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14
FORMAL WILL.

W.O. No.: E/280 452/1 DOMICILE Irish

Record No. 198/369 564 ¹⁶/₁₇

Name Thomas Kearns

Regtl. No. and Rank 29363 Pts.

Regt. 17th Bn. Rl. Scots

Died at of wounds recd in Action

Date of Death 10.11.16

WAR OFFICE.

Date 28th February 1917.

8/280452

29363

K
Pte J. Kearns

14/12/16

17/ R Scots

L98929

L98929

No. 1.

THE WILL

of _____
of the _____ Regt.
dated _____

Army Form B. 243.

2/280452

29363

K
Pte J. Kearns

14/12/16

17/ R Scots

298929

Form of Will, No. 1.

To be used by a Soldier desirous of leaving the whole of his Effects to one person.

(a) The Names of the Soldier to be written in full.

I, (a) Thomas Kearns

No. 29363, of the 17th (D) Bn. The Royal Scots Regiment of Infantry

do hereby revoke all former wills by me made, and declare this to be my last Will.

After payment of my just Debts and Funeral Expenses I give to my

(b) Insert "friend," or, if a relative, in what degree.

(b) My Wife

(c) The name in full.

(c) Mrs Mary Ann Kearns.

(d) Insert the address, if known, or other description.

(d) 6. Queen St. Newry, Ireland.

(e) If to a female, add the words (for her sole and separate use, her Receipt alone being a sufficient discharge.)

absolutely (e) for her sole separate use
her Receipt alone being a sufficient discharge

(f) The full names and descriptions and exact addresses of the Executor or Executors should be carefully stated.

the whole of my Estate and Effects, and everything that I can by law give or dispose of, and I appoint (f) Her

Executor of this my Will.

In witness whereof, I have hereunto set my hand

this 23rd day of May A.D. 1916.

(g) Soldier to sign here, or, if he cannot write, to make his mark.

(g) Thomas Kearns

Signed and acknowledged by the said Thomas Kearns the same having been previously read over to him as and for his *last Will* in the presence of us, present at the same time, who, in his presence, at his request, and in the presence of each other, have hereunto subscribed our Names as Witnesses.

(h) Witnesses to sign here.

(h) Geo. J. Watt, Cpl.

(i) Add Addresses in full.

(i) 18th Royal Scots, Buddon Camp.

(h) Herbert Robinson

(i) 81 Markland Hill Lane, Heaton, Bolton

Declaration of the Medical Officer.

I declare that I was present at the execution of this Will and that Thomas Kearns the Testator was at the time in a fit state of mind to execute same.

J. D. Smith, S.R.G.M.C.

2/280452

29363

H
Pt J. Kearns

14/12/16

17/ R Scots

298929

2/280452/1

GENERAL RULES AS TO WILLS.

The Will must be in writing, and signed by the Testator with his name (or, if he cannot write, with his mark), in the presence of two Witnesses, who must be present together; and the Will must be acknowledged and attested in the presence of all three.

A person to whom money, &c., is left by the Will, or the husband or wife of such a person, should not be an attesting Witness, for the gift would not be good, but he or she may be appointed an Executor.

In English Law a Will is revoked by the Marriage of the Testator, and therefore a new Will ought to be made after marriage, if desired. By the Law of Scotland, the Channel Islands, and the Isle of Man, the rights of the widow or children to some portion of the estate cannot be defeated by a Will.

If any alteration is made in the writing of a Will, the signatures of the Testator and of the Witnesses ought to be made in the margin or other part of the Will, opposite to or near such alteration, or at the foot or end of, or opposite to, a Memorandum referring to such alteration and written at the end or some other part of the Will.

But an alteration or addition may be made by a *Codicil* (that is to say, by an addition to the Will) executed and witnessed in the same way as the Will.

N.B.—The Testator, if of English domicile, must be of the age of 21 years, unless he is on active service or under orders for active service. A Scotsman can dispose by Will of personal property (as distinguished from real property) when over the age of 14 years.