

Will of George Augustus Herbert (1759-1827)

Note: Paragraph breaks have been added to make the will easier to read; underlines _____ indicate words that I could not read; square brackets [] are words where I am uncertain of the transcription.

*I George Augustus Earl of **Pembroke and Montgomery**¹ DO make this my last Will and Testament in manner following that is to say*

I give and devise All that messuage or dwellinghouse situate at Richmond in the County of Surry lately belonging to Richard Viscount ffitzwilliam² deceased and by him occupied in his life time and the Gardens Stables Coachhouses and other buildings Offices and Appurtenances thereto belonging to which hereditament I am entitled in fee simple under the Will of the said late Viscount unto my dear Wife Catherine³ Countess of Pembroke and Montgomery her heirs and Assigns for ever

And I give to my Son Robert Henry Lord Herbert⁴ the Sum of ten thousand pounds I also give to my said Son all the arrears of rents and profits which shall be due or owing to me at the time of my death for or in respect of all or any of the messuages ffarms lands Tenements and Hereditis in the manors of Broad Oak Border Chalke and Bishopstone in the County of Wilts comprised in the Schedule to a certain Indenture of release of five parts bearing date on or about the eighth day of July in the year one thousand eight hundred and twenty between myself of the first part my said Son of the second part Henry James Lord Montagu and James Edward Harris⁵ therein called Viscount ffitz-Harris now Earl of Malmesbury of the third part Charles ffrederick Townshend Powlett⁶ Lord Bayning (since deceased) and the said James Edward now Earl of

¹ George Augustus Herbert (1759-1827) [[Wikipedia](#)] 11th Earl of Pembroke, 8th Earl of Montgomery, the Testator, son of Elizabeth née Spencer (1737-1831) and General Henry Herbert (1734-1794) [[Wikipedia](#)] 10th Earl of Pembroke, 7th Earl of Montgomery, husband of (i) Elizabeth née Beauclerk (1766-1793) and (ii) Catherine Simonova née Vorontsova (1783-1856).

² Richard FitzWilliam (1745-1816) [[Wikipedia](#)] 7th Viscount FitzWilliam, first cousin once removed of the Testator, son of Catherine née Decker and Richard FitzWilliam (1711-1776) 6th Viscount FitzWilliam, partner of Marie Anne 'Zacharie' Bernard (1769-?).

³ Catherine Simonova née Vorontsova (1783-1856) [[Wikipedia](#)], wife of the Testator, daughter of Ekaterina Alekseevna née Seniavina (1755-174) and Semen Romanovitch Vorontsov (1744-1832).

⁴ Robert Henry Herbert (1791-1862) [[Wikipedia](#)] 12th Earl of Pembroke, 9th Earl of Montgomery, son of the Testator and Elizabeth née Beauclerk (1766-1793), husband of Ottavia Spinelli (1779-1857), partner of (i) Alexina Sophia Gallot (1821-?) and (ii) Maria Catherine 'Elisa' née Schäffer.

⁵ James Edward Harris (1872-1950) [[Wikipedia](#)] 5th Earl of Malmesbury, son of Sylvia Georgina née Stewart (1843-1934) and Edward Harris (1842-1899), 4th Earl of Malmesbury, husband of Dorothy née Gough-Calthorpe (1885-1972).

⁶ Charles Frederick Townshend Powlett (1728-1810) [[Wikipedia](#)], 1st Baron Bayning, son of Henrietta Powlett (?-1728) and William Townshend (1702-1738), husband of Annabella Smith-Powlett (?-1825).

Malmesbury and Sir William A Court⁷ of the fourth part and Thomas Nettleship⁸ Esquire of the fifth part and then in the several occupations of the several persons as Tenants named in the said Schedule at or under the several yearly rents therein mentioned amounting together to the yearly Sum of three thousand six hundred and eighty two pounds or thereabouts the same being part of the hereditaments comprised in the term of One hundred years hereinafter mentioned which shall remain after first paying and deducting out of such arrears whatever shall then be due or owing fromme or on account of all or any Taxes Parish Rates or repairs for or in respect of the said messuages ffarms land Tenements and hereditaments or any of them

And I give and bequeath unto the said James Edward Earl of Malmesbury Sir William A'Court and the Honorable Robert Henry Clive⁹ of Oakley Park in the County of Salop all the arrears of rents and profits (including such profits as may have accrues or arisen from fines and [Woods]) of the residue of my Estates in the said County of Wilts (except the Estates thereto which as well as to Estates in Ireland I am entitled as Tenant for life under the Will of Richard late Viscount ffitzwilliam¹⁰ deceased) which will be due or owing to me at the time of my death and also all such balances or Sums of money arisen from rents and profits of all any of my Estates in the said County of Wilts (except the Estate in that County to which I am entitled under the said Will of the said Viscount ffitzwilliam as aforesaid) as shall then be due from or in the hands of my Stewards or Bailiffs after paying and deducting out of such Arrears and Sums of money whatever shall then be due from me for or on account of taxes Parish Rates or repairs of the said Estates in the same County (exclusive of that last mentioned and of those comprised in the said Schedule) or for the Salaries or Wages of the Stewards of my Estates in general in the said County and of the Clerks Bailiffs and Gamekeepers employed in or about the same and of the Gardeners and Labourers employed in the Gardens and Park at Wilton or for any expenses incurred in or about the management of the said Estates And also what shall then be due or in arrear for or in respect of any annual sums or payments whichshall appear by the Accounts of my Steward to have been usually paid or allowed by me and particularly for or in respect of such as are paid to any person or person for or in consideration of surrendering or giving up any lease or leases formerly granted at small rents in consideration of fines and the Lands and Tenements comprised in which are now let at Dark Rents

⁷ Presumably William Pierce Ashe à Court (1747-1817) [[Wikipedia](#)], 1st Baronet à Court of Heytesbury, son of Anne née Vernon and General William Ashe à Court (c1708-1781) [[Wikipedia](#)], husband of Laetitia Wyndham (1746-1821).

⁸ Possibly Thomas Nettleship, Clerk of the Grocer's Company of London.

⁹ Robert Henry Clive (1789-1854) [[Wikipedia](#)], son of Henrietta née Herbert (1758-1830) [[Wikipedia](#)] and Edward Clive (1754-1839) [[Wikipedia](#)] 1st Earl of Powis, husband of Harriet née Windsor (1797-1869) [[Wikipedia](#)], 13th Baroness Windsor.

¹⁰ Richard FitzWilliam (1745-1816) - see above.

And I hereby declare that the bequest hereby made to the said Earl of Malmesbury Sir William A'Court and Robert Henry Clive as aforesaid is so made to them Upon trust that they and the Trustees or Trustee for the time being of the terms of ninety nine years and one hundred years limited in use to the said late Lord Bayning James Edward now Earl of Malmesbury and Sir William A'Court by the said debenture of the Eighth day of July One thousand eight hundred and twenty and now vested the said Robert Henry Clive having been appointed a trustee thereof in the place of the said Lord Bayning in the said James Earl of Malmesbury Sir William A'Court and Robert Henry Clive upon the trusts thereby declared thereof shall apply the clear monies which shall be received from the said Arrears of rents and profits and balances and sums of money so bequeathed to them as aforesaid Upon such trusts and to and for such intents and purposes as the rent and profits of the hereditaments and premises comprised in the said terms (exclusive of those in Broad Chalke Bower Chalke and Bishopstone comprised in the Schedule hereinbefore referred to) shall be applicable unto under or by virtue of the said Indenture of the eighth day of July one thousand eight hundred and twenty

And it is my Will that all such Annual Sums or payments as are now paid or payable by me to any person or persons for or in consideration of surrendering or giving up any such Lease or Leases as aforesaid shall during the continuance of such Annual Sums or payments respectively be paid as hereinafter is mentioned that is to say such of them as are paid or payable in consideration of surrendering or giving up any such lease or leases of Lands or hereditaments comprised in the Schedule herein before mentioned out of the rents and and profits of the Hereditaments and Premises comprized in that schedule and the residue of the Lands comprised in the said terms of ninety nine years and one hundred years or either of them

And I also declare that all the bequests hereinbefore and herein after made to my said Son Lord Herbert and those hereinbefore made to the said Earl of Malmesbury Sir William A'Court and Robert Henry Clive in trust as aforesaid are made on that condition

And I give and devise All the Messuages farms lands tenements and hereditaments in the Parish of Wilton or elsewhere in the said County of Wilts which I have purchased or contracted to purchase or over which I have power to dispose to the said James Edward Earl of Malmesbury Sir William A'Court and Robert Henry Clive and their heirs to such uses upon such trusts and to and for such intents and purposes and under and subject to such powers provisoes limitations and declarations as my Real Estates in the said Parish of Wilton (exclusive of Wilton House Park and Gardens) stand limited or assured unto upon or subject under or by virtue of the said Indenture of the eighth day of July one thousand eight hundred and twenty and under and by virtue of certain indentures of Lease and Release and Settlement bearing date respectively the seventh and eighth days of february one thousand eight hundred and fifteen the release and settlement being of eight parts and made or expressed to be made between myself of the first part the said

Robert Henry Lord Herbert of the second part Henry Hoyle Oddie¹¹ the younger Gentleman therein described of the third part Henry Hoyle Oddie¹² the elder Gentleman therein also described of the fourth part The said Henry James Lord Montague and the said James Edward Earl of Malmesbury then James Edward commonly called Viscount Fitzwilliam of the fifth part The Right Honble Henry Earl Bathurst¹³ and the Honorable and reverend Thomas Alfred Harris Clerk of the sixth part the said Charles Frederick Paulet Lord Bayning and the Honorable Frederick Robinson therein described of the seventh part and the Right Honorable Robert Spencer commonly called Lord Robert Spencer of the eighth part and of a Common recovery suffered in pursuance of the last mentioned indenture of release in or as of Hilary Term in the said fifty fifth year of the reign of His late Majesty in the Court of Common Pleas at Westminster

And I give and bequeath all Pictures Statues Busts basso relievos¹⁴ M____ and antiques in or about or belonging to my Mansion house at Wilton and my house at Whitehall called Pembroke house or either of them and also my Library at Wilton (meaning to include in this description such books only as are kept in the room at Wilton called the Library or in the ___ room and Reading room thereto adjoining a Catalogue whereof will be found in the room called the Library or in one of the adjoining rooms and whatever belongs or by my said Trustees shall be considered as belonging to the said Library or Rooms) and all my plate except all such Articles as are marked or in any way distinguished as belonging to my Wife and such as have at any time given or presented to her by her father or any other person and in short all such as are considered or as my said Trustees shall consider as belonging to her and except all such as belonged to the said Richard late Viscount Fitzwilliam or on which his Lordship's Arms now are or at my death shall be engraved) and all such furniture or other things belonging to me and not marked or distinguished or having belonged to the said Viscount as my said Trustees shall think proper to be enjoyed and go along with the said houses or either of them sandwich I desire may be specified in the Schedule hereinafter directed to be made unto the said James Edward Earl of Malmesbury Sir William A'Court and Robert Henry Clive their Executors Administrators and Assigns upon the trusts hereinafter declared of and concerning the same that is to say In trust to permit my said Son Lord Herbert to use and enjoy the same during his life And from and after his decease In Trust for the first son of his body lawfully to be begotten and the executors Administrators and Assigns of the first Son provided that if such first son shall die under the age of twenty one years without leaving issue male of his body living at his decease or born alive afterwards then In Trust for the second son of the body of my said son Lord herbert lawfully to be begotten and the executors Administrators and Assigns of such second son provided that if such second Son shall die under the age of twenty years without leaving issue

¹¹ Henry Hoyle Oddie (1815-1869) [[Wikipedia](#)]

¹² Henry Hoyle Oddie (1744-1830), Solicitor

¹³ Presumably Henry Bathurst (1762-1834) [[Wikipedia](#)]

¹⁴ i.e. bas-relief

male of his body living at his decease or born alive afterwards then In trust for the third fourth fifth sixth and every other son of the body of my said Son Lord Herbert lawfully to be begotten successively according to priority of birth and their respective executors administrators and assigns subject as to each such son to the like proviso as hereinbefore mentioned with respect to the first and second sons of the said Lord Herbert and if there shall not be any son of the body of my said son Lord Herbert lawfully begotten or there being one or more such son or sons if all of them shall die under the Age of twenty one years and without any of them leaving issue male of his body living at his decease or born alive afterwards the in trust to permit Sidney Herbert my second son and at presnet my only other son to use and enjoy the same during his life and from and after his decease In Trust for the first son of the body of my said son Sidney Herbert lawfully to be begotten and the Executors Administrators and Assigns of such first son provided that if such first son shall die under the Age of twenty one years without leaving issue male of his body living at his decease or born alive afterwards then In Trust for the second son of the body of my said Son Sidney Herbert and the Executors Administrators and Assigns of such second Son Provided that is such second son shall die under the age of twenty one years without leaving isse male of his body living at his decease or born alive afterwards then in Trust for the third fourth fifth sixth and every other son of the body of my Son Sidney Herbert lawfully begotten successively according to priority of birth and their respective Executors Admons and Assigns subject as to each such son to the like proviso as before mentioned with respect to the first and second sons of my said Son Sidney Herbert and if there shall not be any Son of the body of my said Son Sidney Herbert lawfully begotten or there being one or more such som or sons if all of them shall die under the Age of twenty one years without any of them leaving issue male of his body living at his death or born alive afterwards then in Trust for the third son of my body lawfully begotten or to be begotten and the Executors Admons and Assigns of such third Son Provided that if such third son shall die under the Age of twenty one years without leaving issue male of his body living at his death or born alive afterwards then in Trust for the fourth fifth sixth and every other son of my body lawfully to be begotten successively according to priority of Birth and their respective Executors Admons and Assigns subject as to each such son to the like proviso as hereinbefore mentioned with respect to such third son provided that is there shall not be any son of my said son Lord Herbert or of my said son Sidney Herbert nor any third or other son younger than the third of my body who shall live to attain an absolutely vested interest in the said Picture Statues Bustes basso relievos Antiques Miscellanies library Plate ffurniture or other things to be specified in the Schedule hereinafter to be directed than I will and direct that the said Trustees or the Survivors or Survivor of them or the Executors or Admons of such Survivor shall stand possessed thereof upon the following trusts that is to say

As to the said Pictures Statues basso relievos antiques Miscellanies and Library Upon trust that they or he shall and do offer the same for sale to such persons as at the determination of the said trusts hereby declared thereof as aforesaid shall be Earl of

Pembroke at the Price or Sum of twenty two thousand pounds and if such Person shall not within the space of one year after such offer shall be so made elect to become the purchaser thereof at that price or sum then shall and do sell the same for the best price or prices that can reasonably be obtained for the same either together or in parcels and either by public Auction or Private contract as the said Trustees or the trustees or Trustee for the time being shall think proper

And I will and declare that they or he shall stand possessed of the said Sum of twenty five thousand pounds or such other Sum as shall arise from such Sale or Sales as aforesaid after deducting all charges and expenses attending the same in Trust for all my daughters who shall have attained the age of twenty one years or been married or shall attain that age or marry share and share alike their respective Executors Administrators and Assigns or if but one shall have attained or shall attain that age or marry In Trust wholly for that one her Executors Administrators and Assigns and as to the said Plate ffurniture and other things my Will is that the same shall fall back and become part of the residue of my Personal Estate and follow the disposition herein after made thereof

And I direct that a Schedule shall be made of the said Picture Statues Bustes basso relievos miscellanies Antiques books Plate furniture and other things hereby specifically bequeathed to my said Trusteet as aforesaid in making whereof it is not however my intention however that the books contained in my said Library shall be particularly mentioned of specified in such Schedule but shall be included therein by reference to a Catalogue of the said Library to be signed by my Trustees or Trustee for the time being and the person for the time being intituled to the use and enjoyment thereof and in making such Schedule as aforesaid I think it will be proper that the said Pictures Statues Bustes Basso relievos Antiques miscellanies and my said Library at Wilton shall be placed under a distinct head intituled "The first part" and the said Plate ffurniture and other things under another distinct head intituled "The second part" And my Will is that three fair copies of the said Schedule shall be made and each of them signed by my said Trustees or the Trustees or Trustee for the time being and the person for the time being entitled to the se and enjoyment thereof and that one of the Schedules so signed be kept by my Trustees or trustee for the time being and another of them deposited at Wilton House and the other at Pembroke House and that each of the persons who shall become entitled to the use and enjoyment of the several Articles specified or referred to by the said Schedule shall on coming to the possession thereof sign an undertaking ro keep and preserve the same in good order and condition reasonable use and wearing thereof being allowed for

And it is my Will that the same shall remain in and be enjoyed with the said houses respectively until the whole of the equitable or beneficial estate or interest therein under the Trusts hereinbefore declared thereof shall become alienable

and I give all the linen household goods and furniture except such as are considered to belong or as my Trustees or Trustee for the time being shall consider as belonging to my Wife or to have belonged to the late Viscount ffitzwilliam and also except such as are hereinbefore specifically bequeathed Utensils Implements Wines liquors and provisions in or about Wilton House and Pembroke House aforesaid or either of them And also all my Horses and Carriages with the harness and things used therewith except such as my said Wife shall choose to have for her own use Cattle Carts Waggons Wood cut down live and dead stock in or about Wilton House Gardens and Park unto my said Son Lord Herbert

and I confirm the settlement made on the marriage of my Daughter Diana¹⁵ with the Earl of Normanton whereby I with their Approbation covenanted to pay Trustees therein named an Annuity of two hundred during her life in lieu of a like Annuity given to or in trust for her by the Will of her Grandfather Henry late Earl of Pembroke and Montgomery and also to pay the same Trustees interest during my life of the Sum of ten thousand pounds which my said Daughter was entitled to have raised after my decease under the trusts of a term of five hundred years limited by the settlement made on my marriage with my present Wife and which my said Daughter with the approbation of the said Earl of Normanton in consideration of her then intended marriage assign to such Trustees for the purposes mentioned in the said Settlement made on her marriage and I give to the Trustees or Trustee for the time being of the same settlement the sum of ten thousand pounds to be paid within six Calendar months after my decease Upon such the the same trusts and for such and the same intents and purposes and with under and subject to such and the same powers provisos and declarations as under and by virtue of the said settlement shall at the time of my decease be subsisting or capable of taking effect of and concerning the said sum of ten thousand pounds so assigned by my said Daughter as aforesaid

And I give to my honored mother¹⁶ the Countess Dowager of Pembroke and Montgomery an Annuity of one thousand four hundred pounds during her life in addition to the jointure to which she is entitled under the Settlement made on her marriage with my late father And I direct that the said Annuity of One thousand four hundred pounds to be paid by equal half yearly payments on the twenty fifth day of March and twenty ninth day of September in every year and the ffirst half yearly payment thereof to begin and be made on such of those days as shall first happen after my death

And I give to John the present Viscount ffitzwilliam an Annuity of seven hundred pounds during his life in addition to what is given to him by the Will of his late brother the said

¹⁵ Diana Agar née Herbert (1790-1841), daughter of the Testator and Elizabeth née Beauclerk (1766-1793), wife of Welbore Ellis Agar (1778-1868) [[Wikipedia](#)] 2nd Earl of Normanton

¹⁶ Elizabeth née Spencer (1737-1831), mother of the Testator, daughter of Elizabeth née Trevor (1715-1761) and Charles Spencer (1706-1758) [[Wikipedia](#)] 3rd Duke of Marlborough, wife of Henry Herbert (1743-1794).

Richard late Viscount ffitzwilliam and unto the Viscountess ffitzwilliam Wife of the said Present Viscount if she shall survive her said husband an Annuity of three hundred and fifty pounds during the then residue of her life in addition to what is given to her by the said Will of the said late Viscount

and unto the honorable Thomas ffitzwilliam Brother of the said John Viscount ffitzwilliam an Annuity of five hundred pounds during his life which it is my intention shall not be diminished or affected by his enjoying an Annuity of three hundred pounds to which he will become entitled under the same Will if he survives his said brother the present Viscount

and unto Caesar Page in the same Will named an Annuity of three hundred pounds during his life in addition to what was given to him by the same Will and unto the present Wife of the said Caesar Page in the said Will also named if she shall survive her said husband an Annuity of One hundred and fifty pounds during the then residue of her life in addition to what is given to her by the said Will

And I will and direct that the five last mentioned annuities shall be paid by equal half yearly payments on the tenth day of January and the tenth day of July in each year the first payments of those which are given to the said Viscount ffitzwilliam Thomas ffitzwilliam and Caesar Page to begin and be made on such of those days as shall next happen after my decease in continuation of the like Annuities which I now voluntarily pay to them respectively and the first payment of the other two on such of the said days as shall next respectively happen after the decease of the husband or respective husbands of such of the paid ffeme Annuitants whose husband or husbands shall survive me and as to such of them whose husband or husbands shall happen to die before me on such of those days as shall next after my decease and if M^{rs} Henry Bernard named in the said Will of the said Richard late Viscount ffitzwilliam (and to whom an Annuity of three hundred pounds is thereby given for his life) shall survive his present Wife to whom an Annuity of One thousand five hundred is thereby also given for her life) then I give to him an Annuity of five hundred pounds during his life in addition to that of three hundred pounds given to him by the said Will the said additional Annuity to be paid half yearly by equal payments on the tenth day of January and tenth day of July in each year and the first payment thereof to begin and be made on such of those days as shall first happen after his said Wife's death in the case of her surviving me or after my death if she shall die before me

And I give to M^{rs} Susan Montgomery Widow of the late Captain Augustus Montgomery of His Majesty's Royal Navy an Annuity of two hundred pounds during her life and to the Trustees for the time being of the Settlement made in consequence of the marriage of Elizabeth the daughter of the said Captain and Mrs Montgomery with Mr Arthur Gibbon an Annuity of One hundred and fifty pounds during the joint lives of herself and her said Mother In Trust of the sole and separate use of the said Elizabeth Gibbon independent of

her present or any future husband and for which her receipts alone shall be good discharges

And I give to M^{rs} Caroline Williams Wife of John Williams Esquire late one of the Commissioners of His Majesty's Customs as Annuity of two hundred and fifty pounds during her life (in lieu and satisfaction of an Annuity given to or intended for life by the Will of my late ffather)

and to M^{iss} Louisa Georgiana Catherine Spencer daughter of my relation William Robert Spencer Esquire of the Stamp Office an Annuity of fifty pounds during her life in addition to a like Annuity of fifty pounds already secured to her by my bond

and to M^{iss} Georgiana Spencer daughter of my relation John Spencer Esquire an Annuity of one hundred pounds during the joint lives of herself and her said ffather

and to M^{iss} Caroline Spencer another daughter of the said John Spencer a like Annuity of one hundred pounds during the joint lives of herself and her said ffather

And to M^{rs} Elizabeth [Townsey] another daughter of the said John Spencer a like Annuity of one hundred pounds during the joint lives of herself and her said ffather

And to M^{rs} Kitty [Seaguin] Wife of my late Steward John [Seaguin] an Annuity of one hundred pounds during her life

and to Maria Renton Tufnell Governess to my daughter an Annuity one hundred pounds during her life

and to M^{rs} Ann Adams formerly Governess to my daughter Lady [Normanton] an Annuity of fifty pounds during her life

And to Mrs Isabella Dixon my Upper Nurse an Annuity of fifty pounds during her life

and to Isabella [Lawrence] my Housekeeper an Annuity of fifty pounds during her life

and unto my old and faithful Servant William Hubble an Annuity of one hundred pounds during his life

and to my late head Groom William Vickery an Annuity of forty pounds during his life

and to Moses Read my late Gamekeeper at ffernditch Chase an Annuity of twenty pounds during his life

and to Sarah his Wife of Thomas Parham [Littlerock] my Porter at Wilton House late Sarah Crane an Annuity of forty pounds during her life

and to William Roberts my Porter in London an Annuity of forty pounds during his life

And Elizabeth ____ Widow of my late Gamekeeper at [Gravelly] an Annuity of thirty pounds during her life

and to Susannah Retford Widow of my late Gardener an Annuity of thirty pounds during her life

and to Jane [Kellbury] Widow of my late Blacksmith an Annuity of ten pounds during her life

And to William Kirby late a Garden Labourer at Wilton an Annuity of Eight pounds during his life

And to Thomas Baron also late a Garden Labourer at Wilton an Annuity of five pounds during his life

And to Nicholas ____ late a Sawyer at Wilton an Annuity of six pounds ten shillings during his life

and to James Pierce formerly in my Service as Stewards Room Man an Annuity of twenty pounds during his life

And to all such of my Servants whether considered as upper or under Servants as shall be living with me at my death and have been in my service twenty years or upwards an Annuity of forty pounds each during their respective lives

the said Annuities to the said M^{rs} Susan Montgomery and the other Annuities by this my Will given subsequently to hers to be paid by equal half yearly payments on the tenth day of April and tenth day of October in each year and the first payment thereof respectively to begin and be made on such of those days as shall first happen after my decease

And I will and direct that all the Annuities hereby given and also that which I covenanted to pay during the life of my said Daughter now Countess of Normanton as aforesaid shall be paid out of my Personal Estate

And I recommend it to my Wife Catherine Countess of Pembroke and Montgomery my Executrix hereinafter appointed to appropriate a fund or funds sufficient by the interest and dividends thereof to pay and keep down all the said Annuities hereby given and also that which I covenanted to pay during the life of my said Daughter the Countess of Normanton as aforesaid but I direct that she shall not be compellable so to do sooner than she herself shall think it convenient

And I also direct that when and as any of the said Annuities shall drop a proportionable part of the fund or funds so appropriated namely so much thereof as will produce an income equal to the amount of the Annuity so dropped shall be retransferred or Assigned to my said Wife her Executors Administrators or Assigns for her or their own use and benefit and so from time to time when and so often as any such case shall happen until the whole of the said fund or funds shall be so retransferred or assigned as aforesaid

And I also will that such other of the Annuities given by the said Will of my ffather as are yet subsisting (if any) shall as well as those given to my said Daughter the Countess of Normanton and the said M^{rs} Caroline Williams and which are provided for as aforesaid be paid out of my Personal Estate and provided for by the said Appropriation

And I give to my Daughter the Countess of Normanton the Locket containing her late mother's hair which I always wear

And I give to my said mother the Countess Dowager of Pembroke and Montgomery One thousand pounds

And in case I shall leave one or more daughter or daughters who shall not have been married in my life time I give to such one daughter if there shall be but one the sum of twelve thousand five hundred pounds Bank three per Cent Consolidated Annuities and if there shall be more than one such unmarried daughter I give to each of them the sum of twelve thousand five hundred pounds Bank three per Cent Consolidated Annuities the said legacy or legacies hereby given to be in addition to any provision to which my said said daughter or daughters may be entitled under my marriage settlement or this my Will and to become vested in and transferred to such of them if any as shall have attained the age of twenty one years in my life time immediately on my decease and in and to such of them (if any) as shall not have attained the age of twenty one years on her attaining that age or marrying which shall first happen and the dividends in the mean time (if any) to be part of my personal estate and received and applied accordingly

Provided And it is my Will that in case of the death of any such daughter or daughters under the age of twenty one years and unmarried the legacy or legacies hereby given to her or them shall sink into and form part of the residue of my personal estate

And I give to the Right Honorable Henry James Lord Montague and John Thomas [Bath] of South Audley Street in the County of Middlesex Esquire their executors Administrators and Assigns the Sum of Sixty thousand pounds three per Cent Reduced Bank Annuities upon the trusts and for the intents and purposes hereinafter expressed and declared concerning the same that is to say Upon Trust (with the consent of my said Wife Catherine Countess of Pembroke and Montgomery during her life and after her decease of the proper authority of the said Trustees or the Trustees or Trustee of the said fund for the time being to sell and place out the same again at interest in the stocks funds or securities of the British Government or on real securities in Eng;and and from time to time with such consent as aforesaid or of their or his proper authority as the case may happen to alter and transpose the same for other stocks funds or securities of the like nature so often as it shall be deemed expedient and to pay unto or empower my said Wife Catherine Countess of Pembroke and Montgomery to receive the dividends or interest arising therefrom during her life

And from and after her decease upon trust that they the said Trustees or the Trustees or Trustee thereof for the time do and shall stand possessed of and interested in the said

Bank Annuities Stocks and Securities In Trust for all and every such one or more of my daughters by my said Wife Catherine Countess of Pembroke and Montgomery at such Age or Ages time or times and if more than one in such parts shares and proportions and in such manner and subject to such powers provisos and conditions restrictions and limitations over for the benefit only of some or one of such daughters as my said Wife by any deed or deeds writing or writings with or without power of revocation to be by her sealed and delivered in the presence of and attested by two or more Credible Witnesses or by her last Will and Testament in Writing or any Codicil or Codicils in writing thereto signed in the presence of and attested by two or more credible Witnesses shall declare direct or appoint And in default of such declaration directions appointment or if any such shall be made which shall not be a complete disposition of the whole of the said Bank Annuities Stocks funds or securities then as to so much thereof whereof no such disposition shall be made and as and when the interest or interests therein which may be so appointed shall end and determine and in the mean time subject thereof in Trust for all my Daughters by my said Wife if more than one in equal shares and proportions and if but one then as to the whole in Trust for such one daughter to be vested in her or them on her or their attaining the age of twenty one years on the day or respective days of her or their marriage or marriages which shall first happen and all and every of the portions of such of them as shall so become vested in the lifetime of my said Wife shall be paid or transferred as soon as may be after her decease and all and every of such portions as shall not become vested in the lifetime of my said Wife shall be paid or transferred as soon as may be after the same shall become vested provided and it is my Will that if any of such Daughters shall depart this life before she or they shall have attained her or their age of respective Ages of twenty one years or have been married the share or shares of her or them so dying of and in the said Bank Annuities Stocks funds or Securities shall subject to any such Appointment as aforesaid go and accrue to the Survivors and Survivor or others or other of such Daughters and be equally divided between them if more than one in equal shares and proportions and shall become vested and shall be payable or transferable at such age or ages or time or times as her or their original share or shares shall by virtue of this my Will become vested payable or transferable as aforesaid and every such accruing or surviving share shall be subject and liable to such or the like right chance contingency or condition of [accrual] or survivorship to or amongst the survivors or survivor or other or others of the said daughters as hereinbefore is provided or declared touching the original share or shares and upon further trust that the said Trustee or Trustees or Trustee for the time being do and shall from and after the decease of my said Wife Catherine Countess of Pembroke and Montgomery pay and apply the interest of dividends of the presumptive portion or share or portions or shares of such of my said Daughters (if any) as shall not have acquired a vested interest therein for or towards her or their maintenance education and benefit until the same respectively shall become payable or transferable as aforesaid provided and it is my Will that if all my said Daughters shall happen to die without attaining the said Age of twenty one years or being married the said Sum of Sixty thousand pounds bank three per Cent Reduced Annuities or the Stocks funds or

Securities in or upon which the same shall have been invested shall fall into and be considered as forming part of the residue of my personal estate

and I give to my said Son Sidney Herbert¹⁷ they Sum of five thousand pounds

I also give to my said Son Sidney Herbert all the Arrears of rents and Profits which shall be due or owing to me at the time of my death for or in respect of all or any of the estates in England or Ireland settled upon him by the said Will of the said Richard late Viscount Fitzwilliam in remainder dependant on my life interest therein which shall remain after paying and deducting out of such arrears whatever shall then be due or owing from me for or in respect of all or any taxes parish rated or repairs for or in respect of the said Estates or any of them

And it is my Will that if the said Sidney Herbert shall be in his minority at my decease the receipts of his Guardian or Guardians for all or every legacy and legacies given to him by this my Will shall be good discharges for the same

And I give to the Reverend George Augustus Montgomery Son of the said late Captain Augustus Montgomery the Sum of Nine thousand pounds

And I give to the Trustee or Trustees for the time being under the said Settlement made in Consequence of the marriage of the said Elizabeth the daughter of the said Captain Montgomery with the said Arthur Gibbon five thousand pounds three per cent Consolidated Annuities upon such of the Trusts Except so far as the same are for the benefit of her mother and husband during their respective lives by that Settlement declared of and concerning the Sum of four thousand and eighty three pounds six shillings and eight pence Bank three pounds per Cent Consolidated annuities being the moiety of the said Elizabeth of eight thousand one hundred and sixty six pounds thirteen shillings and fourpence of those annuities arising from the Personal Estate of her said father Captain Montgomery subject to the life interest of her mother therein as are or shall be subsisting or Capable of taking effect

And I will that my Executrix shall within the space of one year next after my decease transfer or Cause to be transferred Stock funds or annuities of the British Government of the value of Six thousand pounds or a real Security in England of that value into the name or names of a person or persons as she shall think proper in trust for the sole and separate use of the said Caroline the Wife of the said John Williams and free from the power Controul debts and Engagements of her said present or any future husband and to be in her own sole power and disposal by any deed or Instrument in Writing or by her last Will and Testament in Writing or any other Act or Acts which as well as her directions concerning and receipts for the same and the interest thereof shall be as valid and effectual as if she were sole

¹⁷ Sidney Herbert (1810-1861) [[Wikipedia](#)] 1st Baron Herbert of Lea, son of the Testator and Catherine Simonova née Vorontsova (1783-1856), husband of Mary Elizabeth Ashe à Court-Repington (1822-1911) [[Wikipedia](#)].

and I give a ring of the value of twenty guineas to each of the following persons Namely

my Son in Law the said Earl of Normanton
My ffather in Law the Count Simson Worouzow
My brother in Law the Count Michel Worouzow
The said James Edward Earl of Malmesbury
Robert Henry Clive
Sir William A'Court
Lord Robert Spencer
Henry James Lord Montague
The Hon'ble Mrs Gertrude Robinson
The Right Hon'ble ffrederick John Robinson
William Horton Pitt Esquire
Charles George Beauclerk Esquire
John Thomas Batt Esquire
The Reverend William Coxe and
William Tudor Esquire and
Captain John Charles Gawen Roberts

and a Ring of the value of ten guineas to my said old and faithful Servant William Hubble

and I give to my Steward Mr William Woodcock if in my Service in that Capacity at my death one thousand pounds

and to the person who shall be in my Service at my death as Valet de Chambre my Cloathes and Wearing Apparel

To my Upper Servants such as House-Steward Butler Valet de Chambre Groom of the Chambers Housekeeper Nurse Head Cook Head Gardener and Parkkeeper who shall be in my Service at my death I give the following legacies namely to such of them as shall have been so one year or upwards but not five years Seventy pounds each and to such as shall have been for five years or upwards but not ten one hundred and fifty pounds each and to such as shall have been so ten years or upwards two hundred and fifty pounds each

And to my under men servants such as Coachmen Grooms Porters footmen under Butler and Storeman who shall be in my Service at my death I give the following legacies namely to such of them as shall have been so one year or upwards but not five ffifty pounds each and to such as shall have been so dive years or upwards but not ten one hundred pounds each and to such as shall have been so ten years or upwards two hundred pounds each

and to my under Women Servants such as Housemaids Laundry maids Still room Maid Kitchen Maids Scullery maids nursery maids who shall be in my Service at the time of my death I give the following legacy namely to such of them as shall have been so one

year or upwards but not five forty pounds each and to such as shall have been so five years but not ten eighty pounds each and to such as shall have been so ten years and upwards one hundred and fifty pounds each

and to the [Wardner] the Grovely keeper and the four Woodmen at the Earldoms the Chase Grovely and ffovant who shall be in my Service at my death and shall have been so ten years or upwards twenty pounds each

And to prevent all questions as to the persons who may fall under any of the descriptions before mentioned I direct that what ever my Executrix may determine concerning the same shall be conclusive and I think proper to say that among the above legacies to Servants I do not mean to include any of those to whom I have bequeathed Annuities

And I desire that three thousand pounds bank three per Cent Consolidated Annuities to be taken out of such of those Annuities as I may have at my death or purchased out of my other personal Estate may be transferred as soon after my death as conveniently may be unto the names of the said James Edward Earl of Malmesbury Sir William A'Court and Robert Henry Clive or any of them or of such other Trustee or Trustees as my Executrix shall think proper Upon trust that the Trustees or Trustee thereof for the time being shall and do from time to time and at all times thereafter pay or apply the interest and dividends thereof in augmentation of the present fund or funds of a Certain Hospital or Charity established in Wilton called Saint Mary Magdalen's or Maudlin's Hospital Charity for the maintenance and support of Six Old men or Women who have lived in the Service of the Pembroke ffamily or have worked as Labourers or otherwise about Wilton House and who shall be nominated or appointed by the Owner for the time being of that House

And I give to the Infirmary at Salisbury five hundred pounds and to the Poor of the Parish of Wilton two hundred pounds and to the Poor of Salisbury one hundred pounds to be paid into the hands of such Parochial Officers or other persons as my Executrix shall think proper and applied by them as she shall direct

And I give to the Treasurer for the time being of Chelsea Hospital one hundred pounds for the benefit of that Charity

and to the Treasurer for the time being of the Military Asylum at Chelsea aforesaid to the maintenance and Education of the Children of Soldiers one hundred pounds for the benefit of that Charity

And I direct that the receipts of such Officers persons and Treasurers respectively shall be valid discharges for the Sums paid to them respectively

And I give to the Labourers and Carters now nine in number constantly employed within the Walls of Wilton House Gardens and Park five pounds each

And I direct the legacy duties on all they legacies and Annuities given by this my Will or which I may hereafter give by any Codicil or Codicils thereto to be paid out of my Personal Estate in care of the Legatees and Annuitants

And I give and bequeath to my said Wife Catherine Countess of Pembroke and Montgomery All the residue of my Personal Estate after payment of my debts (not hereinbefore provided to be otherwise paid) legacies and funeral and Testamentary Expenses having having communicated or intending to communicate to her such views as I now have or hereafter may have concerning the same or any part thereof but not meaning that she shall be legally or equitably bound to do therewith or dispose thereof otherwise that she in her own uncontrolled direction shall from time to time think proper

And I appoint her sole Executrix of this my Will and Guardian of all such of my Children as shall be minors at my death during their respective minorities

And I request that the said James Edward Earl of Malmesbury Sir William A'Court and Robert Henry Clive and also Lord Montagu and M^r Batt will have the goodness to give her their advice and assistance and if she shall happen to die whilst any of my said Children shall be minors or a minor I appoint the said James Edward Earl of Malmesbury Sir William A'Court and Robert Henry Clive Henry James Lord Montagu and John Thomas Batt and the Survivors and Survivor of them Guardians and Guardian of such of my said Children as shall then be minors or a minor during their respective minorities

Provided And it is my Will that if the Trustees hereby appointed as hereinafter is mentioned shall die or desire to be discharged from or decline or become incapable to act in the execution of the trusts herein expressed then and in such case and so often as the same shall happen it shall be lawful for my said Wife or if she shall be dead for my executors or administrators for the time being by any writing or writings under her his or their hand and seal or hands and seals respectively to nominate or appoint any other fit person or persons to be a Trustee or Trustees in the stead or place of the Trustees or Trustee so dying or desiring to be discharged or declining or becoming incapable to act as aforesaid

And that when and so often as any new Trustee or Trustees shall be nominated or appointed as aforesaid all the trust estates monies stocks funds securities and premises shall be conveyed assigned and transferred in such manner or so as that the same may be vested in the surviving or continuing Trustee or Trustees if any and such new or other Trustee or Trustees or if there shall be no continuing Trustee then in such new Trustee only upon the trusts and for the intents and purposes and under and subject to the provisoes and declarations herein before expressed or declared of and concerning the same or such of them as shall or may be then subsisting or capable of taking effect

And I hereby further declare that all and every of such new Trustees shall and may act and assist in the execution of the trusts to which he or they shall be so appointed in conjunction with the other then continuing trustee or Trustees if there shall be any such and if not then by himself and themselves respectively as fully and effectually and with all the same powers authorities and discretions whatsoever as if he or they had been originally by this my Will appointed a Trustee or Trustees or as the Trustee or Trustees in or to whose place such new Trustee or Trustees shall respectively succeed are or is enabled to do or could or might have done if living and continuing to act in the execution of the trusts aforesaid

Provided and I further declare that the said Trustees hereby appointed as aforesaid and each of them and their respective heirs executors and administrators shall be respectively charged and chargeable only with such monies as they shall respectively actually receive And that any one or more of them shall not be answerable for the other of them but each of them for his own acts deeds receipts neglects or defaults only And that they or any of them shall not be answerable or accountable for any Banker Broker or other person with whom any part of the said trust monies may be deposited for safe Custody or otherwise in the execution of any of the trusts hereinbefore mentioned nor for any loss which may happen in the execution of the aforesaid trusts or in relation thereto unless the same shall happen by or through their own wilful defaults respectively and that it shall be lawful for each of the Trustees hereby appointed and such future Trustees or Trustee as may be hereafter appointed and their respective heirs executors Administrators and Assigns by and out of the monies which shall come to their respective hands in pursuance of this my Will to retain to and reimburse himself and themselves respectively and also each other all such Costs Charges and Expenses as they or any of them may sustain or be put unto in or about the execution of the aforesaid Trusts or in anywise relating thereto

And revoking all Wills by me heretofore made I publish and declare these present contained in twenty two sheets of paper each of them by me signed and this last of them sealed as and for my last Will and Testament this twenty eighth day of April in the year of Our Lord one thousand eight hundred and twenty six *Pembroke & Montgomery (SS)* Signed sealed published and declared by the said George Augustus Earl of Pembroke and Montgomery the Testator as and for his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names and Witnesses *John Foster Carey Streey /—/ Rob^t Wheatley Linnley /—/ Joseph Bigley* _ Clerks to Mess^{rs} *Oddie and Forster Carey Street* ./.

I George Augustus Earl of **Pembroke and Montgomery** do make this Codicil to my Will

I revoke the Annuity of seven hundred pounds given by my Will to John Viscount Fitzwilliam the Annuity of five hundred pounds thereby given to The Honorable Thomas

Fitzwilliam and the Annuity of three hundred pounds thereby given to Caesar Page and the Annuity of one hundred and fifty pounds thereby given to Ann Page Wife of the said Caesar Page in case of her surviving the said Caesar Page leaving in lieu of the said Bequests secured to them respectively Annuities of the same Amount by Bond

And I publish and declare this to be a Codicil to my last Will and Testament this twenty eighth day of June One thousand eight hundred and twenty seven *Pembroke & Montgomery* (SS) Signed sealed published and declared by the above named George Augustus Earl of Pembroke and Montgomery as and for a Codicil to his last Will and testament in the presence of *Henry Boyle Oddie Jun^r Carey Street /—/ William Wright his Clerk ./.*

Proved at London with a Codicil 12th November 1827 before the Worshipful Joseph Phillimore Doctor of Laws and Surrogate by the Oath of *The Right Honorable Catherine Countess Dowager of Pembroke and Montgomery* Widow the Relict the sole Executrix to whom Administration was granted having been first sworn duly to Administer ./.

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