



Richard III Society

Founded 1924

In the belief that many features of the traditional accounts of the character and career of Richard III are neither supported by sufficient evidence nor reasonably tenable, the Society aims to promote in every possible way research into the life and times of Richard III, and to secure a re-assessment of the material relating to this period and of the role in English history of this monarch

Patron

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Introduction

This CD-ROM contains an index to testators of wills that have been published in serial publications, books and other printed matter from the eighteenth century to the year 2000. The criteria for the selection of these published wills is that they were either made by the testator or proved by an English ecclesiastical court between 1 January 1398/9 and 24 March 1540/1.

The aim of the index is to enable the user to ascertain whether a particular will, or part of it, has been published and, therefore, making it more readily accessible to historians and genealogists than an extant manuscript copy stored in a remote archive. Where a will has been published it should not prove difficult either to consult the published work at a major library or arrange to obtain a copy of the entry. It should be noted, however, that the majority of the wills listed in the index are deficient in as much as they are published in abstract form, and in some case only very brief extracts are given.

The sources consulted are to be found in city and town libraries and county record offices. London repositories for the sources included the British Library, the library of the Society of Genealogists and the London Library. The earliest published work that provided abstracts from wills was *An Abstract of Several Records, original deeds, wills with other authentick writings to prove the claim and title of Katherine, wife of Robert Bokenham to the Barony of Berners* in 1717. From the mid-nineteenth century the publication of wills became popular in serial publications of historical societies and it is still popular today. For example, during the 1990s Bedfordshire and Hertfordshire wills have been published by the record societies for those counties. The Society's project team has endeavoured to capture as many of the wills and abstracts as possible although inevitably there will be omissions.

Background to the Project

The project to index published wills came about following an initiative by the Richard III Society to offer a palaeography course on late medieval handwriting to its members. Several of the members who participated wanted to make a practical use of their newly acquired skill and as they were not all necessarily interested in undertaking private research they were keen to work on a suitable project that would be beneficial to historians.

The eventual project was the transcription, and where relevant, the translation, of a register of wills from the senior ecclesiastical court, the Prerogative Court of Canterbury. The chosen register is known as Logge (from the name John Logge, the first testator in the register) and it covers the years

1478 to 1486 where there were almost four hundred wills of which about a third were written in Latin. It was to be a scholarly exercise with each will being transcribed twice by separate volunteers and then checked by an experienced transcriber. This project is nearing completion and it will be published in the latter part of 2008 and in anticipation of this event the appendix to this index provides a list of the testators.

It was suggested that a second project should run in parallel with the transcription of the Logge wills. This would offer members, who did not have the skill of palaeography and knowledge of Latin that would be required for the initial scheme, the opportunity to contribute. From a short list of suggestions it was agreed that a published index of wills covering the late medieval and early Tudor period would be of value and plans were made to launch the project in 1994. Interest was expressed by members and the indexing team was recruited. As the project progressed the team was then expanded to include seven members who undertook the task of computerising the index, and transcribers from the Logge team took time out to contribute to the index. Throughout the life of the project, the Society's former research officer, Peter Hammond, together with his wife Carolyn, the Society's former librarian, supported the team with encouragement, expertise and assistance in locating some of the more elusive sources.

Sources and their Selection

The starting point for identifying the sources that contained published wills was E.L.C. Mullins, *Guide to the Historical and Archaeological Publications of Societies in England and Wales 1901-1933* (London 1968) and two volumes of *Text and Calendars. An Analytical Guide to Serial Publications* (London 1958 and 1983). The volumes described in these publications formed part of the library of the Royal Historical Society although there were a few exceptions. From Mullins' labours a substantial list of journals was created and thanks to the detailed description of their contents it was possible to ascertain exactly which volumes contained published wills.

The second principal source was Jeremy Gibson's *Wills and Their Whereabouts*. Organised by county, each section included details of the major works containing wills. Although many of these works were simply indexes or calendars, those that contained complete wills or abstracts were easily identified.

The third principal source for the project were the bibliographies written by Stuart A. Raymond for the Federation of Family History Societies Publications. These fall into two series, *British Genealogical Periodicals: A bibliography of their contents* and the *County Genealogical Bibliographies*. The first series detailed the contents of *The Ancestor*, *Collectanea Topog-*

raphica et Genealogical, Topographer & Genealogist, The Genealogist and Miscellanea Genealogica et Heraldica, publications that are familiar to genealogists and family historians. The county bibliographies proved invaluable for the content of probate records in the smaller local journals and private publications.

In 1996, three years into the project, the Society of Genealogists published *Wills Indexes and Other Probate Material in the Library of the Society of Genealogists*. Organised into five sections, three were relevant to the project, namely publications in the SoG's National Collection, the English Collection (by county) and material relating to probate courts and registries. Many sources found were not applicable as they were held on microfiche, microfilm and typescripts and therefore outside of the scope of this index. However, well over a hundred new sources were found and indexed.

The final principal source was the British Library catalogue that is available on-line. Using the keyword search facility several hundred sources were listed but some selection was required as every legal text on probate was included. After eliminating these irrelevancies and already identified sources, some forty or so books were found to contain wills.

Other means of identifying sources included the card index of serial publications at Birmingham City Library and contributions from members of the Richard III Society. The sources themselves led to others, for example an 1862 volume of *Notes and Queries*, that provided a source for some wills of eminent testators published in the early nineteenth century.

There are, however, a couple of exceptions to the criteria for the selection of wills. Two wills published, but not proved in England, of testators who were important to the study of this period of history have been included. They were Louis de Bruges or Gruthuse, created Earl of Winchester by Edward IV, and Henry VII's court historian, Polydore Vergil.

Also included in the index are the archdeaconry court of Surrey wills transcribed by the West Surrey Family History Society. Originally these were only available in bound typescript volumes at the Surrey History Centre in Woking but they have now been published on microfiche by the WSFHS. The decision to include the wills in this index was made because of the rarity of published Surrey wills and inclusion would provide some coverage for this county.

It should be remembered that the index only covers those wills that have been published and is not an index of all extant wills. The selection of wills by the editors or compilers of the published sources is eclectic, based on their own priorities and interests. A family historian may select all wills pertaining to a family name that he is researching, for example F.N. Macnamara's *Memorials of the Danvers Family* published in 1895, or someone

interested in a particular location may search the appropriate archdeaconry and consistory courts' probate documents as did Jules de Launay for his work on the village of Cranford in Kent. Notwithstanding the above, there are three counties where brief abstracts have been published from thousands of wills and they may well represent a very high proportion of extant wills for those counties. They are Northamptonshire (*Archaeological Journal* No. 70), Sussex (Sussex Record Society's *Transcripts of Sussex Wills* Vols. 1-4) and Kent (Leland Duncan's *Testamenta Cantiana*) in which the abstracts relate to bequests made to the parish church or to a request to be buried in a particular church.

One group of sources that have been excluded from this index are wills abstracted in any of the peerage publications. Generally, wills are not indexed in these works and the amount of time required to locate such abstracts would have proved disproportionate to the benefit of indexing them in view of the high status of the testators. The 'rich and famous' of any period are probably the easiest targets for any researcher and so the majority of testators in this index are lower status folk and include some eccentrics, like Bartholomew Kingston of Rothley in Leicestershire whose 1486 will was engraved on his tomb.

The Index

The index is presented in a tabular form in alphabetical surname order. The data recorded are those which were considered essential to a user in order for him or her to identify a person of interest. The name of the ecclesiastical court where the will was proved has been excluded from the index. In some cases this is available in the summary of sources (see below). For example, all wills published in the Bedfordshire Record Society volume 58 were proved in the Prerogative Court of Canterbury and this information is part of the descriptive title. The court of probate will be of interest to those who decide to consult the original manuscript copy but it has been assumed that users will initially look at the published source where this information may be provided. Emphasis has been given in the index to include information that will aid a researcher to identify a testator by including the name of an associated place. Where possible a place of residence or a request for burial in a particular place is included. If this information is not available then a mention of a bequest relating to a specific place is given. The dates, where available, for when the will was made and proved, are provided in addition to other information in terms of what the user might expect to see in the

published will, i.e. the amount of the text that is published, the language of the will together with an indication of status, rank, title or occupation if known. We have tried to be consistent but because many people have worked on the project over many years there will be some inconsistencies remaining. For these we apologise.

Indexers have generally recorded information as shown in the published version in order not to interfere with the integrity of the source. However, modernisation of the spelling of names, places, occupations, etc., may have been undertaken by the *original* editor or compiler. Unfortunately many sources did not specify what conventions were used in the transcription and presentation of the wills. In some instances both an original and a modernised spelling of a name and place have been given.

The columns are listed below together with detailed information on presentation and conventions. It is recommended that the user familiarises himself or herself with this information in order to benefit fully from the information provided and to appreciate what will be found in the published will.

Surname

A handful of testators have no surname in the index. These include the kings and queens and members of the royal family, who are all, with the exception of Henry VII, members of the house of Plantagenet. This surname was not generally used in the fifteenth century and therefore has not been used in retrospect in this index. Identification is made by their title, or Christian name in the case of a king, in the comments column. Only a handful of testators remain without surnames, for example an abbot of Shaftesbury and a resident of Southwark. Unfortunately it has not been possible to identify them further.

A number of testators did not have their surname recorded in their wills but we have subsequently added it. They fall into two specific categories. They were either senior clerics or peers. For the former, if no indication of their surname was given in the source book, they were identified from *Handbook of British Chronology* (edited by E.B. Fryde *et al*, 3rd edition 1986) and for peers and their spouses, from G.E. Cokayne's *Complete Peerage* (new edition, Gloucester 1982). Where the wife of a peer has not given a surname in her will she has been indexed under the surname of her last husband. There are exceptions and these are a small number of female testators of rank who have become known to history by a particular name, which is not that of their last husband. In these instances their 'celebrity' name has been retained in the index. For example, Margaret Beaufort, mother of King Henry VII, whose fourth and last husband was Thomas Stanley, Earl of Derby, is indexed as Beaufort.

The vagaries of medieval spelling will be familiar to users, with the same name possibly being spelt differently within one document. It is, therefore, assumed that users will check all known variations of a name but in order to assist searches the following conventions have been adopted for this index.

If a medieval and an alternative or modern spelling have been recorded then both may be incorporated into the entry, e.g. SMITH/SMYTH.

If a medieval and an alternative or modern spelling have been recorded but the name begins with a different letter of the alphabet, then it is listed twice, each time under the appropriate letter and with both spellings. For example:

FAROW/PHAROW
PHAROW/FAROW

Names such John atte Wood or Thomas ap Gryfiths are entered twice in the index, under 'atte', 'at', 'a' or 'ap' and again under the actual surname.

Where the link of 'at' and a surname had already occurred, for example Richard Atwode of Coulsden in Surrey who made his will in 1520, then the name is indexed only once.

The use of an alias, for whatever purpose, was not uncommon and such testators are listed twice, under each surname. However, in these instances an entry is made in the comments column to indicate the occurrence. For example:-

Surname Column	Comments Column
LONGMAN	Aka YATES
YATES	Aka LONGMAN

The situation can be further complicated when a John at Wood is also known as John Longman and in these instances three entries are made:

Surname Column	Comments Column
LONGMAN	Aka WOOD atte
WOOD at	Aka LONGMAN
at WOOD	Aka LONGMAN

Those testators that are known as, for example, Henry de la See, William of the Chambour or Jan van Wynken simply have the 'de la', 'of the' or 'van' listed after their surname. An unusual example of the use of an article was a Surrey testator named Hugh ex Frisia.

Christian Names

These have been indexed as published and can, therefore, be in Latin or abbreviated, for example Johannes or Thos.

Date Will Made and Date Will Proved

Where given, the full dates for both the making of the will and the date of its probate have been given. However, there are many instances in the index where just one date has been published and frequently only partial dates are available.

It should be noted that during the fifteenth and sixteenth century the dates were not necessarily given in the format that we use today. It was common practice to relate a date to the festival of a saint so if the will was made on a day close to a saint's festival it could be shown thus, 'Sunday next after the feast of nativity of the Blessed Virgin Mary'. The year would usually be given in Roman numerals or as a regnal year. The medieval presentation of Roman numerals could differ to what we might expect, such as the representation of 1498 in the will of Robert Calverley published in volume 53 of the Surtees Society – m^l.ccccth.iiij^{xx}.xviiij although the French *quatre-vingt* for eighty helps identification.

The dating of a few wills employed the use of the old Roman calendar where dates were reckoned according to their relationship to just three days within a calendar month, the Kalends (the first of the month), the Nones (the fifth day of the month) and the Ides (the thirteenth day of the month) except for the months of March, May, July and October when the Nones fell on the seventh day, and the ides on the fifteenth day. The final complication has been that many dates have been given in Latin.

As the index is in tabular form it has been necessary to translate, where applicable, and to convert such dates into the modern format. In some instances this had already been done by the original transcribers but much work has been done by the project team to complete the conversion. This has been done with the aid of C.R. Cheney's *Handbook of Dates for Students of English History* (CUP 1997), David Farmer's *Oxford Dictionary of Saints* (OUP 1997) and *The Book of Saints* compiled by the Benedictine Monks of St Augustine's Abbey (Ramsgate 1988). In some instances there is ambiguity because it may not be clear which saint is involved if there are several with the same name or if a saint has more than one festival and such occurrences have been annotated in the comments column.

Finally the user should be aware that during the period of 1399-1540 the 'old style' Julian calendar was in use, which meant that the new year began on 25 March, the day of the Annunciation. In 1582 Pope Gregory XIII reformed the calendar but his Gregorian, or 'new style', calendar was not

adopted in England until 1752 when 1 January became the official new year's day. The complication for this index is that the dates of the wills are, of course, old style, and these *may or may not* have been modernised by the editors and transcribers of the published sources. In some cases it is obvious as to whether or not modernisation has taken place, but in other sources it is by no means obvious as there is no indication of what convention was used. The other alternative is that many editors have adopted the use of both styles thus dates can be shown as, for example, 5 January 1505/6. Where only the old style dating has been retained in the published work there are instances of a will seemingly being written after it was proved. The project indexers have recorded the date as given in the published source but have in some instances shown the year in both old and new style in order not to confuse the user, for example, 12 March 1500/1 instead of 12 March 1500.

Place of Residence

Where the place of residence has been given in the will it has been included in this column. This information was not always clear in the will but in many instances the selection of the will for publication does give a clue to residency or at least a clue to the geographic area of residency. example, *Notes or abstracts of the wills contained in the volume entitled the Great Orphan Book of Wills, in the Council House at Bristol*.

Testators frequently designated where they wanted to be buried and this could, of course, be the place where they lived. As this is to some degree an assumption and, therefore there is an element of doubt as to the burial place being the place of residence, an RTBB (request to be buried) comment has been included in the final column. It should be noted, however, that the original editors and transcribers may have assumed the place of burial and the place of residency to be one and the same and therefore their stated place of residence could be suspect.

In some instances neither a place of residence nor a request for burial have been given in the will. Again the source may give a clue to where the testator lived but in some cases a bequest relating to a particular place (BRT) comment has been included in the comments column which may help the user establish identification of the testator.

Associated County

The entries will either reflect the county of the place of residence, if known, or a county associated with the testator. The latter may occur when the source is dedicated to wills in a particular county, for example, Serjeantson and Cox's lengthy article on *The Parishes Churches and Religious Houses of Northamptonshire* published in volume 70 of the *Archaeological Journal*.

The county names have been abbreviated and the Chapman County Codes have been used throughout, see Appendix 1.

References to the Sources

These are included in four columns that cover the source itself, the volume and/or series if a serial publication, the year of publication and the page reference for the will.

For serial publications the source name has been abbreviated and for books the author or editor's name is shown. These sources are cross referenced in the summary of sources table.

Where a will is published in a footnote this is indicated in the page reference, for example 44^{FN}

Substance

There are six possible entries in the column, all of which relate to how much of the original will has been published:

Complete. The descriptor 'complete' has been assigned to wills where it has been stated in the publication that it is a complete transcription, other than possible omission of standard formulae or if the will *appears* to be complete. Obviously the only way to be absolutely certain about the latter is to compare the transcription with the original and this exercise has not been carried out.

Abs [Abstract]. The descriptor 'abstract' has been assigned to incomplete wills. The abstract may be substantial or comparatively short. An indication of this is found in the number of pages the abstract covers or in the summary of sources.

Brief. The descriptor 'brief' has been assigned to abstracts of five lines or fewer. Some brief abstracts may only give details of a single bequest.

Frag [Fragment]. The descriptor 'fragment' has been assigned to a will that has text missing because part of the will is unreadable or has been destroyed.

Pub [Published]. The descriptor 'published' has been assigned when abstracts from the wills may not have been given but the entire will is itself the subject of a published work. For example Rhoda Friedrichs' article on 'The last two wills of Ralph, Lord Cromwell' in *Nottingham Medieval Studies*, No. 34

Prob [Probate]. The probate descriptor has been assigned to wills that only have the probate clauses published but these clauses contain useful information.

Comments

The type of information included under comments falls into main two categories. The first is anything that will aid the user to identify a testator. Due

to space this has had to be limited as it is not the intention to reproduce vast amounts of information in the index that the user will find when he or she consults the published text.

What the user can expect to find are references to the status, rank or title (peerage or ecclesiastical) of a testator. Occupations, if available, are usually given and generally presented in their original spellings as difficulties could arise from modernisation, for example, the word 'boccher' which could mean butcher or botcher (a tailor who repaired and sold second-hand clothes.)

It should be noted that the term 'sir' in the late medieval and early Tudor period is used not only to describe knights but clerics. Where it can be established that the testator is a knight it is shown in the column but where it has not been possible to establish this then the descriptor 'described as sir' has been inserted, although it is frequently accompanied by another clerical status.

Some family relationships have been included, usually reference to a spouse or former spouses.

As already discussed, the alias and cross referencing of the alternative surname are included in the comments column as well as requests for burials and institutions benefiting from bequests.

Finally some testators have connections with Richard III and his administration and court. The indexers are all Society members it is inevitable that these references have been recorded and editorial policy has been to retain them for the interest of other members and we trust non-Ricardian users will be sympathetic to our parochialism.

The second category is anything material to the presentation of the will that would be of importance to the user. This particularly relates to the language of the will. What could be more disappointing than to obtain a copy of the published text of a testator only to find it is published in Latin, with no translation, and the user does not have any knowledge of that language?

It has been taken into consideration that users may wish to consult not only the published text but also the original probate document and to this end any available information on the original language of the will has been included in the comments.

By default it can be assumed that all wills were written in English unless otherwise stated. Care needs to be taken by the user, however, as the editors of the published works may have made undeclared translations. The definitions of the comments relating to language are as follows:

Latin. A will was made and has been published in Latin with no translation.

Latin and French. A will was made and has been published in Latin and French with no translation.

Latin with Eng. trans. A will was made in Latin and has been published in the original language and with an English translation.

Eng. trans. of a Latin orig. A will originally made in Latin but has been transcribed and translated into English and only the English version is published.

Latin and Eng. with Eng. trans. A will that is in both Latin and English and the Latin portion is given in both Latin and English.

Latin with Eng. abstract. A Latin will published in Latin with an English translation of part of the will or of the salient points.

Summary of Sources

The summary of sources is the cross-reference for the author or abbreviation of the source material in which the will was published. The summary, in addition to providing the full name of the publication, year and place of publication contains some additional details that may be of interest to the user. As with the main index, the format is tabular, the column headings being:

Source Abbreviation

The source abbreviation as given in the index.

Source Title/Article Title

If the source is a non-serial publication (though it may be of more than one volume) the full title is given under this heading. If the source is a serial publication then the name of the article in which the will appears is provided. This additional information is given as it may be that the complete article could be of interest to users in addition to the section covering the actual will.

Author/Editor/Compiler/Transcriber/Contributor

The full name of the writer of non-serial publications or the name of the writer of the individual articles in serial publications. They are variously described as authors, editors, compilers, transcribers or contributors. Where the serial publication volume has an overall editor this information has been given under the title of General Editor(s).

Publications

This column provides the full name of the serial publication and it should

also be noted that societies sometimes published several different publications, for example, the Cambridge Antiquarian Society, who in addition to their Proceedings published an octavo series and combined their reports with *Cambridge Antiquarian Communications*. Some societies have re-organised and re-formed to meet local needs and demands. For example, the *Leicestershire Architectural and Archaeological Society* became known as the *Leicestershire Archaeological Society* and they are currently known as the *Leicestershire Archaeological and Historical Society*.

Series/Volume

The volume numbering of serial publications can become very convoluted, particularly when the journal runs to several series, or volumes are divided into parts. This can be exacerbated when parts or volumes are re-bound by libraries and sometimes given a new identification. An example of this occurred with the William Salt Archaeological Society publications. In the compilation of the index, volumes at two libraries were consulted, namely Birmingham City Library and the library of the Society of Genealogists. The former used a continuous numbering system for the second or new series whilst the latter continued the first series volume numbering but identified later volumes by the year of its compilation (as opposed to the year of publication) In this index the Society of Genealogists' numbering system is used but in the summary of the sources both systems are given. The William Salt Archaeological Society changed its name in 1936 to the Staffordshire Record Society although both libraries still shelve it under William Salt.

It was found that several publications had originally been issued periodically but with continuous page numbering for a volume covering, say a calendar year. Subsequently these 'volumes' were re-bound with others to form a more substantial tome and care will be required to ensure that the correct pages are located within these multi-volume volumes.

Place of Publication and Date of Publication

Comments

A brief description of what is contained in the source, article by article (if relevant). Where an article is particularly relevant to a testator, i.e. contains biographical information, the full page reference may be given.

It should be noted that articles or publications may contain additional wills that are outside the scope of this index (1399-1540) and reference is usually made to this occurrence.

Wendy Moorhen
Index Co-ordinator & Society Research Officer

Appendices

Appendix 1 Chapman County Codes

County	Code	County	Code	County	Code
Bedfordshire	BDF	Herefordshire	HEF	Rutland	RUT
Berkshire	BRK	Hertfordshire	HRT	Shropshire	SAL
Buckinghamshire	BKM	Huntingdonshire	HUN	Somerset	SOM
Cambridgeshire	CAM	Kent	KEN	Staffordshire	STS
Cheshire	CHS	Lancashire	LAN	Suffolk	SFK
Cornwall	CON	Leicestershire	LEI	Surrey	SRY
Cumberland	CUL	Lincolnshire	LIN	Sussex	SSX
Derbyshire	DBY	London	LND	Warwickshire	WAR
Devon	DEV	Middlesex	MDX	Westmorland	WES
Dorset	DOR	Norfolk	NFK	Wiltshire	WIL
Durham	DUR	Northamptonshire	NTH	Worcestershire	WOR
Essex	ESS	Northumberland	NBL	Yorkshire	YKS
Gloucestershire	GLS	Nottinghamshire	NTT	Isle of Man	IOM
Hampshire	HAM	Oxfordshire	OXF	Isle of Wight	IOW

Appendix 2 Abbreviations (other than sources)

Aka	Also known as	itpo	in the parish of
BL	British Library	KG	Knight of the Garter
BRT	Bequest relating to	o/s	outside
c.	circa	PCC	Prerogative Court of Canterbury
Coll.	College	PCY	Prerogative Court of York
d.	died	Pt	Part
Dom.	Dominus (priest)	RTBB	Request to be buried
DWM	Date will made	Ser	Series
DWP	Date will proved	SoG	Society of Genealogists
Esq.	Esquire	Sts	Saints
Gent.	Gentleman	trans.	translation
itc&co	in the city and county of	Vol	Volume
itdo	in the diocese of	w/o	Without

Appendix 3 Glossary

Act of Administration (Admon) was granted to a deceased person's next of kin if that person died intestate, i.e. without making a will.

Commissary court is the court of an officer of a bishop, usually the archdeacon.

Consistory court is the court of a diocesan bishop.

Dean and Chapter are the body that have charge of a cathedral and its estates. They also have the prerogative to hold their own court.

Ecclesiastical courts are the courts of the church which administered civil and canon law and which had authority to prove wills and testaments.

Intestate status of somebody who dies without leaving a will.

Inventory a list of a testator's goods.

Nuncupative will was an oral will made immediately before death.

Peculiar a place or territory which does not come under the jurisdiction of the local archdeacon and which is entitled to hold its own court.

Probate is the right or jurisdiction of proving wills which until the nineteenth century was the prerogative of the ecclesiastical courts.

Prerogative courts are the courts of the archbishops.

Regnal Years are reckoned from the date a king or queen ascends the throne, for example, 26 June for Richard III. His first regnal year, therefore, ran from 26 June 1483 to 25 June 1484, his second from 26 June 1484 to 25 June 1485.

Sede vacante with seat vacant. The period of time between the death of a bishop or archbishop and the appointment of his successor.

Testament is the written instrument by which a person makes disposition of his movable estate and which takes effect after his death.

Testator a male person who makes a will.

Testatrix a female person who makes a will.

Will is the written instrument by which a person makes disposition of his immovable estate and which takes effect after his death.