

# CURIOSITIES OF SOME OLD WILLS.

---

The paper to which you are asked to listen this evening lays claim to no historical interest. This may seem strange in these days when we are "making history." But it will lead you into hitherto untrodden paths, and perhaps cast some light upon the ideas and views of life, as well as upon the customs of the first inhabitants of the then Borough, now our own City of Lancaster.

Hidden away in the dusty old volumes in our County Court House, there is much that is alike interesting and instructive. Our history is contained in them. One would scarcely expect to find anything amusing in the verbosity and precision of these formal legal documents, and yet from our point of view, it is there. There is not only much that is entertaining, but much that is curious, and so, from a careful study of the old wills, still on record, this paper has been compiled. Naturally, while reference is always made to the dates of the signatures to these old testaments, no names are given, even though some of the families may be, nay, are extinct. But in the quotations from them, the phraseology and the orthography, quaint and unusual as it may seem to our modern eyes and ears, have both been accurately copied, and no attempt has been made to correct them. So much by way of preamble.

In the study of these old wills, there are several items which seem first to demand our attention. One is, that among them there are very few written by women. This is probably owing to the fact that under the old laws of the Province of Pennsylvania, "infants, idiots and married women" were classed together. This rating no longer exists. But "infants and idiots" were not competent to execute a will, and in those days when a woman took upon herself the yoke of matrimony, she and all her belongings became the undisputed property of her husband, and he, as her "lord and master," could control and dispose of everything as he would. It is not within my province to comment upon the justice or injustice of this—it is a simple statement of a well known fact,—that the married woman, in her incompetency, in the eye of the law, to make a will, stood legally upon the same footing as did minors and the mentally deficient.

Another item to be noticed is the survival of the law of primogeniture. With very few exceptions, the eldest son, who as a rule bears either his father's or his grandfather's name, receives the largest share of the estate, and, as a rule, the "Plantation whereon I reside and the Mansion House" are left to him. This probably is the consequence of the old laws of the European countries from whence most of these old testators came.

While the men of olden days were willing to provide, and in some cases liberally, for the women whom they nearly always designated either as "my

loving wife," or more rarely, "my loved and loving wife," they are very careful to qualify this provision by requiring such legacies, in case of the woman's marrying again, to revert to the estate, perhaps upon the principle that in giving up her husband's name, she forfeits her right to everything which was his.

The last thing to which your attention will be called is that all these old wills begin with a certain set form of words, expressing, whatever his creed or mode of life may have been, his belief in religion, and instructing his executors to have his "body buried in a decent and Christian manner." Every such direction also expresses the belief in the corporal resurrection, generally in these words, "I shall resume it at the Glorious Resurrection." In many cases instructions are given as to where the interment is to be made, as for instance: "At the Manonest Meeting," "The 13th Day of the Second Month called April, 1743 (date of signature) at the Peoples Called Quakers Furrinng Ground at West Nottingham." May 16, 1740. "To be buried at Mr. Royd's Meeting House" (Upper Octoraro Presbyterian Church). June 20, 1734. "My Bodey to be decently Bured in ye Church Yard of Donigall, as may Executors sews fite." And another, in 1736, directs that he, too, be buried "in the Graeve Yard of Dunogall." The "Moneday Meeting House" is the choice in January, 1738. Another desired to be interred at "old Piqua," and nearly all say "at the Discretion of my Executors," which last word varies in the spelling, sometimes being correct, and again "Exarceders," "Axeterris," "Exaccators," and "Exequieters." In one of two instances, November 5, 1745, the testator directs that the "Buriall is to be Decent, and without Pomp or State." In this connection one of the most curious legacies, February 5, 1746-7, is where £14 is left to defray "the Funerall Expenses" of the man's wife, she being still living.

The old wills indicate that every man claimed the right to do as he pleased with his own, and the records of our Orphans' Court evidently sustain him in that opinion, as the final distribution of estates is ordered to be "according to the will of the testator."

With these preliminary statements, by way of introduction and explanation, the curious matters in these old papers will follow. Here are some of the directions to the wife.

July 16, 1730. "Wife is to give the Children Sufficient Meate, Drink, and Learning and Cloaths for seven years." This is one of the oldest wills on record.

September 7, 1732. "Wife to live in the Plantation during the time of her Widowhood or her Christian behaviour."

April 10, 1733. "Have writ how my Wife has to behave herself in case I should Die, and she is not to keep too much from the Children of what is their due at the Proper Time."

July 14, 1734. Gives and bequeaths "to my dear and Loving Wife Mary all and Singular the Money and Goods that was her own when or before I took her to be my Lawfull Wife."

Some of the wills lay stress upon the education to be given the children.

March, 1738. "Allow my wife to school my son, that is for to learn him to Read and writ English."

January 1, 1748. "To keep my two sons Andrew and Joseph and put them to School during her Widdowhood or till they can Read the Bible plain and Read and Write Bills and Bonds and Work the Golden Rule in Arithmatick Perfect."

May 12, 1748. "My daughters must learn to read the Bible plain, and to knit or make their own stockins."

October 14, 1748. "The children shall be learned to read out of the Old Testament."

August 14, 1746. "My son John shall be sent to school untill he be grounded in Writing and Larned the Seven first rules of Arithmetick, and my son Thomas to be Educated with such Learning as my other sons are to be taught."

August 6, 1735. This will is dated at sea, "aboard the John and Marget," and is witnessed by her captain. He mentions "land on Peggy Crick in the County of Lancaster" which presumably means Pequea Creek, and directs, regarding his son, that "the money is to be bestowed upon his Learning to make him a Scholar."

January 29, 1732-3. "Directs that my effects should be praised and valued by the Elders of the Meeting of ye Manonest, and divided amongst my children at the judgment of the Elders." To use a common Lancaster expression, "it wonders me" whether at the present any man belonging either to St. James, Trinity or the First Presbyterian, no matter how highly he might regard the vestries or elders of those churches, either as his friends or as business men, would place such power regarding his estate in their hands.

In this connection it may be interesting to note that every now and then money is left to various churches. In one case four are mentioned, "the Church of England in Lancaster, the Lutheran in Earl township near the Hog Swamp, the former Saue Schwamm, the Dutch Presbyterian near the Mill Crook, the Popish Church in Lancaster, each £2." This is in 1747. Regarding the "Hog Swamp" Mr. Diffenderffer tells me that the original name of our present village of New Holland was "Schwein (Saue) Swamp" from a piece of marshy land in the vicinity of the ridge upon which it is built. Later on it was known as Earlville, then as New Design—certainly names preferable to the first. Another legacy is to what is designated as "the German or Dutch Colonists Church or Meeting House for religious Worship in Lancaster." February 29, 1747-48.

There are, as was stated before, very few wills of women on record in those early days. As those in existence are generally, nay, almost invariably signed by a mark, one would naturally deduce the inability to write, while the men's wills almost always bear their signature. One woman, March 1, 1747-48, describes herself as "Spinster and Relict." Perhaps some legal mind can reconcile these two conditions. Careful mention is made of personal belongings, as for instance, February, 1741-42, the testatrix says "I appoint my Best Gown to my oldest daughter, and my floured Aprron and Gold Ring to the other." Another, August. 4, 1737, bequeaths "a black stuff Jacket and a Yelowish Coloured Peticote made in the German fashion to my God daughter Margaret," while a third directs "that such olde cloathes as are not mentioned shall be given to my servant Elizabeth."

One can but wonder sometimes what lies hidden behind these old testaments. Could we but "read between the lines," we might find stories of strange romance, tales of family feuds and disputes, which might prove of much interest, could we but unravel their mysteries. Here is one, September 26, 1741, "To my two daughters one shilling each, to my youngest son all my worldly substance, whatsoever Goods, Chattles Wearing Apparrell Lott and house and whatever else is or may be called mine." If there are other sons, they are not mentioned.

A very quaint statement is found on August 20, 1741. "Such Goods, Chattels and Debts as it hath pleased God far above my Deserts to Bestow upon me."

Very explicit are the following directions dated 20th day, 6th month, 1744. "I order my son to maintane my well beloved wife his mother and find her Good and Sofisant meate Drink and Aparil and a hors to ride when she shall have Ocasion and a Room in the house which Roome is to be at the West End of the house on the Lower floor During her Natural Life. But if she Marrey then her above priviledges are leave and Be no more to her."

From the following it is evident that in those early days there was no W. C. T. U., and that the Province of Pennsylvania never had been declared dry.

September 12, 1739. "To my wife every year 12 bushels wheat. 8 Bushells of Malt, 20 pounds of Flour, 4 pounds of Wool, 100 pounds of Flesh Meat, 12 gallons distilled spirits, and fifty pounds in money."

November 3, 1762. "Give my wife Catharina the New House for her Residence during her natural Life nothing therein excepted and no man shall molest her therein. And every year 10 gallons brandy, two Barrels of Cyder, 10 bushels of Wheat." One's first impression on reading these was that there must have been a great thirst—until the fact came to light that at harvest time the reapers always expected their liquor, and provision was thus made to supply them.

Another will specifies that the wife shall have "the furniture of a Room, Consisting of a Chest of Draws one Round Table six Chairs a feather Bed Bolster Pillows Bed Cloaths and Bedstead."

One man bequeaths to his wife the property which she had received from her first husband, "to which," he states, "I am legally entitled."

August 1, 1735. Directs that the legacies be paid in "Irish Money."

April 19, 1734. "To each child a cow and a Calf, and one Shilling, said shilling to be added to each bequest."

January 29, 1738. Evidently the father believed in parental control, for he expressly ordains that "if my daughter marry contrary to her mother or other Ffriends she forfeits her legacy." Perhaps a love-story lies behind this brief statement.

March 18, 1746-7. Here is a condition which does not seem fair to the mother. "My infant child shall be kept by my wife until November 1. and shall then be given to my father."

Here is another case where the right of the first born is ignored and set aside. April 20, 1745. "To my son Ffrances one english Shilling to be paid to him immediately after my decease, the same to my son Joshua. to my youngest son John all my Estate." Possibly the most charitable construction

to be placed upon this seemingly unfair distribution is that during the father's lifetime each son had received "the portion of goods that falleth to" him.

September 22, 1734. "I allow one shilling sterling to be given to my daughter Mary."

June 20, 1732. "To my daughter Mary my Gold Watch and Chain and Diamond Rings together with all my Plate Locked up in a Trunck now lying in the house of Thomas Leechs in Philadelphia, and my late wife's Cloaths." A legacy of a large tract of land is made to a certain man "in case he marries my daughter."

Another will leaves "money to grand daughter on condition she be sent by her parents within six months to some school belonging to the Congregation of the United Brethren till her age of 21 or Day of Marriage." He also leaves money "to repairing and reglazing the Church of England in Lancaster, and to the debts incurred by the United Brethren for building the new Stone School House near the Church in the Borough."

These former residents in what some of them call the "County of Lancaster" seem to have attached great value to their own personal belongings, especially their pewter, which they apparently prized as highly as we of the present day do our solid silver. One will mentions "one Big Pot, the large peuthor Dish, and the half of the rest of the Peuthor, also My big Coat." Another mentions "The half of the puttor, one Creap Gown one quilted petticoat as alsoe a Brown Fleming Petticoat Plush Brichas and Silver knee Buckles, and a Pistol in Gould to each." A third leaves to his "daughter Elizabeth in Pewter two Dishes one Bason and Eleven Plates, two Copper Pots three Iron Pots and two pot Jacks." This last word was rather indefinite and it has been suggested that they were "pot racks," some of which are still in existence.

Still another mentions "my yelow Coot and Great Coot and hate and my Stoof Coot and Gecat and a pair of wistot stokings." Another legacy is of "Two Pewter Dishes, by Black Oak Chest, ye Brass Pan ye Brass Candlestick."

June, 1749. Here is part of a man's wardrobe. "Silver bukels brown cotton buckskin breches and coten Jacket great cot Chaker trousers."

August 1, 1741. Leaves "to wife Thirty yards 1000 Linning Cloath and to children each 13 pence 1 half penny."

May 8, 1748. The wife is to be provided with "firewood, 15 bushels wheat, 6 of Malt Three Barrells of Syder  $\frac{1}{2}$  a Barrell of Stilled Ligure 100 pounds Meate either Beef or Pork, and the fruit of four Apple trees every year."

It was not my intention to give names but there is no objection to saying that the first will on record is that of Cadwalader Ellis, which was signed February 23, 1729. And the will of John Connally, signed March 11, 1747, leaves to his son John "my silver mounted sword and spurs." Would this indicate his having been in the Provincial Service?

Here this paper ends. It has been gathered from "a quaint and curious volume of forgotten lore." Only the surface of a fruitful field has been skimmed over lightly, it may rest with another to reap a far richer harvest.

Author: Robinson, Mary N.

Title: Curiosities of some old wills / by Mrs. Mary N. Robinson.

Primary Material: Book

Subject(s): Wills--Pennsylvania--Lancaster County--18th century.

Publisher: Lancaster, Pa. : Lancaster County Historical Society, 1918

Description: 131-135 p. ; 23 cm.

Series: Journal of the Lancaster County Historical Society ; v. 22,  
no. 8

Call Number: 974.9 L245 v.22

Location: LCHSJL -- Journal Article (reading room)

=====

+++++

Institution Name  
Institution Address  
Institution Phone Number  
Institution E-mail Address