

## Will of Robert Sawyer (1633-1692)

*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 Sir Robert Sawyer<sup>1</sup>** of Highcleere in the County of Southampton Knight being of sound minde and memory and in perfect Health of Body God be praised Considering the frequent instances and examples of sudden death doe hereby make and declare this my last Will and Testament hereby revoking all former Wills by me at any time heretofore made

My Spirit I recommend to the Mercys of Almighty God the ffather of all Spirits and of Jesus Christ my Redeemer and of the Holy Ghost the Comforter Professing that I dye in the Communion of the Holy Catholick Church and of the Protestant Church established by the [Laused] of England in particular

The Interment of my Body I recomend to my Executrix to be laid in my Vault or burying place at Highcleere And my ffunerall to be only decent but without Pomp desiring her to give direction when it shall please God she departs this life to be laid by me in the same vault

As to my Temporall Estate wherewith with all thankfulness I acknowledge God hath blessed me in a plentiful manner I dispose thereof in manner following

All those my Mannors of Highcleere and Burghcleere in the said County of Southampton, My Capitall Messuage of Highcleere with the Out houses Banksides Orchards Gardens and appurtenances thereunto belonging And all Messuages Lands Tenements and Hereditaments of what nature soever with their appurtenances whereof I am seized or any other person or persons is or are seized in Trust for mee situate or being within the parishes of Highcleere and Burghcleere or either of them or elsewhere in the said County of Southampton I give and devise to my dearly beloved wife<sup>2</sup> To hold during her life which I am induced to in so large and ample a manner upon the deep resentment I retaine of the great kindness and duty she hath borne to me for all the time since out intermarriage in regard also of her delivering up and Trusting me with her jointure settled upon her by my ffather

And from and after the determination of her Estate I devise the said premisses to my very good friend Mathew Johnson Esquire Clerk of the Parliament and his Heirs To hold during my Wife's life in Trust to prevent wilfull wast And from and after the decease of

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<sup>1</sup> Robert Sawyer (1633-1692) [[Wikipedia](#)], the Testator, son of Anne née Whitmore (c1608-1651) and Sir Edmund Sawyer (1579-1676), husband of Margaret née Suckeley (1635-1651).

<sup>2</sup> Margaret née Suckeley (c1635-1651), wife of the Testator, daughter of Margrett née Standige (c1618-c1700) and Ralph Suckley (c1618-c1693).

my Wife I give and devise all and singular the said premisses to my deare Daughter<sup>3</sup> the Countess of Pembroke To hold during her life And from and after the determination of of her Estate I give and devise the said premisses unto the said Mathew Johnson and his Heirs during the naturall life of my said Daughter in Trust to support the contingent remainders herein after limited

And from and after the decease of my said Daughter I give and bequeath the said premisses to the second son of my said Daughter by the Right Honourable Thomas Earle of Pembroke<sup>4</sup> to be begotten and to the Heirs Males of the Body of such second Son And in default of such issue Male To the Third fourth and every other after born son of the Body of my said Daughter by the said Earle to be begotten And to the Heirs Males of the body of every such Third fourth or other Son to be begotten as aforesaid every such Son and Sons and the heirs Males of the and their bodies to be preferred according as he or they shall be in seniority of age or priority of Birth And in default of such issue male or in case it shall happen that my said Daughter shall have no other Son of her Body begotten by the said Earle of Pembroke besides Henry Lord Herbert Then I give and bequeath the said premisses to the said Henry Lord Herbert during his life And from and after the determination of such Estate I devise the premisses to the said Mathew Johnson and his Heirs during the life of the said Henry Lord Herbert in Trust to support the Contingent remainders hereafter limited

And from and after the decease of the said Henry Lord Herbert I give and devise the said premisses to the first son of the body of the said Henry Lord Herbert to be begotten and to the Heirs Male of the body of such first son And in default of such issue male to every other son of the body of the said Henry Lord Herbert to be begotten and to the heirs males of the body of every such other son the elder of every such other son and the Heirs male of his body to be preferred as he or they shall be in seniority of age or priority of birth

And in default of such issue I give and devise the premisses to any and every other son or sons of the body of my said Daughter by any other after taken Husband to be begotten and to the Heirs Male of the body of every such other son or sons the older of such son or sons and the Heirs Male of his or their body to be preferred as he or they shall be in seniority of age or priority of Birth

And in default of such issue I give and devise the premisses to my Cousin George Sawyer second son of my eldest Brother during his life And from and after the determination of such Estate I devise the premisses to the said Mathew Johnson and his Heirs during the life of the said George Sawyer in trust to support the contingent remainders hereby

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<sup>3</sup> Margaret Herbert née Sawyer (c1657-1706), daughter of the Testator and Margaret née Suckeley (c1635-1651), wife of Thomas Herbert (1656-1733) 8th Earl of Pembroke 5th Earl of Montgomery.

<sup>4</sup> Thomas Herbert (1656-1733) [\[Wikipedia\]](#) 8th Earl of Pembroke 5th Earl of Montgomery, son in law of the Testator, son of Catherine née Villiers (1625-1669) and Philip Herbert (1622-1669), husband of (i) Margaret née Sawyer (c1657-1706), (ii) Barbara née Slingsby (1668-1721) and (iii) Mary née Howe (1700-1749).

limited And from and after the decease of the said George Sawyer I devise the premisses to the first son of the body of the said George Sawyer to be begotten and to the heirs males of the body of such first son And in default of such issue to the Second Third and every other son of the body of the said George Sawyer to be begotten and to the Heirs male of the body of every such other son the elder of every such other son and the Heirs male of his body to be preferred as he or they shall be in seniority of age or priority of Birth And in default of such issue I leave the premisses to my right Heirs.

My house in Lincolns Inn ffields with the Gardens stables Out houses and appurtenances thereto belonging I devise to my dearest Wife to hold during her widowhood And from and after her second marriage or decease which shall first happen I give the said Messuage with all and singular its appurtenances to my said Daughter during her life And from and after the determination of her Estate therein as also after her decease I give the same and doe appoint the same shall goe to the several persons both in present and contingent and for the several Estates and in such manner as I have before limited and settled my Mannors of Highcleere and Burghcleere except only for the remainder appointed to my Cousin George Sawyer and the several Sons of his body my intent being that my said Messuage after the other limitations determined shall goe to my Heirs at Law

And whereas I have a Mortgage of a Messuage and Lands in Shilvington in the County of Dorset to me and my Heirs which by a Decree in the Exchequer is declared absolute and discharged of all equity of Redemption unless redeemed by Doily Mitchell Esquire by Lady Day next upon payment of the sum of Three Thousand seven hundred sixty seaven Pounds Eight pence And if not redeemed by the said Doily Mitchell as aforesaid Then unless redeemed by Henry Lownes Gentleman at or before Midsummer next upon payment of the said sum of Three thousand seaven hundred sixty seaven pounds eight pence with the interest thereof to be then due in case the said Mortgage be not redeemed in manner aforesaid I devise the said mortgaged premisses to my very good ffriends the said Mathew Johnson and John Cholmley Esqr and to their heirs in Trust to dispose of the Rents and profits during the life of my Daughter Pembroke for her sole and separate use and as she by any writing under hand and seal shall appoint And after her decease in Trust to sell the said mortgaged premisses And the moneys thereby arising after charges deducted to divide equally between the Daughters of my said Daughter Pembroke by the Earle of Pembroke begotten or to be begotten to be paid to them with the profit thereof at their respective ages of One and twenty or Dayes of marriage which shall first happen the share or proportion of such of them as shall happen to dye before those times to goe to the Survivors and Survivor of them

And my Will is that my Wife during her Widowhood and my said Daughter during her life being Tennant in possession and every other Tennant for life by any of the limitations aforesaid being in possession shall have power to let or demise any of the devised premisses Except the Capitall Messuage of Highcleere and the Gardens Orchards Banksides and Out houses thereto belonging And also except the Long walke planted

with Trees leading up to [Eldowne] Hill for any number of years not exceeding twelve years reserving the best and most Rent that can be got for the same and during the term so to be demised without fine

I give unto my dearest wife All my Jewells in her custody or on the Custody of any other person and the dressing plate of her Chamber and all my old Gold and new Gold pieces of forty shillings or above And also four hundred Pounds in ready money to be at her dispose requesting her that when she dies she shall leave her Jewells to such of my Granddaughters as shall please her best I also give unto my Wife such Coaches Coach horses and Coach harness I shall be possessed of at the time of my decease I devise also to my wife the use of all my Plate before devised to her and of all the Household goods Brewing Vessells and furniture of my House and Outhouses at Highcleere during her life and the use of the Household goods and furniture of my House at Lincolns Inne fields during her Widowhood or so long as she during her Widow hood as shall please her to live there My Will being that if she thinks fit to demise or let the said House in Lincolns Inne fields That she have liberty foremove such of the Goods and furniture at Lincolns Inne fields to Highcleere as she shall judge necessary to furnish any part of my House there and in such case the remaining part of my goods and furniture at Lincolns Inne fields I appoint to be sold and also what shall be at Highcleere over and above sufficient to furnish that House to be added to my personal Estate hereby after disposed of And then I also give the use of such goods and furniture as shall be exchanged or removed to Highcleere to my wife during her life to be enjoyed by her with the rest of my goods at Highcleere,

after the decease of my wife I give my Plate to my Daughter Pembroke and also the use of my Household goods and furniture at Highcleere or so much thereof as shall not be sold as aforesaid as also of such which shall be removed thither from Lincolns Inne fields with liberty to change such part thereof as to her shall seem meet during her life my intent being as to my Household goods and furniture aforesaid that they goe in the nature of Heirelooms with my Capitall Messuage of Highcleere

And in case my wife intermarry or depart this life before such removal or disposall of my Household goods and furniture at Lincolns Inne fields I devise the same to my Daughter Pembroke

I give and devise the fishery of the Strand in the parish of Cookham in the County of Berks to my Cousin [Edmund] Sawyer of Highwood in the said County of Berks Esquire and to his Heires

And whereas I am possessed of a double Chamber at the Inner Temple which was consolidated by the bench there And upon my decease will be severed again I do devise that part thereof which I bought of \_\_\_ [Perk] and wherein my present Study of Books is to my said Cousin George Sawyer for the Life and Assignment which I have therein the other part with my goods and furniture at the Temple I appoint to be sold

As to all the rest and residue of my Goods chattells credits Mortgages and personal Estate whatsoever after my Debts Legacies hereby given and decent ffunerall be discharged as also such Legacies as I shall give by any Codicill hereafter to be annexed and published which I purpose God willing to doe This being principally intended for the settlement of the Bulke of my Estate to prevent any differences which may arise in my ffamily which are too frequently occasioned in families by sudden deaths My Will is such Overplus after my Debts Legacies and ffuneralls discharged shall be put forth and secured at Interest ny my Executrix by and with the advice of the said Mathew Johnson and John Cholmley or one of them and the interest or profit thence arising shall be paid to the sole and separate use of my Daughter Pembroke during her naturall life as she by any writing under hand and seal shall appoint And from and after her decease my Will is the said Surplus and the profits thereof shall be equally divided between the younger Children of my said Daughter and the said Earle of Pembroke between them begotten or to be begotten to be paid to them respectively at their several full ages or dayes of marriage which shall first happen And if any of the said younger children happen to dye before full age or marriage The share of him or her so dying to goe to the Survivors and Survivor of them my intent nevertheless being that in case my said Daughter have a second son to whome my said Lands and Tenements shall fall in possession after the decease of my said Daughter the said second son shall take no part of this my bequest but the same shall be equally divided amongst the rest of the younger children unless such second son shall happen to be the Survivor of the said younger children before their shares became payable

And in case all the younger children of my said Daughter should happen to dye before their respective full age or marriage then I desire the said Overplus with the profit thereof to my Grandson Henry Lord Herbert

And I doe make and constitute my Dearly Beloved Wife Executrix of this my last Will and Testament desiring her to advise with the said Mathew Johnson Esqr and John Cholmley Esqr or one of them in every considerable matter concerning the Execution of this my last Will and Testament

*In witness* whereof I have to this my last Will and Testament consisting of ffive sheets of paper and to every sheet thereof put my hand and and seal the ffifth day of March in the year of our Lord God One Thousand Six hundred Ninety one And in the ffourth year of the reign of their Majesties King William and Queen Mary Robert Sawyer (SS) Signed sealed and published in the presence of Con Whipps — John Hayne — Ri: Gregson Richard Silvester ./.

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*A Codicill* to be annexed to the Will of S<sup>r</sup> Robert Sawyer made the 28<sup>th</sup> day of July 1692.

**Imprimis** I give and bequeath unto Henry Lord Herbert the sume of Two Thousand Pounds to be paid him at the age of One and Twenty years or the day of his Marriage which shall first happen.

Item I Give to my Niece the Lady Katherine Herbert the sum of Two Thousand Pounds to be paid her at her like age or marriage

Item I give unto my Niece the Lady Margaret Herbert the sum of One Thousand Pounds to be paid her at the like age or marriage

Item I give unto every one of my servants who shall live with me at the time of my decease one years wages

Item I give unto my Brother ffarington and his lady the sum of Ten pounds a piece to buy them Mourning

Item I give unto my Cousin Phipps and his Lady the sume of Ten Pounds a piece to buy them Mourning

Item I leave the Provision for my Cousin Henry Hawes unto my Wife untill he shall come to be Master of Arts

Item I give unto the Poor of the Parish of S<sup>t</sup> Gyles and of Highcleer the sum of ffive Pounds a piece

In witness whereof I have hereunto put my hand and seal and have published this to be my Codicil the day and year first abovewritten Robt Sawyer (SS) In the presence of An Delamie, Isaac Mills, John Wlaker ./.

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**Probatum** . . . *in Latin and not transcribed*

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*There is also a Latin annotation in the margin which I have not transcribed.*

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Transcribed from images on Ancestry.co.uk [here](#).