

Discourse Markers as Means of Compositional Integrity in English Last Wills and Testaments

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Abstract

A Last Will and Testament as a legal document of Inheritance Law is of particular importance for the life of modern societies of all developed and underdeveloped countries. The research focuses on the complex analysis of the study of English Last Will and Testament as a social and communicative phenomenon which is a repetitive speech act that generates a typical linguistic layout of the content to meet the communicative needs of a testator/testatrix on the issue of the inheritance of property and money after their death in the situation of bequest. The corpus of the research contains 400 wills written in England between 1837 and 2015 (525 023 characters). Attention is paid to discourse markers which provide structural integrity of the text in wills. The main aim of this article is to conduct the analysis of discourse markers found in English Last Wills and Testaments. The classification of discourse markers by B. Fraser has been used in the study. A structural method has been applied to single out groups of discourse markers. Discourse markers of sequence as a subtype of discourse activity markers, parallel discourse markers, contrastive discourse markers, elaborative discourse markers and inferential discourse markers as subtypes of message relationship markers are common in the texts of Last Wills and Testaments. These markers complement the content of a previous statement, combine parts of a sentence, introduce new information, contrast events, actions and even participants. The usage of discourse markers facilitates communication and ensures the compositional integrity of the text.

Keywords 1

Last Will and Testament, discourse marker, compositional integrity, structural method.

1. Introduction

Throughout the history of England, there have been many laws on the disposal of personal property by will in ecclesiastical law, uncodified law and Anglo-Saxon law. The Wills Act (1837) provides the right to bequeath one's personal movable and immovable property to every adult resident of the United Kingdom [Wills act]. Most of the provisions of the Act of 1837 are still in force in England and Wales. According to Art. 9 of this act, the will must be composed in writing, signed by the testator (or another person on their behalf) and witnessed by at least two persons [26].

The research focuses on compositional structure of English Last Wills and Testaments which is considered to be a social and communicative phenomenon and reflects the socially determined needs of a testator in the situation of bequest (the issue of the inheritance of property and money after the testators' death) [2, p. 147-157]. Attention is paid to discourse markers which provide structural integrity of texts of Last Will and Testament.

The aim of this article is to provide the detailed analysis of discourse markers types in English Last Wills and Testaments and to show that they are means of gaining the structural unity on the level of text structure.

To accomplish the aim, the following tasks have been set:

1. to illustrate a typical structure of an English Last Will and Testament;

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2. to identify the notion of discourse marker from view point of foreign and Ukrainian linguists;
3. to provide the insights into the types of discourse markers;
4. to analyse the structural elements of textual integrity of English Last Wills and Testaments gained by discourse markers.

The **object** of the research is texts of Last Will and Testament written in England in the period between 1837 and 2015.

The **subject** of the research is discourse markers which provide structural unity and integrity for Last Wills and Testaments.

The **corpus of the research** contains 400 English Last Wills and Testaments written between 1837 and 2015 (525 023 characters). Last Wills and Testaments written before 1859 were obtained from National Archive of Great Britain (www.nationalarchive.gov.uk). Last Wills and Testaments composed after 1858 were gained at government website of the United Kingdom (www.gov.uk/search-will).

The **novelty** is provided by the fact that discourse markets as means of structural integrity of texts of wills have been studies for the first time in linguistics. These markers complement the content of a previous statement, combine parts of a sentence, introduce new information, contrasts events, actions and people.

2. Methodology

General scientific methods such as descriptive, idealization, modelling and contextual-interpretation analysis have been used in the research. Methods of observation, comparison, classification, generalization and interpretation which are essential for a descriptive method are used to provide structure of a will, to discuss discourse markers and classify them into relevant groups. The understanding of criteria is significant at this stage. The electronic form of the experimental array of texts enabled the usage of a method of automated searching of certain linguistic units (MATLAB) and the establishment of the frequency of their usage, the results of which, however, required further manual processing (Excel). Calculation and means of systematization played an important role to help analyse the corpus of the research.

3. Composition and title of English Last Will and Testament

All wills have a typical composition: title, introduction of a testator, testamentary part, nomination of fiduciaries (executor(trix), trustees) and self-proving affidavit are obligatory. Spiritual part and revocation of previous wills are optional [3, p. 107-113]. Figure 1 shows a composition of English Last Will and Testament.

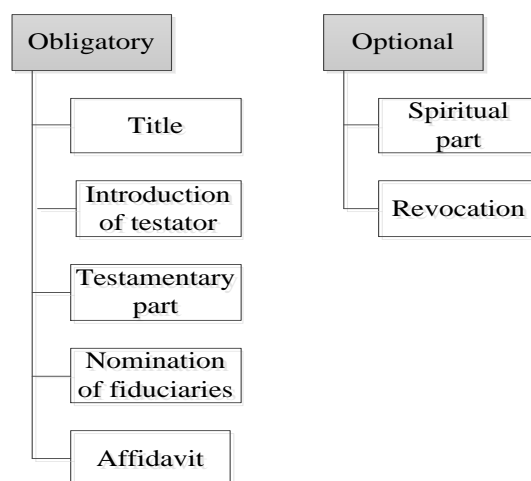


Figure 1: Composition of Last Will and Testament

The analysis of wills shows that they have the common title *Last Will and Testament*. There are two explanations for the origin of this term. The first theory emphasizes the meaning of the words *will* and *testament*. The name was used from the XVI century [23, p. 694]. *Will* was used to bequeath real estate while *testament* – personal property [6, p. 694]. Another theory emphasises the etymology of words and states that these words are synonyms. *Will* is derived from the Old English Word *willa* and means *desire, wish, longing, liking, inclination, disposition to do something, mind, determination, purpose, request, joy, delight, and testament* is its Latin synonym *testamentum* which means *last will, publication of a will*) [5, p. 221]. *Will* as a document which expressed a person's will to dispose his/her property after death was first recorded at the end of the XIV century, and *testament* in the same meaning was first dated in XIII century [ibid]. It is worth noting that the term *testamentum* in the meaning of *treaty* and *will* was used collaterally in the Christian tradition [5, p. 221–222]. The Greek term διαθήκη, ης, ή denoted will (covenant) in early Christian Latin. This term means an official statement chiefly in writing expressing a person's desire to dispose the property after his/her death in the study of law. The term *testamentum* is not only a legal term. It is also used in theological texts as God's instruction and a part of Bible (*Old Testament ma New Testament*) [5, p. 222].

C. Ferland called the first theory “historical” and stated that there was no focus on the differences in terms in the modern world but a word combination is used as an official title for naming a legal document to dispose real and personal property. The author also stated that last marks the last will of the testator and revokes the previous will [15]. K. Sneddon refuted such an explanation and believed that a three-word title was formed rather for sake of harmony and is one of the features of the Last Will and Testament genre [23, p. 695–696]. The author added that these words combined in the title in different ways by 1500s: *testament and will, testament and last will and even testament and latter will*. A treatise of Testaments and Last Wills by H. Swinburne and J. Wake published in 1743 accepted that only the title *Last Will and Testament* has been preserved and is still being in use [24].

Acts of the English Parliament now and past in history use the term will. The attribute last indicates the importance of the document, but it doesn't state that the will is final. A testator can revoke or change his/her will before the death. So, it is unknown which will is considered to be the last. We cannot agree with K. Sneddon on the question of euphonious since the term is a binominal construction which is common for legal texts.

4. Discussions

Language dynamics is of great interest in linguistics and focuses on the organization of the text [1 to help readers follow and comprehend the information presented.

The compositional integrity of Last Will and Testament texts is ensured by discourse markers which acquire meaning in context. Discourse markers are rather a complex object of linguistic analysis, and there is no generally accepted definition and even the terms used to denote these special words differ. Discourse markers belong to different parts of speech and take on different meanings in context; their meanings are often different from those provided in dictionaries. The main function of these markers is to link parts of the text.

In linguistics there are several names to denote them: 1) discourse connectives [8; 20, p. 452]; 2) discourse markers [21; 22; 16, p. 932]; 3) discourse operators [16; 17; 18; 19]; 4) discourse words [8]; 5) pragmatic connectives [9; 10; 11; 12; 13]; 6) cue phrases [14].

D. Shiffrin defines discourse markers as means independent of the sentence structure, which serve for coherence of parts of the text [22, p. 35–40]. B. Fraser interprets them as a pragmatic class, lexical utterances that show the relationship between discourse segments, emphasize and mark aspects of communication which a communicator wants to convey [16, p. 940]. According to E. Traugott, discourse markers are discursive and deictic units that form utterances, but not the context itself and have a metatextual function [25, p. 6].

In this article discourse markers are considered as lexical means that belong to different parts of speech, have different meanings in context and serve to link parts of the text in English Last Wills and Testament.

D. Shiffrin was the first to make a detailed analysis of the following discourse markers: *and, because, but, I mean, now, or, you know, oh, so, then, well* [22, p. 35–40].

B. Fraser claimed that now, I mean, oh, you know are not discourse markers [16, p. 933]. He proposed a classification that we take as a basis for the analysis of discourse markers in wills:

1. markers which signal aspects of topic change (**topic change markers**): *back to my original point, by the way, on a different note*;
2. markers which signals the current discourse activity (**discourse activity markers**) which express: 1) clarifying (by way of clarification, to *clarify*); 2) conceding (*admittedly, after all, all in all, all the same, anyhow, anyway, at any rate, besides, for all that, in any case/event, of course, still and al*); 3) explaining (by way of explanation, *if I may explain, to explain*); 4) interrupting (*if I may interrupt, to interrupt, not to interrupt*); 5) repeating (*at the risk of repeating myself, once again, to repeat*); 6) sequencing (*finally, first, in the first place, lastly, next, on the one/other hand, second, to begin, to conclude, to continue, to start with*); 7) summarising (*in general, in summary, overall, so far, summarizing, summing up, thus far, to sum up, at this point*);
3. message relationship markers which signal the relationship of the basic message being conveyed by current utterance to some prior message (**message relationship markers**): 1) parallel (*also, alternatively, analogously, and, correspondingly, equally, likewise, or, otherwise, similarly, too*); 2) contrastive (*all the same, but, contrariwise, conversely, despite, however, I may be wrong but, in spite of, in comparison, in contrast, instead, never/nonetheless, notwithstanding, on the one/other hand, on the contrary, rather, regardless, still, that said, though, well, yet*); 3) elaborative (*above all, also, besides, better, for example, for instance, further (more), in addition, in fact, in other words, in particular, indeed, more accurately, more importantly, more precisely, more specifically, more to the point, moreover, namely, on top of it all, to cap it all off, what is more*); 4) inferential (*accordingly, as a consequence, as a result, consequently, hence, in this/that case, of course, so, then, therefore, thus*) [17, c. 27–31].

Discourse markers of the first group are not present in the texts of Last Wills and Testaments. Among the markers of the second group, sequencing discourse markers predominate: *first, in the first place, lastly, next, on the one/other hand, finally*. For example:

First, I will and direct the payment of all my just debts, funeral and testamentary charges... (John Moore, 1859);

In the first place I direct my just debts funeral and testamentary expenses to be paid (Mary Spragg, 1866);

Lastly I revoke all other Wills and declare this to be my last Will (Alice Lewis, 1881);

In the next place to pay the following legacies to my children (Thomas Spragg, 1860);

And lastly I appoint my Trustees Executors of this my Will (Ernest William Tranter, 1915).

Message relationship markers are of most importance in English Last Wills and Testaments. The most common are parallel discourse markers, namely *also, and, or, equally, likewise*. The most numerous is *and*. For example:

And I direct that as soon as... **And** as to for and concerning all the residue... **And** subject to the trust aforesaid upon... **and** upon further trust that the said trustee... **And** that my trustees or trustee may... (James Beckett, 1854);

And I appoint Herbert Smith Esq, Ruardean Hill Drybrook, Gloss Executors of this my Will (Benjamin Hope, 1916).

Also occurs in different positions and in different parts of a will (most often in a testamentary part) and functions to indicate another action:

I also give and bequeath to my said wife... (James Beckeyy, 1854);

Also I give and devise unto my said wife and her assogns for the term of her natural life all my real estate of every description (John Almond, 1855);

Certain monies will **also** be due from Arthur Foxall Esq tenant of Selsley, Bushey Heath, particulars of which enclosed (Joseph Samuel Demmery, 1915);

Provided that my Trustees shall **also** have power to meet any expenses which they may incur in the exercise of any of their powers in respect of chattels out of the capital and income of my estate... (Diana Proncess of Wales, 1993).

Also is often used when a testator describes actions of various gifts:

And also all my household goods and furniture plate linen and China horses cows pigs implements of husbandry securities for Monday and all my real and personal estate ... (Hanry Haspell, 1848);

I give to my dear sister-in-law Georgina Hogarth the sum of 8, 000 free of legacy duty. I also give the said Georgina Hogarth all my personal jewellery not hereinafter mentioned, and all the little familiar objects from my writing-table and my room, and she will also know what to do with those things (Charles Dickens, 1870).

The usage of parallel discourse markers **likewise**, **otherwise** and **or** is also common. For example:

And I have likewise advanced to my son Thomas Witter the sum of one hundred and eighty pounds for his own absolute use (Thomas Witter, 1866);

Should any Executors and Trustees appointed above either die in my lifetime or be otherwise unable or unwilling to act as my Executors and Trustee I appoint the following to fill any vacancy arising Richard Snith ... (Sue Smith, 2006).

Or indicates an alternative:

I may die or seized or possessed otherwise entitled to either in remainder reversion or expectancy or otherwise howsoever I hold the same unto him his heirs and assigns for her (Jogn Wright, 1849).

Contrastive discourse markers are represented by such units as **but**, **despite**, **however**, **instead**, **never** / **nonetheless**, **rather**. Unlike parallel markers, they indicate an alternative instruction. Example:

But after the death of my said wife Hannah Witter I further give and bequeath the same to my last named children (Thomas Witter, 1866);

Nevertheless upon trust to permit and suffer my wife Hannah Spragg or otherwise empower her to receive the rents issues profits and annual income of my said real estate and to have the full use and enjoyment of my said personal estate for and during the terms of her natural life for her own sole and absolute use and benefit and from and immediately after her decease to the use and be hoof of my two daughters Margaret Yates wife of John Gardener Yates and Ellen Warburton wife of George Warburton their heirs executors administrators or assigns respectively as tenants in common with benefit of survivorship in default of their or her dying without leaving lawful issue only and I appoint the said Dixon Gibbs and Joseph Wood joint executors of this my Will (John Spragg, 1852).

Elaborative discourse markers include *further (more)*, *in addition to*, *on account of*, *whatever* and *whenever*. For example:

My executors and trustees shall have the following powers in addition to all other powers over any share (Diana Princess of Wales, 1993);

... shall stand to their credit as a payment on account of their share... (Emily Pennell, 1905);

... to sell whatever and wherever they decide (Diana Princess of Wales, 1993).

In Last Wills and Testaments inferential discourse markers are represented by such language units as *accordingly*, *in accordance with*, *hence*, *in this/that case*, *so*, *then*, *therefore*, *thus*. For example:

Then I direct that the balance shall be equally divided (Emily Pennell, 1905);

...disposed of by them according to the trusts and exigencies of the same estate (Thomas Owen, 1859);

I declare that in case any doubts shall arise... to bring in at any auction and so receive or vary the terms (Charles Robert Darwin, 1882);

... when they consider it proper to invest trust monies and to vary investments in accordance with the powers contained in the Schedule to this my Will (Diana Princess of Wales, 1993).

Figure 2 introduces us to the usage of discourse markers in the texts of Last Wills and Testaments.

Two types of discourse markers are common for wills: discourse activity markers (1148 units which is 16,2 % of the total amount) and message relationship markers (5863 units which is 83, 8 %). Sequencing markers as a subtype of discourse activity markers indicate the chronological sequence of actions. Let's have a look at the frequency in their usage. *Finally*, (59 units, 0,8 %) in text of Last Wills and Testaments is used to introduce a final point or a reason. *First* (520 units, 7,4 %) shows foremost in position, rank or importance or anything which comes before all others in time or order. *In the first place / in the second place* (104 units, 1,5 %) used when listing the most important parts of something or the most important reason for something. *Lastly* (75 units, 1 %) used to show when something comes after all the other things listed in wills. *Next* (130 units, 1,8 %) indicated what came immediately after the present one in order or rank. *On the one / other hand* (104 units, 1,5 %) used to introduce a statement that is followed by another contrasting statements. *Second* (156 units, 2,2 %) subordinates or inferiors position, rank or importance.

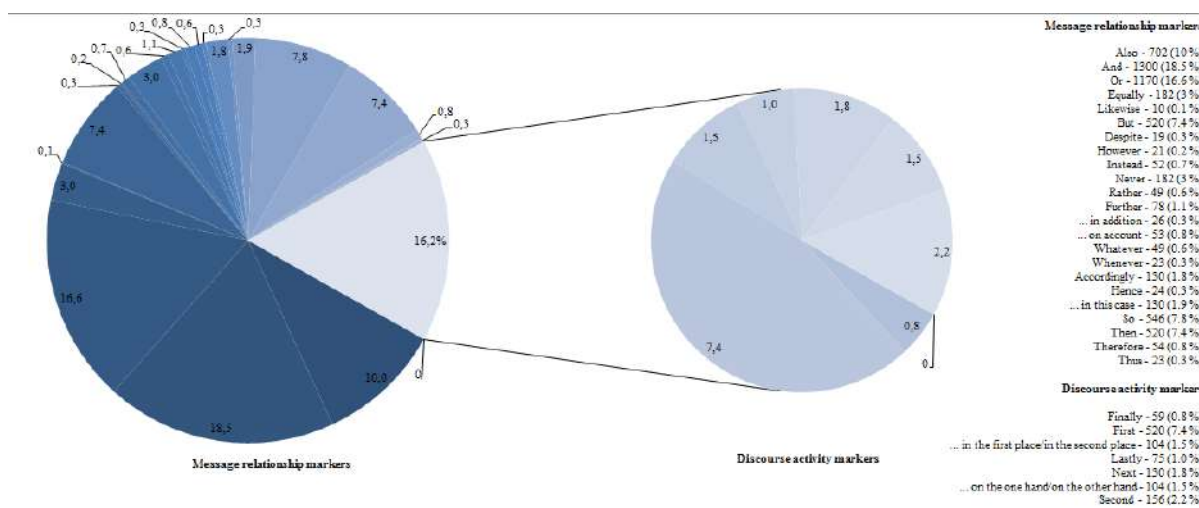


Figure 2: Usage of Discourse Markers in the Texts of English Last Wills and Testaments

In English Last Wills and Testaments sequence markers link sentences together into a larger unit of discourse. In wills message relationship markers are represented by parallel markers (*also*, *and*, *or*, *equally*, *likewise*), contrastive markers (*but*, *despite*, *however*, *instead*, *never/nonetheless*, *rather*), elaborative markers (*further (more)*, *in addition*, *on account of*, *whatever* and *whenever*) and inferential markers (*accordingly*, *in accordance with*, *hence*, *in this/that case*, *so*, *then*, *therefore*, *thus*). In fact, all four subtypes of discourse message relationship markers are used in wills. Parallel markers help to identify the correct intended list in the sentence, paragraph or even the whole text. They help as well to list logically various entities. Thus, *also* (702 units, 10 %) is used to give more information about a person or a thing, to add another relevant fact or to indicate that something is true; *and* (1300 units, 18.5 %) connects words, phrases, clauses and sentences or introduces an additional comment or intention; *or* (1170 units, 16.6 %) is used to link alternatives or can be a sentential connective to form complex sentence; *equally* (182 units, 3 %) shows equal amounts, the same degree or to add patterns that are important; *likewise* (10 units, 0.1 %) is used to compare things and to show their similarity. Contrastive markers in wills express various types of contrast both at the sentence level and at the text level. *But* (520 units, 7.4 %) has two ways of usage in the texts of wills. It is used to introduce a phrase or clause contrasting with the previous utterance and to indicate the impossibility of what has been stated. *Despite* (19 units, 0.3 %) is not frequent in texts and is used to say that the action of bequest happens even though something might prevent it. *However*, (21 units, 0.2 %) introduces a statement that contrasts with what has been said previously. *Instead* (52 units, 0.7 %) indicates an alternative to something expressed in the text of a will. *Never* (182 units, 3 %) *in* studied texts refers to future and means that at no time action is possible. *Rather* (49 units, 0.6 %) used to indicate the second thing, the result of a choice or a change of behaviour. Elaborative markers provide the set of cues and create cohesiveness, coherence and meaning in the texts of Last Wills and Testaments. For example, *further (more)* (78 units, 1.1 %) indicates the extent to which a person, a thing is distant from another. *In addition* (26 units, 0.3 %) mentions another item connected with the discussion issues. *On account of* (53 units, 0.8 %) reflects the benefits of someone or something. *Whatever* (49 units, 0.6 %) emphasizes a lack of restriction in referring to things or amount mentioned in wills. *Whenever* (23 units, 0.3 %) emphasizes a lack of restriction and refers to any time that something happens. The last time of discourse markers used in wills are inferential markers. This type of markers suggests that a message is consequential to some extend to foregoing statement. *Accordingly*, */in accordance with* (130 units, 1.8 %) shows suitability or rightness for a certain situation. *Hence* (24 units, 0.3 %) is used as an inference from the fact or for the reason. *In this / that case* (130 units, 1.9 %) is used to talk about things a person should do in order to become a heir. *So* (546 units, 7.8 %) mainly is referred back to something that has been mentioned or to introduce the result of the decision. *Then* (520 units, 7.4 %) indicates what follows next in order or a necessary consequence. *Therefore* (54 units, 0.8 %) introduces a logical result or conclusion of a testator.

Thus (23 units, 0,3 %) is similar in meaning to *hence*, *then* and *therefore*. In the texts it shows a result or consequence of the previous thought.

Discourse markers complement the content of a previous utterance, combine parts of a sentence, introduce new information, or contrast events, actions, or participants. The usage of discourse markers facilitates communication and ensures the compositional integrity of a will. Parallel discursive markers *and*, *or* and *also* are most often used in English wills. Inferential discourse markers *so*, contrastive marker *but* and the sequencing discourse marker *first* has the second place.

5. Conclusions

This study sets out to determine the structure of English Last Will and Testament with research focus on discourse markers. In this investigation the aim was to show that discourse markers provide integrity for the text of wills. It is substantial that all studied wills have a typical structure: title, introduction of a testator, testamentary part, nomination of fiduciaries (executor (trix), trustees) and self-proving affidavit are obligatory. Spiritual part and revocation of previous wills are optional. One of the most significant findings to emerge from this study is that discourse markers provide structural integrity of Last Will and Testament texts. In the study, the classification of discourse markers by B. Fraser was used.

The following conclusions can be drawn from the present study:

1. Discourse markers complement the content of a previous statement;
2. Discourse markers join ideas together or combine parts of a sentence;
3. Discourse markers introduce new information, contrast events, actions and people;
4. Discourse markers show attitude and to some extent control the communication;
5. Discourse markers indicate the result of an action or of what was said before.

Two types of discourse markers were found in wills: discourse activity markers (1148 units which is 16,2 % of the total amount) and message relationship markers (5863 units which is 83,8 %). Sequencing markers as subtypes of discourse activity markers indicate the chronological sequence of action: *finally*, *first*, *in the first place/in the second place*, *lastly*, *next*, *on the one / other hand* and *second*. In English Last Wills and Testaments sequence markers join ideas or link sentences together into a larger unit of discourse. In wills message relationship markers are represented by parallel markers (*also*, *and*, *or*, *equally*, *likewise*), contrastive markers (*but*, *despite*, *however*, *instead*, *never/nonetheless*, *rather*), elaborative markers (*further (more)*, *in addition*, *on account of*, *whatever and whenever*) and inferential markers (*accordingly*, *in accordance with*, *hence*, *in this/that case*, *so*, *then*, *therefore*, *thus*).

In fact, all four subtypes of discourse message relationship markers are used in wills performing such functions as identifying the correct intended list in the sentence, paragraph or even the whole text; list logically various entities; give more information about a person or a thing, add another relevant fact or indicate that something is true or false; connect words, phrases, clauses and sentences or introduces an additional comment or intention; link alternatives or are a sentential connective to form complex sentence; show equal amounts, the same degree or add patterns that are of particular importance; compare things and show their similarity; express various types of contrast both at the sentence level and at the text level; introduce a phrase or clause contrasting with the previous utterance and to indicate the impossibility of what has been stated; introduce a statement that contrasts with what has been said previously; indicate an alternative to something expressed in the text of a will; have reference to future in the text; provide the set of cues and create cohesiveness, coherence and meaning in the texts of Last Wills and Testaments; indicates the extent to which a person, a thing is distant from another.

Parallel discursive markers *and*, *or* and *also* are most often used in English wills. Inferential discourse markers *so*, contrastive marker *but* and the sequencing discourse marker *first* has the second place.

Further research is required to determine the efficiency and impact of discourse markers on improving content writing based on the gender of the testator/testatrix. It would be interesting to compare the differences and similarities of the usage of discourse markers in such cases.

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