

## Will of Henry Herbert (1693-1750)

*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.*

**In the Name of God Amen** I Henry<sup>1</sup> Earl of Pembroke and Montgomery being willing to settle my Worldly affairs so make this my last Will and Testament in manner following

And Whereas my first and chief [Care] is towards my dear Son Henry Herbert<sup>2</sup> commonly called Lord Herbert touching his Education and all matter relating thereto for that purpose I hereby appoint my dear Brother the Honourable Robert Herbert<sup>3</sup> George Sawyer<sup>4</sup> of the Parish of S<sup>t</sup> James Westminster Esquire the Honourable M<sup>r</sup> Richard Arundell<sup>5</sup> of Burlington Street S<sup>t</sup> James's the Honourable Henry Legg<sup>6</sup> Son to the Right Honourable the Earl of Dartmouth Guardians to my said Son hoping and trusting that they and the Survivors and Survivor of them will take proper Care of my said Sons Education till he arrives at age of Twenty One Years

I do hereby give and bequeath all my ready Money Bank Bills Securitys for Money South Sea Annuitys and all other Stocks in the Publick ffunds and all other my personal Estate whatsoever and wheresoever (Except my Busto's Bassos Relievos<sup>7</sup> Miscellanies Pictures and Books hereinafter particularly devised and also except such part thereof as I may be entitled unto by virtue of a Settlement made on the Right Honourable Mary<sup>8</sup> the present Countess Dowager of Pembroke and Montgomery bearing date the twelfth day of June One thousand Seven hundred and twenty five and also such other part or parts as I may be entitled unto by virtue of another Settlement bearing date the thirtyeth day of the

---

<sup>1</sup> Henry Herbert (1693-1750) [[Wikipedia](#)], 9th Earl of Pembroke, 6th Earl of Montgomery, the Testator, son of Margaret née Sawyer (1657-1706) and Thomas Herbert (1656-1733) [[Wikipedia](#)], 8th Earl of Pembroke, 5th Earl of Montgomery, husband of Mary née FitzWilliam (1707-1769).

<sup>2</sup> Henry Herbert (1734-1794) [[Wikipedia](#)] 10th Earl of Pembroke, 7th Earl of Montgomery, son of the Testator and Mary née FitzWilliam (1707-1769), husband of Elizabeth née Spencer (1737-1831), partner of (i) Elizabeth Catherina Orby 'Kitty' Hunter (1740-1795) and (ii) Constanza ?.

<sup>3</sup> Robert Sawyer Herbert (1693-1769) [[Wikipedia](#)], brother of the Testator, son of Margaret née Sawyer (1657-1706) and Thomas Herbert (1656-1733), husband of Mary née Smith (1688-1757).

<sup>4</sup> Presumably George Sawyer (1655-1684), uncle of the Testator, son of Margaret née Suckeley (1635-1706) and Sir Robert Sawyer (1633-1692), husband of Anne née Winstonley.

<sup>5</sup> Presumably Richard Arundell (1698-1759), step-brother of the Testator, son of Barbara née Slingsby (1668-1721) and Thomas Herbert (1656-1733), husband of Frances née Manners (c1711-1769).

<sup>6</sup> Presumably Henry Bilson-Legge (1708-1764) [[Wikipedia](#)], 2nd Earl of Dartmouth.

<sup>7</sup> Bustos - busts, Bassos Relievos - bas-reliefs.

<sup>8</sup> Mary née Howe (1705-1749), step-mother of the Testator, daughter of Juliana née Alington (1665-1747) and Scrope Howe (1648-1713) [[Wikipedia](#)], wife of (i) John Mordaunt (1709-1767) [[Wikipedia](#)], and (ii) Thomas Herbert (1656-1733).

said Month of June in the said Year One thousand Seven Hundred and twenty five for raising portions and provisions for my Younger Brothers and Sisters) unto the said Robert Herbert and George Sawyer In Trust to call in receive sell and dispose of the same and thereout to pay my ffuneral Expenses and all my just Debts and also the several Sum and Sums of Money and the pecuniary and other specifick Legacies And likewise in trust for the performance of the several Bequests mentioned in this my Will or which I shall give and bequeath by any subsequent Codicil or Writing under my Hand

ffirst I desire that my ffuneral may be without any pomp or Expense not exceeding two Mourning Coaches but only to be buried in a decent manner as my ffather and Mother were interred and that no Livery Servants or Maid Servants be put into Mourning and my desire is that no Mourning be given to any Servants out of Livery to whom I have given Legacies excepting the following persons who are to attend my ffuneral to each of them I give Mourning And I do appoint Robert Mathison and John Little to attend my ffuneral whether they be at the time of my death in my Service or not And also John Goddard and my ffootman to attend my ffuneral the Mourning to these four to be grey Coats trimmed with Black the two first to be darker than the others the Waistcoats &c to be black

To each of the Servants in town Men or Women be they in Livery or not I give One Solid Gold Ring of the value of twenty Shillings each of their names to be engraven on the Outside of the respective Rings with the time they have lived in my ffamily

And I also give unto Mr John Gore of Salisbury William Gifford head Keeper at ffernditch Richard Cowdry Abraham Seward the Head Gardener and to the porter at Wilton House unto each of them one Gold Ring of the same value

I also order one Gold Ring to each of the Six Gentlemen Bearers and to the Clergyman that buries me and to no other person

And I do hereby direct that they the said Robert Herbert and George Sawyer shall immediately after my decease pay to my dear Wife the Right Honourable Mary<sup>9</sup> Countess of Pembroke and Montgomery the Sum of two thousand pounds to be disposed of as she shall think proper

And though by some Conveyances made or caused to be made by me a considerable settlement and provision is already taken care off for my said dear Wife all which Settlements I do hereby ratify and confirm yet for a further augmentation I do hereby direct that the said Robert Herbert and George Sawyer shall dispose of the further Sum of Six thousand pounds Upon trust that they shall invest the same in some publick or private Securities and pay the whole yearly produce thereof from time to time unto my said dear Wife for and during her life And upon this further trust for my said dear Wife by her last Will and Testament only and not by any other deed or conveyance in her Life

---

<sup>9</sup> Mary Herbert née FitzWilliam (1707-1794), wife of the Testator, daughter of Frances née Shelley (1681-1771) and Richard FitzWilliam (1677-1743) [[Wikipedia](#)], 5th Viscount FitzWilliam.

time to give and dispose of the Sum of two thousand pounds part of the said Sum of Six thousand pounds in such manner as she shall think proper And upon this further trust that after the decease of my said Wife the Sum of ffour thousand pounds being the remainder of the said Six thousand pounds or the Securities in which the same are vested shall sink in and be deemed and construed part of my personal Estate and over and above what I have hereinbefore devised to my said Wife

I do hereby direct that the said Robert Herbert and George Sawyer shall permit and suffer my said Wife to hold and enjoy all that my Mansion House Outhouses and Appurtenances thereto belonging situate at Whitehall and all the usefull ffurniture therein for and during the Residue and Remainder of my term of Years to come if she shall so long live she paying the Ground Rent Repairs and other Outgoings in respect of the premisses And if it should be necessary to renew the said term in the Life time of my Wife then I direct the same to be renewed at the Expense of my Executors but my Wife to enjoy the same during her Life And from and after the decease of my said Wife I give and devise the said House ffurniture and premisses unto my said Son Henry Lord herbert for the remainder of the term or Terms of Years which shall be therein then to some and unexpired And I do hereby give power and authority to my said Trustees to renew my Lease or Leases with the Crown in respect of the premisses before they are very near expired as they shall think proper

I do hereby further give unto my said dear Wife the Countess of Pembroke all her Jewels and Dressing Plate and likewise four dozen of Silver dining plates two round Godron Silver Dishes weighing ffifty two Ounces and upwards or thereabouts two smaller long Godron Silver Dishes weighing ffifty Six Ounces or thereabouts four small round Godron Dishes weighing Eighty Six Ounces and upwards or thereabouts One little Silver Tureen for Soup the Cover and Tureen Gilt on the Inside ffour dozen of Silver Handle Knives ffour Dozen of Silver forks three Dozen of Silver Spoons two pair of Godron Silver Candlesticks with Square Bottoms ffour Silver Salt Sellars ffour pair of plain Silver Candlesticks and also two Silver Sauceboats weighing fforty Ounces and Upwards or thereabouts And likewise One Silver Tea Kettle and Lamp to the same

I likewise give unto my said dear Wife half my Table and Bed Linnen and half my other Linnen that shall belong to my House in Town but the same is to be taken in the manner following (that is to say) half the best Linnen and half the worst or coarsest Linnen

Also I give and bequeath unto my Sister the Lady Margaret Herbert<sup>10</sup> the Sum of One thousand Pounds

and to my Sister the Lady Elizabeth Herbert<sup>11</sup> the Sum of ffive Hundred pounds

---

<sup>10</sup> Margaret Herbert (1689-1752), sister of the Testator, never married.

<sup>11</sup> Elizabeth Herbert (1695-1732), sister of the Testator, never married.

And unto my Brother William Herbert<sup>12</sup> the Sum of Six hundred pounds

and unto my Brother Nicholas Herbert<sup>13</sup> the Sum of five hundred pounds

And I give unto Major George Sawyer One of my Executors the Sum of Eight Hundred pounds

And I give unto my Godson Henry Eyre Eight Hundred pounds

and I give unto M<sup>r</sup> John Gore of Salisbury ffifty pounds for Mourning

And I give unto Amy Cardonnell daughter to General Sibourg the Sum of One thousand and Six hundred pounds

And I give unto Rebecca Abbott of the Strand London in S<sup>t</sup> Martins parish the Sum of Eight hundred pounds

I give and bequeath unto my faithfull Servants provided they are living with me at the time of my decease and not otherwise the Legacies following

And first I give unto Robert Mathison the Sum of ffour hundred pounds

unto John Little the sum of two hundred pounds

unto Richard Cowdrey the Sum of twenty pounds for Mourning

I give unto John Armsby the Sum of One hundred pounds

unto Thomas Place the Sum of One hundred pounds

unto John Goddard my Groom the Sum of One hundred pounds and unto each of John Goddards two Children now living the Sum of five and twenty pounds

and unto Thomas Jackson my Cook the Sum of eighty pounds

unto Anthony New ffootman the Sum of thirty pounds

and unto Charles New ffootman the Sum of thirty pounds

unto Richard Barnes my ffootman thirty pounds

and unto the Head Gardener at Wilton for the time being the Sum of twenty pounds

and unto John Sudberry formerly my Chairman ten pounds

---

<sup>12</sup> Major General William Herbert (1702-1757) [[Wikipedia](#)], brother of the Testator; husband of Catherine Elizabeth née Tewes (1719-1770).

<sup>13</sup> Nicholas Herbert (1706-1775) [[Wikipedia](#)], brother of the Testator; husband of Anne née North (1708-1789).

and unto the Warrener of the Hare Warren for the time being the Sum of ten pounds

And I give unto each of the Keepers at Wilton for the time being the Sum of ffive pounds

and ffive pounds to be divided between the two under Keepers at ffernditch for the time being which are generally called Giffords Men

And I give unto Philip Taber my Cook the Sum of ffifty pounds

and unto Abraham Seward my Clerk in my Office at Wilton ffifty pounds

unto Baily my Housekeeper the Sum of fforty pounds

And I give and bequeath unto all my other Livery Servants not before specified whether they be Stablemen ffootmen or Boys being Servants hired by the year unto each of them the Sum of ten pounds

and unto each of my Maid Servants I leave the Sum of ten pounds and if it should be thought proper and convenient at my death to discharge any of my Servants then to each of those Servants so discharged being Liverymen or Maid Servants and to no others I give a years wages over and above what may be due to them at my death and over and above what I have already devised to them

I leave to the Poor of Wilton One Hundred pounds to be distributed to them at the Beginning of the Winter next following my death and to the poor of ffisherton twenty pounds to the poor of the Close of the Cathedral Church of Salisbury ten pounds and I also bequeath ten pounds to the poor of every other parish but Wilton to which the presentation of the Parsonage belongs to the Earl of Pembroke

My Will and Desire is that all my Dogs both in Town and Country may be well taken Care of and that all my horses may be in the same manner taken Care of and that none of them may be sold or otherwise disposed off than as hereinafter mentioned but when such horses as are past their Work in Town which as they grow old I desire may be easy that then afterwards such Horses as are grown Old may be used in an easy manner about the Work at Wilton and those Horses that are at Grass may be allowed Hay when there is not Grass sufficient and such horses as by age or other accidents may be rendered unable to feed themselves I would have such Horses only to be shot without being carryed out of the Walls of Wilton Park or Courts there till dead and I do hereby direct that some trusty Servant may be employed to see the same executed according to the above directions

I give unto my said Brother Robert Herbert the Sum of One hundred pounds for Mourning and unto his Wife the Honourable Mary Herbert the Sum of ffifty pounds

and I give unto my Sister the Lady Abergavenny<sup>14</sup> for Mourning the Sum of ffifty pounds

And I give unto Lady Barbara North<sup>15</sup> my half Sister for Mourning the Sum of ffifty pounds

And I give unto the Honourable Richard Arundell the Sum of One Hundred pounds for Mourning

And I give unto the Honourable M<sup>r</sup> Henry Legg One Hundred pounds

and I give unto the Right Honourable Richard Lord Viscount ffitzwilliam Eldest Brother to Lady Pembroke the Sum of ffifty pounds for Mourning

And I give unto the Honourable William ffitzwilliam Second Brother to Lady Pembroke the Sum of One Hundred pounds for Mourning

And I give unto the Honourable John ffitzwilliam Third Brother to Lady Pembroke twenty pounds for Mourning

And I give unto the Mr Richard Shelly Uncle to Lady Pembroke the Sum of fforty pounds for Mourning

My Will and mind is that in case it should happen that my ready Money Bank Bills and what is due to me in Stocks and what is due to me upon East India Bonds or upon any other Bonds and all other debts due to me upon Bonds or upon any other Bonds and all other debts due to me upon any Publick or Private Securities shall not be sufficient to pay off and discharge the several debts owing by me and Legacies given as aforesaid then I do hereby direct that each Legatee shall abate in proportion to such Legacy and Deficiency excepting the said two Sums of of two thousand pounds and Six thousand pound devised to my dear Wife as aforesaid

But my Will and Mind is that such Sums of two thousand and Six thousand pounds shall not be subject to any such deduction as aforesaid nor shall any of the Legacies that are under ffifty pounds be subject to such deductions as aforesaid but shall in the first place be taken out of my said Estate and in all Events to be paid layd out and invested in the manner as aforesaid

My direction is that if any of my said Legatees shall depart this Life before I dye then such Legacy or Legacies of such person or persons so dying shall sink in and be construed as part of my personal Estate

---

<sup>14</sup> Rebecca Neville née Herbert (1704-1758), sister of the Testator, wife of William Neville (1695-1744) [[Wikipedia](#)], 16th Baron Bergavenny.

<sup>15</sup> Barbara North née Herbert (1711-1755), half-sister of the Testator, daughter of Barbara née Slingsby (1668-1721) and Thomas Herbert (1656-1733), wife of William Dudley North aka Dudley North (1707-1764).

I do hereby further give and bequeath unto the said Robert Herbert and George Sawyer all my Statues Bustos Basso Relievo's and Miscellanies of which there is a Catalogue divided into those four Branches belonging to my House at Wilton and also in London and all my pictures of which there is a Catalogue made by Signior Gamborini and printed And also all my Medals and Coins which are described in a Book engraven printed and published by Mr Nicholas [Haym] in ffive parts And also all my Books which are bound in Turkey and Morocco Leather In trust to preserve them for and permit them to be used by such person whom the ffreehold of the said House at Wilton shall for the time being belong or appertain To the Intent the same may go as Heirlooms with the said House for the use and Benefit of such person or persons respectively so far as the Rules of Law or Equity the same can possibly go and be limited

as to the rest of my Books I direct my said Trustees to preserve them for the use of my said Son the Lord Herbert with power to exchange and alter them as they or he shall think proper and I would have the same considered as part of my Personal Estate

I do hereby direct that my said Trustees shall pay the Sum of One thousand ffour hundred pounds into the particular hands of my Brother Robert Herbert for Mrs Sarah Ashby now in ffrance for her sole and separate use to dispose of the same at her Will and pleasure as if she was ffemme Sole and without her present or future husband intermeddling therewith or having any Controul over the same or any part thereof or to be lyable or subject to any debt or debts of such present or future Husband or Husbands and that her Receipt alone shall be a sufficient discharge for the said Sum of One thousand four hundred pounds

And whereas I may be intituled unto a Considerable Sum of Money when the said Settlement made on the said Mary Countess Dowager of Pembroke and Montgomery shall determine whether it be by death or otherwise and when the same shall so happen and not before Then I give and bequeath the Legacies following (that is to say)

I give to Barbara Herbert<sup>16</sup> my God daughter the Eldest daughter of my said Youngest Brother Nicholas Herbert the Sum of three thousand pounds and in case of her death to be equally divided Share and Share alike amongst the other Children be they Boys or Girls of the said Nicholas Herbert And in case the said Nicholas Herbert should have but one Child after the death of the said Barbara Herbert then the said Sum of three thousand pounds shall be paid to such only child But my Will and mind is that my said Brother Nicholas Herbert his Executors or Administrators shall receive the Interest of the said three thousand pounds till such Child [or] Children shall arrive at the Age of twenty one years or be married But in case the said Nicholas Herbert shall have no Children at the time of my death then my Will and mind is that the said three thousand

---

<sup>16</sup> Barbara Stratford née Herbert (1742-1785), niece of the Testator; daughter of Anne née North (1708-1789) and Nicholas Herbert (1706-?), wife of Edward Augustus Stratford (1736-1801) [[Wikipedia](#)], 2nd Earl of Stratford.

pounds shall be enjoyed by the said Nicholas Herbert and to be disposed of at his will and pleasure

And when such Settlement shall be determined as aforesaid and not before then I give unto my said Brother William Herbert over and above the Money already given to him as aforesaid the Sum of Eight hundred pounds

And upon the like conditions I give unto my said Sister the Lady Margaret Herbert over and above what I have already given her the further Sum of One thousand pounds

And upon such contingency as aforesaid I give unto my said Sister the Lady Elizabeth Herbert the further Sum of five hundred pounds over and above what I have already given her

And I also upon such contingency as aforesaid give unto my Sister the Lady Abergavenny the Sum of ffive hundred pounds over and above what I have given her for Mourning

And upon such contingency and determination of the said Settlement I give unto my God daughter Mary S<sup>t</sup> Aubyn<sup>17</sup> Second daughter of Sir John S<sup>t</sup> Aubyn the Sum of One thousand pounds

And in like manner I give unto my Godson Herbert Sawyer Son of Colonel Sawyer of Haywood in the County of Berks the Sum of Eight hundred pounds

But in case any of these Legatees dye before the said Settlement determine then such Legacy of each Legatee so dying shall sink and be considered part of my personal Estate

and my mind and Will is that such Sum and Sums of Money that shall remain after payment of the last devised Legacies and the determining of the said Settlement made on the Countess Dowager of Pembroke as aforesaid and likewise what shall remain due to me after the Settlement is satisfied for the provision of my Younger Brothers and Sisters shall be construed and deemed part of my personal Estate

And I give and bequeath all other my Goods Chattels and Personal Estate wherein I now am or hereafter may be interested or intituled unto and not hereinbefore otherwise given bequeathed or disposed off unto my said Son Henry Lord Herbert provided he arrives at the Age of Twenty One Years But if he dye before that Age leaving any Child or Children behind him then I give and bequeath all the ready Money Bank Bills the Remainder of my Plate Securities for Money South Sea Annuitys and all the Remainder of the Stocks in the Publick ffunds and all other my Personal Estate not hereinbefore disposed of (Excepting my gilt side Board plate and the useful ffurniture of my House in Wilton such as Beds Tables Chairs &c which I will shall go to the next Earl of Pembroke) unto such Child or Children of my said Son Henry Lord Herbert equally between then Share and Share alike if more than One and if there shall be but one then I give the whole to such

---

<sup>17</sup> Mary St Aubyn (1729-1756), daughter of Catharine née Morice (1700-1740) and John St Aubyn (1696-1744) 3rd Baronet St Aubyn of Clowance, never married.



only Child But if my said Son shall happen to dye before the said Ages of Twenty one Years without leaving any Child Then and in such case I give the same (Except before excepted) unto my dear Wife Mary the Countess of Pembroke (if living at the death of my said Son) but in case she shall happen to be then dead in such case I give the same to the person that shall then be Earl of Pembroke his Executors and Administrators

And I do hereby make constitute and appoint the said Robert Herbert and George Sawyer Executors of this my last Will and Testament for the trusts and purposes aforesaid hereby revoking all former Wills by me heretofore made

But in Case the said Robert Herbert and George Sawyer or either of them shall happen to depart this Life and the said Richard Arundell should be living Then I do hereby constitute and appoint the said Richard Arundell my said Executor and Trustee in the room and stead of such Executor so dying as aforesaid and do hereby direct and appoint that all trusts powers and authorities shall be vested in the said Richard Arundell together with such surviving Trustee and to be in the place of such deceasing Trustee to all Intents and Purposes in every manner and respect whatsoever And in case the said Richard Arundell and the Survivor of them the said Robert Herbert and George Sawyer or either of them shall happen to depart this Life and the said Henry Legg shall be then living Then I do hereby constitute and appoint the said Henry Legg my said Executor and Trustee in the Room and Stead of such Executor so dying as aforesaid and do hereby direct and appoint that all trusts powers and authoritys shall be vested in the said Henry Legg together with the surviving Trustee and to be in the place of such last deceasing Trustee to all Intents and Purposes in every manner and respect whatsoever

And my Will and desire is that my said Trustees and Executors herein named for the purposes aforesaid or any of them shall not be answerable or accountable for any Sum or Sums of money to be received by virtue of the trusts hereby in them reposed any otherwise than each person for such Sum and Sums of money as shall respectively actually receive and that neither of them shall be answerable or accountable for any Loss that shall happen without his Wilfull Neglect or default nor for the Acts Receipts neglects or defaults of the other of them

And also that they the said Trustees and Executors shall and may out of the Estate and Effects hereby vested in them reimburse themselves all Costs Charges Damages and Expenses that they respectively shall sustain or be put unto for and about the Execution of the several trusts aforesaid

In Witness whereof I the said Henry Earl of Pembroke and Montgomery have hereunto set my Hand and Seal this Eleventh day of July in the Eighteenth Year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the Year of Our Lord One thousand Seven Hundred and forty four *Pembroke (SS) Mont.* Signed Sealed published and declared by the said Testator Henry Earl of Pembroke and Montgomery as and for his last Will and Testament in the presence of us who in his presence and in the

presence of each other and at his Request have subscribed our names as Witnesses to the same *Tho<sup>s</sup> Hill Edw<sup>d</sup> Le Grand*.

---

**I Henry Earl of Pembroke** and *Montgomery* do make publish and declare this as a Codicil to my last Will and Testament bearing date the Eleventh day of July One thousand Seven hundred and fforty ffour in manner following that is to say

in the first place I ratify and confirm my said last Will and Testament only the several additional Legacies hereinafter mentioned I desire may be considered and I hereby declare the same to be part of my Last Will and Testament

and in the ffirst place I give unto Elizabeth Stibbs of Greenwich Lane London formerly my Housekeeper one hundred pounds

and unto Colonel Sawyer of Haywood in the County of Berks the like Sum of One hundred pounds for Mourning and in case of his death before me I give the said Sum of One hundred pounds amongst all his Children for Mourning

And I also give to my ffootman Thomas Barnes the Sum of thirty pounds

and to Henry Lane now Helper thirty pounds

To Robert Turner now postillion twenty pounds

and to my Coachman who shall be so at the time of my death thirty pounds

The Six above Legacies to be paid out of my Estate that I shall be possessed of at the time of my death and in case of a deficiency of my said Estate to answer all the Legacies that I have given thereout by my said Will and this Codicil the two above Legacies of One Hundred pounds each to be abated in proportion with the other Legacies as in my said Will is directed

And whereas in and by my said last Will and Testament (amongst other things) after writing that I might be intitled unto a Considerable Sum of Money when the Settlement in my said Will mentioned to be made on Mary Countess Dowager of Pembroke should determine whether by death or otherwise and when the same should happen and not before then I gave and bequeathed the several Legacies therein particularly mentioned And whereas there will be also a Surplus of Money coming to my Estate after the trusts created in and by the deed of Settlement mentioned in my said Will to bear date the thirtieth day of June One thousand Seven Hundred and twenty five for the raising portions and provisions for my Younger Brothers and Sisters shall be fully satisfied and performed Now I do hereby when the said Settlement or either of them as hereinafter is mentioned shall be determined as aforesaid and not before give and bequeath out of the Money arising from the said Settlements or either of them as hereinafter is mentioned

the Legacies following over and besides those already bequeathed in and by my said Will that is to say

I give to my Goddaughter Mary Nevil<sup>18</sup> daughter to my Sister Lady Abergavenny the Sum of One thousand pounds

also \_\_\_ in such case I give unto my Brother Robert Herbert and to M<sup>rs</sup> Herbert Wife<sup>19</sup> to my said Brother Robert the Sum of five hundred pounds a piece

also in such case I give unto M<sup>r</sup> Arundell and M<sup>r</sup> Legg the Sum of ffive hundred pounds a piece

also in such case I give unto Major George Sawyer of Brewers Street near Golden Square and whom in my Will I have described by the name of George Sawyer of the parish of S<sup>t</sup> James Westminster Esquire the Sum of One thousand pounds

And also in such case I give unto my Servant John Little the Sum of two hundred pounds

Also in such case I give unto Catherine Herbert<sup>20</sup> daughter of my Brother William Herbert the Sum of ffifteen hundred pounds

Also in such case I give unto Henry Herbert<sup>21</sup> Eldest Son and Charles Herbert<sup>22</sup> the Younger Son of my said Brother William the sum of One thousand a piece

and whereas there is a Surplus of Interest and Dividends yearly payable to me arising from the Money appropriated for the purposes mentioned in the said Settlements over and above what will satisfy the trusts of the said Settlements Now I direct that Interest after the Rate of ffour pounds per cent per annum shall be paid to my said Nephews Henry and Charles Herbert and my Niece Catherine Herbert for their respective Legacies hereinbefore given to them from the time of my death until the payment of the said several Legacies out of the said Surplus Dividends and Interest yearly payable to me as aforesaid If the said Surplus Dividends and Interest yearly payable to me as aforesaid If the said Surplus Dividends and Interest shall be sufficient to pay Interest after such Rate for the said several Legacys But if not then Interest for the said several Legacies after such Rate as the said Surplus Dividends and Interest from time to time shall be sufficient

---

<sup>18</sup> Mary Neville (1736-1758), niece of the Testator, daughter of Rebecca née Herbert (1704-1758) and William Neville (1695-1744) 16th Baron Bergavenny, never married.

<sup>19</sup> Mary Herbert née Smith (1688-1757), sister in law of the Testator, daughter of Anne née Strickland and John Smith (1654-1723) [[Wikipedia](#)], wife of Robert Sawyer Herbert (1693-1769) [[Wikipedia](#)],

<sup>20</sup> Catherine Herbert, niece of the Testator, daughter of Catherine Elizabeth née Tewes (1719-1770) and William Herbert (1702-1757).

<sup>21</sup> Henry Herbert (1741-1811), 1st Earl of Caernarvon, nephew of the Testator, son of Catherine Elizabeth née Tewes (1719-1770) and William Herbert (1702-1757), husband of Elizabeth Alicia Maria Wyndham (1752-1826).

<sup>22</sup> Charles Herbert (1741-1811), 1st Earl of Caernarvon, nephew of the Testator, son of Catherine Elizabeth née Tewes (1719-1770) and William Herbert (1702-1757), husband of Caroline Montagu (1745-1818).

to pay And I direct that the said Interest of the said three several Legacies during the Minority of my said Nephews and Niece shall be paid to their ffather during so long time of their Minority as he shall live and after his decease to their Guardian for the time being to be paid and laid out for their respective Maintenance and Education

And I hereby declare that my mind and Will is that the said several above Legacies charged and made payable out of the Monies arising from the Surplus of the two abovementioned Settlements shall be paid by and out of the Moneys that shall be coming to my Estate out of either of the said Settlements which shall first be determined if the same shall be sufficient to satisfy and pay all the said Legacies but if the same shall not be sufficient to pay and satisfy all the said several Legacies then each of the said abovenamed Legatees shall receive in proportion to to his or her Legacy as far as the Money arising from the said first determined Settlement shall extend to pay and the Residue of their said several Legacies to be paid when the other Settlement shall be determined

And I hereby declare that the several Legacies hereinbefore mentioned as are given t persons already mentioned are Legatees in my Will and intended by me as an Augmentation of their Legacies given them both by my Will and this Codicil

In Witness whereof I the said Henry Earl of Pembroke and Montgomery have to this Codicil to my said Will contained in this and the foregoing Sheet of paper set my Hand and Seal to each of the said Sheets this ffirst day of May in the nineteenth year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain ffrance and Ireland King Defender of the ffaith and so forth and in the Year of Our Lord One thousand Seven Hundred and fforty Six *Pembroke & Mont* — Signed sealed published and declared by the said Henry Earl of Pembroke and Montgomery as a Codicil to his last Will and Testament in the presence of us who have subscribed our names as Witnesses hereto in the presence of the said testator and of each other  
*Tho<sup>s</sup> Hill Row<sup>d</sup> Le Grand*

---

**This Will** was proved at London (with a Codicil) before the Worshipfull Charles Pinfold Doctor of Laws Surrogate to the Right Worshipfull John Bettesworth also Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted On the Seventeenth day of January in the Year of Our Lord One thousand Seven Hundred and fforty Nine by the Oaths of the Honourable Robert Herbert Esquire the Brother of the deceased and George Sawyer Esquire the Executors named in the said Will To whom Administration was granted of all and singular the Goods Chattels and Credits of the said deceased being first sworn duly to administer Ex<sup>d</sup>/

---

Proved at London with a Codicil the fifteenth day of November 1753 before the  
Worshipful George Harris Doctor of Laws and Surrogate by the Oath of the Honble  
Richard Arundell Esq<sup>r</sup> the Extor substituted in the Will in the Room and Stead of George  
Sawyer Esq<sup>r</sup> one of the Extors named in the said Will now deceased to whom Admon  
was granted being first sworn duly to admstr ./.

---

Transcribed from images in the file downloaded from The National Archives [here](#).