabeth, my daughters, shall have for their support and livelihood ten pounds, that is to say either of them one hundred shillings yearly of the mortmain of the issues, profits, and revenues coming and growing of all the foresaid lordship manors, lands, tenants, and other

¹⁶⁵ **Distribute and dispose:** Legal dualism used to be as inclusive as possible.

¹⁶⁶ **Also I bequeath... his said church:** To preserve the legal style of the ST and to support the skopos of the TT, this major sentence has not been put into smaller sentences.

premises unto the time that the said Katheryn and Elizabeth are married¹⁶⁷, And that the said ten pounds shall be paid to Isabell, my wife, yearly for the support of my said daughters in the form said above as long as my said daughters being unmarried shall be at the rule and livelihood of my said wife, And I also will that ten marks coming and growing of the issues, profits, and revenues of the foresaid mortmain of all the said lordship manors, lands tenants, and other premises shall be levied and applied yearly by the space of ten years following my death for the salary of the foresaid priest who shall sing for my soul in the foresaid church of Saint Leonard during the said ten years, as is said above, And I will also that after the foresaid ten years for the support and livelihood of my said daughters, and the said ten marks for the salary of the said priest be levied and paid in the form said above, that then Richard Starkey, my son, shall have and enjoy to his proper use yearly all of that which shall remain of the mortmain of all the issues, profits, and revenues coming and growing of all the foresaid lordship manors, lands, tenants, and other premises over and beside the foresaid ten pounds and ten marks to be levied and paid yearly as is said above, And also I will that George Torell, brother to the said Humphrey Torell, shall have and enjoy to his proper use the half portion of all my parts of the money, which shall be perceived by my executors for the sale of the said marriage of the foresaid Humphrey Torell, And that the foresaid Richard Starkey, my son, shall have and enjoy to his proper use the other half portion of all the money, which shall be perceived by my said executors for the sale of the said marriage of the foresaid Humphrey Torell, And if either of the said George Torell or Richard Starkey happens to decease before the sale of the said marriage of the said Humphrey Torell, I will that portion of him of the said George Torell and Richard Starkey so deceasing shall pass to him of the same George or Richard the other surviving, And over this I will that the foresaid John Bardefeld shall have the oversight guiding and keeping of all such lands and tenants, which I by my last will made by me concerning all of my lands and tenants have willed and devised to the foresaid Richard Starkey, my son, And also of all the money and coins which the same Richard, my son, shall have of my bequest, And also of all the money which the same Richard shall have of and for the sale of the said marriage of the foresaid Humphrey Torell, And also that the said John Bardefeld to the use of the same Richard my son shall receive all the rents, issues and profits coming and growing of all the foresaid lands and tenants, which I have willed and devised to the same Richard, as is said above, until the time the same Richard, my son, comes to the age

¹⁶⁷ **Of the mortmain... are married:** Good example of the importance of precision and lack thereof in a legal text.

of twenty-one years, And I will that the same John Bardefeld shall have allowance for his expenses on that behalf after his good discretion, And I will that the foresaid Richard, my son, shall study at commons in Clifford's Inn until the time that the same Richard through his studies and good guidance be promoted and removed from there to be in the temple of in any other Inn of the Court, And I will that the foresaid Thomas Marwe during this time shall have the oversight, guiding and rule¹⁶⁸ of the said Richard, my son, And I will that the foresaid John Bardefeld during this time shall pay and deliver to the foresaid Thomas Marwe of the rents, issues, and profits, which the said John Bardefeld shall receive of the aforesaid lands and tenants which I have willed and devised¹⁶⁹ to the said Richard, my son, all such money as shall be necessary, beneficial, and convenient¹⁷⁰ for the said Richard, for his clothing, and other sufficient support and livelihood whenever the said Thomas Marwe shall have need of such money for the same clothing, support, and livelihood of the said Richard, my son.¹⁷¹

Also I bequeath to Emma, my daughter, the wife of the foresaid Richard Higham, a plain standing cup with a gilded covering with a seven carved in the bottom of the same cup weighing twenty-five ounces.

Also I bequeath to Anne, my daughter, wife of the late John Wirtyll

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a plain standing cup with a gilded covering with a seven carved in the bottom of the same cup weighing twenty-five ounces.

Also I bequeath to the foresaid Richard Higham one of my psalters.

Also I bequeath to the said Richard Starkey, my son, forty mark in money and in silver coins to the value of forty mark.

¹⁶⁸ **Oversight, guiding and rule:** Good example of a formula which is typical for the legal style.

¹⁶⁹ **Willed and devised:** Legal dualism.

¹⁷⁰ **Necessary, beneficial and convenient:** Good example of a formula which is typical for the legal style. Through the lack of precision the number of possible interpretations has grown.

¹⁷¹ **Also where... my son:** To preserve the legal style of the ST and to support the skopos of the TT, this major sentence has not been put into smaller sentences.

Also I bequeath to the same Richard, my son, my book called the Bible¹⁷².

Also I bequeath to the same Richard, my son, all my books of law of the land of England.

Also I will that all my other books shall be sold by my executors underwritten, and¹⁷³ that all the money coming of the sale of the same books shall be disposed towards my soul after their good discretions.

Also I bequeath to the foresaid Isabell, my wife, all my bedding, tapestries, parlour room linen, utensils of brass, pewter, and latten, and all other household goods, utensils, and stuff of my household wheresoever they be silver foil and jewels¹⁷⁴. Except¹⁷⁵, I also bequeath to the same Isabell, my wife, one hundred pounds in money.

Also I bequeath to the same Isabell, my wife, in gilt plate and silver plate to the value of one hundred pounds.

Also I bequeath to the same Isabell, my wife, over and beside¹⁷⁶ the same plate a goblet of silver and gilt with a carving of silver and gilt which was her mother's¹⁷⁷ weighing fifty-eight and a half ounces.¹⁷⁸

Also I bequeath to the same Isabell, my wife, a mass book, a breviary, a psalter, a chalice, two vestments, and all the apparel of my office¹⁷⁹.

¹⁷² **The Bible:** The ST refers to 'a bible', this was modernised in contrast to the overall direct translation strategy, but in line with the skopos of the text to be informative.

¹⁷³ **And:** the manuscript uses 'also', but since the text is still concerned with the sale of the books, the two sentences are semantically compatible.

¹⁷⁴ **Jewels:** This word is capitalised in the ST, the translation has modernised the capitalisation rules.

¹⁷⁵ **Except:** The ST does not have two sentences here, but has "except Also I" and is one major sentence. While most new sentences start with "Also", the decision was made to split the sentence here.

¹⁷⁶ **Over and beside:** Formula used to specify that the mentioned objects do not attribute towards the one hundred pounds.

¹⁷⁷ **Which was her mother's:** Interestingly, Isabell is bequeathed her mother's cup back to her after her husband's passing.

¹⁷⁸ **Which was...half ounces:** The order of the post-modification seems to be ranked on importance rather than logic in this case, this was retained from the ST.

¹⁷⁹ **A mass book...of my office:** Rather than giving his wife a specific version, she is simply given one book of each. This might imply they had more of the same books.

Also I bequeath to the same Isabell, my wife, all my gowns, cloaks, and other raiment belonging to my person.¹⁸⁰ She may depart of the same raiment after her discretion to the said Richard, my son, and Katheryn and Elizabeth, my daughters, for their raiment.

Also I bequeath to the same Isabell, my wife, all my cows and swine¹⁸¹.

Also I bequeath to Randolf Litolore, my servant, forty shillings and a black gown.

Also I bequeath to John of Lancashire, my servant, twenty-six shillings, eight pence and a black gown.

Also I bequeath to Robert Wenynghon, my servant, twenty shillings and a black gown.

Also I bequeath to Katheryn Wolf, my servant, twenty shillings and a black gown.

Also I bequeath to Patrick Laylesse, my servant, six shillings, eight pence and a black gown.

Also I bequeath to John Atkinson, my servant, thirteen shillings, four pence and a black gown.

Also I bequeath to William Savy, my servant, twenty shillings and a black gown.

Also I bequeath to Alice Sale, my servant, six shillings, eight pence and a black gown.

Also I bequeath to Alice Savage, my servant, six shillings, eight pence and a black gown.

Also I bequeath to Ellen, my cousin, the wife of Robert Legett of London scrivener, a plain standing gilt cup with a gilded carving and with waves of the sea graven in the bottom of the same cup weighing twenty-three and a quarter ounces, which cup was Alice Genye's.

¹⁸⁰ **Person:** A full stop was added. The manuscript continues with 'she, but present day English needs a full stop here.

¹⁸¹ **Cows and swine:** The specification could imply they had more kinds of animals, therefore it was decided to retain this rather than translate it into the general 'cattle', or 'swine' to 'pigs'.

And I will that the residue of all my goods entire in everything and debts above not bequeathed after my debts are paid, my burial done and this my present will fulfilled shall pass to my executors underwritten with the intent that they shall distribute and dispose¹⁸² the entirety of the same residue towards my soul after their good discretions.

And of this my present testament, I make and ordain¹⁸³ my executors, that is to say the foresaid John Bardefeld, and Richard Higham, and Sir John Couper vicar of the foresaid parish church of Saint Leonard of Shoreditch aforesaid, and the foresaid Robert Legett, And I bequeath to each of the same John Bardefeld, Richard Higham, Sir John Couper, Robert Legett for their labours in the promises to be had one hundred shillings sterling and a black gown. In witness whereof to this my present testament I have put my seal. These witnesses Sir Robert Richardson priest, William Marwe gentleman, Randolf Litolore, and others joining the day and year said above.

¹⁸² **Distribute and dispose:** Legal dualism used to add precision to the statement.

¹⁸³ **Make and ordain:** Legal dualism used to add precision to the statement.

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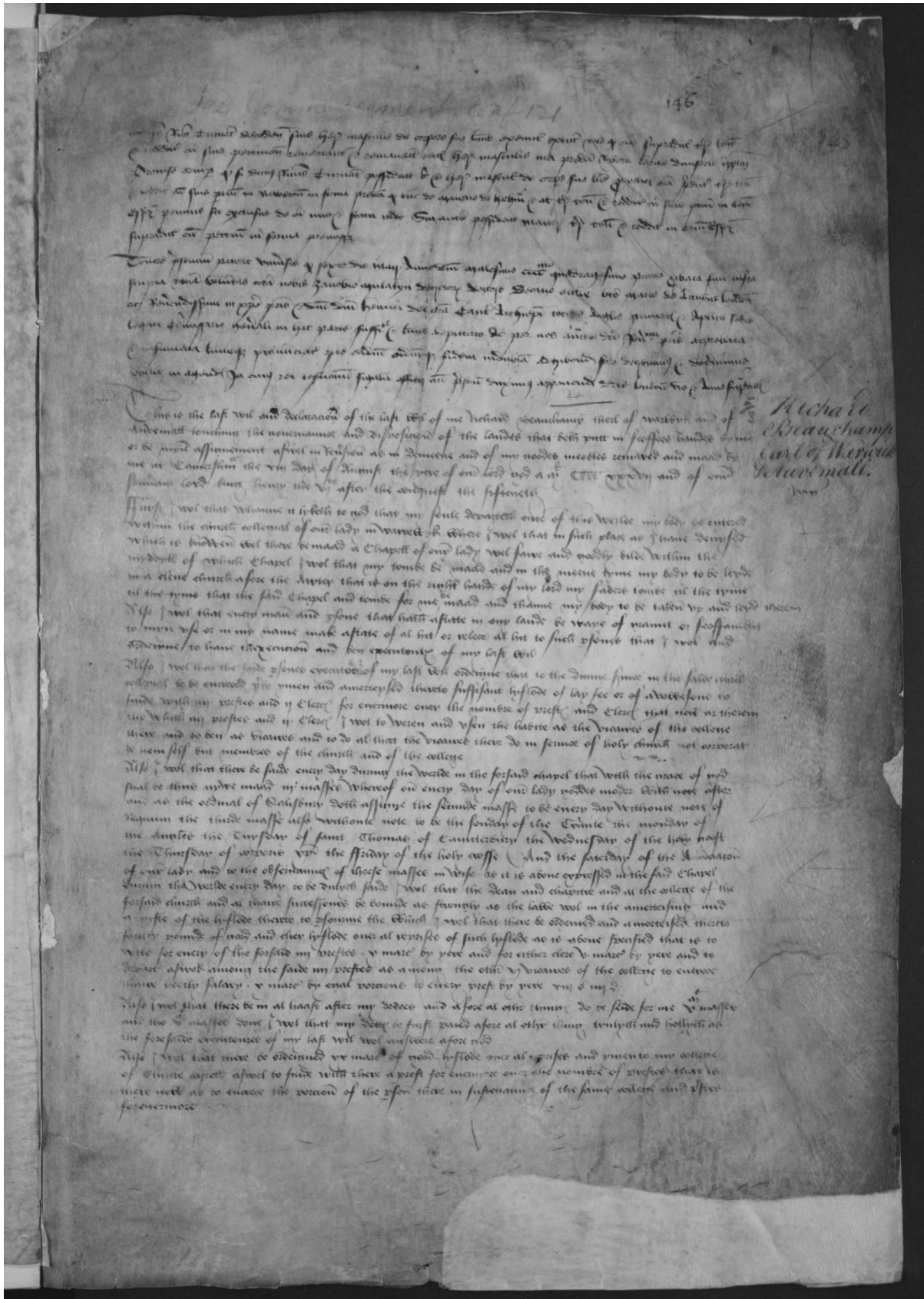
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Attachments

Prob 11/1/133



The last will and testament of the last will of me Richard Beauchamp... I will that my soul depart out of this world... I will that every man and woman that hath a share in my lands... I will that there be said every day during the world in the parish church...

Richard Beauchamp
Earl of Warwick
Beauchamp

1/3
Also I wol that Collet and convent of Evesbury be woe within such wote as may have a man a free
entry and may also holden and that which new in the above were accustomed And the maner
of my last will may have with the said Collet and
Convent on any daye that it be the first maye if it may be and also I wote it shoulde be the last

Also I wol that the pence that pendent poffed in the maneres of Evesbury and Langport maner shoulde
be releve to the said convent of my last will
Also I wol that in name of herpet to our lady there be yevn to the church of our lady in Radwode maner
pence of gold of our lady there to abide for evermore

Also I wol that my wyf have of maner stuffe of silver vessel stuffe of beddys and of household stuffe
and cloth in and that she have also ever at the said stuffe that was in Eves and out at other stuffe
and thing that I have yevn for the said stuffe I have maner of silver by exchange of
silver an hundred of silver a yoke of dachme tened silver and al my bypny silver not for my
awere of silver xij pece of silver of old sort with the maner of myn arms in their device I
wote of silver maner and by potellars of silver

Also I wol that my said wyf have the pence paymen that was comys of the comtas of suffolth which
somtime was held of Gylfing being in my said will wote

Also I wol that there be made a goodly tombe of marbyle on my wyfes grave that dede in the Abbey of Langport
Also I wol that in last after my decesse whome ever god wol that he be at the remanent of his good which
shoulde be for my Charitee at Eves chyrch be assigned dymony and made sure to my said Charitee
and repyte ther for evermore And that this be don as the said execution of my last will was assigned
afore ned And also I wol that the charyels of Eves chyrch and Dwellun house for my prestes there be
bide and made sufficient that is to say Charites as I have demys and the house for my prest
there as they may reasonably not for my and goodly doelle thereon

Also I wol that after my decesse and at the last tyme none maner powned and done if god wol that
I have a nethe some that the said execution of my last will shoulde come to hym of the maner and
Castell of Eveshampton with the appurtenance and of the maner of Evesbury with the appurte
nance to myn and to the heirs male of his body lawfully comynge And for lack of heirs male
of his body lawfully comynge the remanent of the said maner and Castell of Eveshampton
and maner of Evesbury with there appurtenance to be to my right heirs

Also I wol that my wyf have in pte in the maner of Langport with the appurtenance to the terme of
my last will the remanent thereof to be to my first born and to the heirs of his body lawfully comynge
And if he die withouten heirs of his body lawfully comynge if it happen me to have an other heire male
that shoulde the remanent of the said maner with the appurtenance to be to myn first born male
and so for heire male to heire male of my body comynge til he be dyveded And if it happen the
heire male of my body comynge so to dyveded that maner the same maner with the appurtenance
remanet and so to have my daughter and to the heirs of his body lawfully comynge And in default
of issue of his body lawfully comynge the remanent of the said maner with the appurtenance to
be to my right heirs

Also I wol that Eves chyrch held of the Dean and Convent of the Wyche shoulde to the terme of tyme
to come in the maner of Eveshampton in Stafford shire the remanent thereof to my first born or to myne appurte
nance after the decesse of the said lord Dean and Convent his wyf my said feoffes or if I have
made the pte of the said maner of Eveshampton with the appurtenance to my first born or to his heirs
of his body lawfully comynge And for lack of heirs male of his body lawfully comynge I wol that
the remanent of the said maner with the appurtenance shoulde and be to myn other heirs male of
my body comynge And if none other heirs male come of me I wol that it remanet to my right heirs

Also I wol that they I have or that have estate in any land to the execution of my last will before and
after the said maner land to be holden by me or in my name whome ever it shoulde be execution of
my last will and I wote that they shoulde not have any part of the said execution of my last will
And also I wote that they shoulde not have any part of the said execution of my last will
I have wote after the execution of my last will

Also I wol that at the maner land and maner of the lady of Radwode maner and by the
maner with myn uncle of my said wyf shoulde have the maner and by the maner
and so to my first born or to myn heirs male of his body lawfully comynge
and for lack of heirs male of his body lawfully comynge the remanent of the said
maner and by the maner

2 E

manors houses and tenement to be to my sone Henry and to the heires of his body whiche Henry becomynge
and for all of such issue of his body at the forsaide manors houses & tenement to my sone
Anne maraunt shawer & Elizabeth to have & to hold to hem & to the heires of thair bodies lawfull
heires And for all of such issue of hem the remainde of al the forsaide manors houses & tenement
to be to myn heires for evermore

Also I wol that my sone Henry & the univ'rsal p'sent and al the quene that I have purchas'd in my
Daies any the that I in this Wille here above have devised remayne & be to such manors of mine
as myn heires and hem in no manere to the said manors for evermore

Also I wol that my sone Henry have the cure of wolde with the Dimes of men and women
the univ'rsal p'sent & al my sone Henry I wol that al the residue of myn benefice of such & of
wolde of the parochie of Ceter ad of Bechyn remayne & be to my sone Henry for evermore

Also I wol that the forsaide executores of my last wille ordene myn ymages of golde evyn of hem
of the weyght of xx poundes of golde to be made after myn similitude & figure with myn armes
holding an Auler to be done the name to be figured & thence to be offered and demy'd my name
that is to save one of hem at Shyne in the church of saint Albon to the body of our lord of
our lady and of saint Albon an other in hile churche at the Dymme in the Cathedral church
of Canturbury the iii of hem in hile churche at Bechyn & the iii of hem at the Dymme in
the church of saint Wenefide in Shirew'shire

Also for the forme & orde of governaunce of my sone Henry I wol and ordene y' evyn article y' y'
to helpe me next that is to say myn obben y' sone myn soule and payment of myn debtes be first
executed after al oth' And if any y' sone of myn body becomen or of myn wyf or of any oth' person
named in this myn wille & hereafter bynner or hereafter governaunce of my sone Henry or of any part
of myn body I wol and ordene that they take non advantage of myn sone Henry's wille
ne of my sone Henry's ordinaunce but that al such p'sone be wiche excluded of al man profit and advantage
therof And thanne I wol that they may have myn landes tenement & myn benefice or any possession to
myn sone Henry to my most deare the same landes tenement & myn benefice and other possession
to such p'sone as wol most me therfor And hem possesse in me myn landes or wille be possed
or in any oth' maner & not with p'sent And with the meyn & ordene therfor that
they that they do for myn soule and me myn sone Henry and do as it shal comen hem best to
the execution of me and me of myn soule and of al creature Alway for sone if myn goodes and
wille suffise not or may not be had be leasur of our p'sone to satisfy myn debtes and p'sent
my sone Henry that toucheth myn obben & sone myn soule and myn benefice
thanne thanne hit be comen to the p'sent executores of my last wille to alle such landes as thanne
have to myn sone Henry And thanne they spend myn wille of such goodes as toucheth me only in
p'sent be sone Henry's debtes as thanne thanne best in thair discrecion any oth' ordinaunce or wille
be sone Henry's debtes notwithstanding

Also I wol ordene a sone and name to p'sent and fulfill to ordene and to done the
my sone Henry and al that is contened therein the lord Cromwell the lord Crompton
Richard Englewood Thomas Langford William Westwell Robert and Nichol
Wode wille to make & to execute and assent of my sone Henry And I require hem al
and exhorty of hem that they do wele and faithfully ther part and doen to execute
and p'sent and my last wille as thanne alle and each of hem wille suffise after that at
In witness wherof I have signed this myn wille with myn hand the day of dome
the xxiiij of Marche Anno dni milimo ccc lxxviii Et regna sic Anno xlvij & xlvij
in presence of me & in presence of commissary of the admiralty and other
John de la Beche Thomas Langford & Nichol Wode wille in the presence of the said
John de la Beche & Nichol Wode wille & other commissary of the admiralty & other
John de la Beche & Nichol Wode wille & other commissary of the admiralty & other

In witness wherof I have signed this myn wille with myn hand the day of dome
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in presence of me & in presence of commissary of the admiralty and other
John de la Beche Thomas Langford & Nichol Wode wille in the presence of the said
John de la Beche & Nichol Wode wille & other commissary of the admiralty & other
John de la Beche & Nichol Wode wille & other commissary of the admiralty & other

things of saint leonards of Shoreditch in the county of midd in such place as they according to
 my devise after the directions of my executors shal aduillie and withy take all testament
 and last wille of my manerable goods by me made and devised after the date of this your
 testament also I bequeeth to the hush ducer of the church aforesaid for my tithes and offer
 ungs forpeter or Myrthwaller in discharge of my soules and conseruance to makee plimpe
 also I bequeeth to the wiche of the body of the same church to makee plimpe also I bequeeth
 to the my order of fiores in the cite of london that is to say fiores persons comelie
 morece and amptious to thoutent that they shall pray for my soules and so for my
 corpe for my hent the day of my deceas to the fiores church and to be for dringe
 for my soule by note and on the meide after masse of requem by note in theid daye
 churches my le that is to say to eide of the said order of fiores or of also I will that I
 have my tithes and the tithes of myr to becom aboute my corpe in the said church or my
 dringe and masse of requem and I will that my good James hold the said tithes and
 tithes at the same dringe and masse also I will that I have ad house of good conseruacion
 and ordonon to fuit and for some fiores for my soule and for the soules of my fiores and
 felowship my deceas and I will that the same beft during the same tyme be at all dringe
 fiores tithes fuit and paid in the said church and I bequeeth to the same beft for the salary
 in that behalf that is to say for the said of the said years & makee plimpe also I bequeeth
 to the wiche of the church of saint mary framynge in the cite of london or of also I
 bequeeth to the piosse and aduent of the house of priory of haldwell fiores Shoreditch
 to pray for my soules or of also I adon and forgo to the same piosse and aduent of
 haldwell or of of the myr & Myrthwaller they owe unto me also I bequeeth to the same hospital or of
 hospital of our lady withoute Shippshate toward the sacron of the same hospital or of
 also I bequeeth to the fiores of the spire of Newgate and hildgate in london in brece to be
 solided to them after the directions of myn executors or of that is to say to eide of the
 same fiores or of also I bequeeth to henry heit and his wiff or of that is to say to eide of
 them or of also I adon and forgo to John ayson of london hoies my tenent in Woodstote
 all such money which he dring unto me also I bequeeth to maister Willm Emeston beft
 or of also I bequeeth to hathan and Elizabeth my daughter & makee of lawfull money
 of fiores that is to say to eide of them & makee to be solided to them when they
 come to their lawfull age or be married if they be married by the comfitt and aduce of
 hathan my wiff if she be than fole and myn executors and if either of my said daughter
 happen to deceas or they come to their lawfull age or be married than I will that
 the one & makee of the said & makee by me bequeethed in the forme aforesaid to that
 my daughter so deceasit remaine to Richard Straby my son if he be than on lide to
 hane to hym as his pios money forsworn and if the same Richard be than deceasit
 that than the same & makee remaine to myn executors conseruators to thoutent that
 they shall distribute and dispoise the same & makee for my soule after their good discretions
 and I will also than that the other & makee of the said & makee by me bequeethed
 to that daughter of my said the daughter so deceasit remaine to that daughter of my
 said the daughter the other dring to hane and enoy to her as her pios money forsworn
 and if my said daughter both deceasit before that they come to their lawfull age be married
 than I will that & makee of the said & makee by me bequeethed to the same my
 daughters as it abovesaid remaine to the said Richard Straby my son if he be than
 on lide to hane to hym as his pios money forsworn and if the same Richard be
 than deceasit I will than that the same & makee remaine to my fiores executors to thoutent
 that they shall distribute and dispoise the same & makee for my soule after their good
 discretions and I will than that the other & makee residue of the said & makee
 remaine also to my said executors to thoutent that they shall distribute and dispoise the
 same other & makee for my soule in masse to be fungen to pouer people most needy in
 soliding and redempty of pouer fiores oute of spen in reparyng and amending of fiores
 and foles wyces in marriage of pouer maidens of good name and fame and in other doie
 of charite after the good discretions of my said executors and I will that the said
 & makee by me as it abovesaid bequeethed to my said daughter be and re
 maine in the keeping of the maister of the church or hospital of saint Thomas of

