

Will of Richard FitzWilliam (c1677-1743)

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 This fourth day of October in the Year of our Lord One thousand seven hundred forty and two I the Right Honble Richard Lord Viscount ffitzwilliam¹ of the Kingdom of Ireland being in perfect good health and sound of mind memory and understanding Yet considering the uncertainty of Life do make and ordain this my last Will and Testament in manner and form following

ffirst and principally I commend my immortal Soul to the Great God and my body to the Earth to be buried as privately as possible in the parish where I shall happen to dye

and as touching the disposition both of my real and personal Estate

ffirst I direct my ffunerals and all my just debts to be forthwith paid and also all such Sums of Money as I shall by this or by any Codicil or other Writing by me Signed in the presence of two or more credible Witnesses direct to be paid

I give to my eldest Son Richard ffitzwilliam² one shilling and no more which I take to be sufficient for a Wretch who is in contempt of Sense Shame and Conscience has clandestinely sold the remainder of his ffamily Estate to a Man whom I have raised from famine and nakedness and who has paid his Benefactor (as far as in him lyes) with the destitution of my posterity.

Item I give to my second son William ffitzwilliam³ the Sum of Ten pounds and no more

and I hereby direct and it is my will that neither my Eldest Son Richard nor my second Son William shall receive or have any share dividend or part whatever either of my real or personal Estate more than the one shilling and the ten pounds which I have given separately to them as above.

Item I give to my honest and worthy Servant Richard ffitzpatrick the Sum of three hundred pounds

¹ Richard FitzWilliam (1677-1743) 5th Viscount FitzWilliam, the Testator, son of Mary Stapleton née Biggs (1636-1794) and Thomas FitzWilliam (1645-1704) 4th Viscount FitzWilliam, husband of Frances née Shelley (1681-1771).

² Richard FitzWilliam (1711-1776) 6th Viscount FitzWilliam [[Wikipedia](#)], son of the Testator and Frances née Shelley (1681-1771), husband of Catharine née Decker (1711-1786).

³ William FitzWilliam (1712-?), son of the Testator and Frances née Shelley (1681-1771), husband of Judith née [Bourchier].

Item I give to his daughter Mary ffitzpatrick my Godchild the sum of ffive hundred pounds

Item I give to my Housekeeper Mrs Dorcas Burly the sum of one hundred pounds to be paid to her immediately

Item I give to my old ffriend M^r Jonathan [Gurnell] Sen^r the Sum of one hundred pounds

Item I give to my Daughter ffrances Evans⁴ and to her husband George Evans⁵ my Case of Spectacles to be equally divided between them

Item I give to my old Servant Margaret Williamson Ten pounds a year during her Life

Item I give to my third and Youngest Son John ffitzwilliam⁶ (who has treated me with the decency which one Gentleman owes another) my House and ffreehold with the Copyhold also annexed together with my Horses Coaches Plate Books and all my ffurniture which are now at Thorpe in the County of Surry or elsewhere to him his heirs or assigns for ever

and all the rest and residue of my personal Estate whatsoever and wheresoever I give to my dear Sister Mary Talbot⁷ commonly called Countess of Shrewsbury⁸, to M^r Jonathan Gurnall Sen^r of Cateaton Street London and to Richard ffitzpatrick of Ampthill in the County of Bedford my Executors hereinafter named upon the Trusts and to and for the uses hereinafter mentioned but that none of them shall be answerable for any Loss which may happen unless by wilfull default (that is to say)

upon Trust that they do and shall so soon as they conveniently can lay out and invest my personal Estate in the purchase of Lands and Tenements of Inheritance in Great Britain and out of the produce thereof or out of the Interest of my ready-money till such time as they shall make such purchase pay to M^{rs} Dorcas Burly my Housekeeper the Annual Sum of ffourscore pound by equally quarterly payments from the day of my death during her life and clear of all deductions

⁴ Frances Evans née FitzWilliam (c1710-1789), daughter of the Testator and Frances née Shelley (1681-1771), wife of George Evans (c1705-1759) [[Wikipedia](#)] 2nd Baron Carbery.

⁵ George Evans (c1705-1759) [[Wikipedia](#)] 2nd Baron Carbery, son in law of the Testator, son of Ann née Stafford and George Evans (c1680-1749) 1st Baron Carbery, husband of Frances Evans née FitzWilliam (c1710-1789).

⁶ Lt General John FitzWilliam (1714-1789) [[Wikipedia](#)], son of the Testator and Frances née Shelley (1681-1771), husband of Barbara née Chandler (c1710-1786).

⁷ Mary Talbot née FitzWilliam (?-1752), sister of the Testator, daughter of Mary Stapleton née Biggs (1636-1794) and Thomas FitzWilliam (1645-1704) 4th Viscount FitzWilliam, wife of George Talbot (?-1733).

⁸ Mary was not actually the Countess of Shrewsbury, her son George was the 14th Earl of Shrewsbury having inherited the title from an uncle.

and upon further Trust after such purchases made by such Conveyances in the Law as Council shall advise settle and assure the Lands and Tenements so purchased upon my third and Youngest Son John ffitzwilliam for Life without impeachment of waste with remainder to Trustees to preserve contingent uses and after his death to his first and other Sons in Tail Male successively And in default of such Issue to the Daughter or Daughters of my said third Son John ffitzwilliam and the Heirs of her or their Bodies as tenants in Common but not as Joint Tenants and for default of such Issue then to my said third Son John ffitzwilliam his heirs or assigns for ever

and upon further Trust that they my Executors do and shall from time to time until my personal Estate shall be invested in Lands or Tenements of Inheritance as aforesaid place out the same at Interest on good real Government or other Securities or invest the same in some of the Publick Stocks or ffunds and pay and apply the Interest thereof to such person and persons as would be intituled to the Rents and Profits of the Lands and Tenements purchased therewith in case the same were invested in Lands and settled according to the true intent and meaning of this my Will

And my further Will is that each of my Extors shall out of my said Trust Estate be paid all charges and expenses any of them shall be put unto in the Execution of the Trusts in them respectively reposed

And I do hereby revoke all former Wills or Dispositions by me made and publish and declare this to be my last Will and Testament (whereof I have Executed one other part of the same Tenor and Date and Witnessed by the same Persons and of this my last Will and Testament)

I constitute and appoint my dear Sister Mary Talbot commonly called Countess of Shrewsbury M^r Jonathan Gurnall Sen^r of Cateaton Street London and my old Steward M^r Richard ffitzpatrick of Amptill in the County of Bedford to be my Executors

Witness my hand and seal this day and years above written Fitzwilliam .//. Signed sealed published and declared by the said Richard Lord Viscount ffitzwilliam the Testator as and for his last Will and Testament in the presence of us who in his presence have subscribed our names as Witnesses hereunto in the presence of each other W^m Whitaker, Geo North, Tho^s Harriss ./.. Ex^d

Whereas I the above named Richard Lord Viscount Fitzwilliam since the making the above written Will I have purchased of the Trustees of the late John Hungerford Esq^r Lands and Tenements of Inheritance situate in the parish of Thorpe in the County of Surry Now I do hereby give and devise all the said premisses unto my third and youngest Son John ffitzwilliam his Executors Administrators and Assigns for ever and with this addition I hereby confirm my above written Will and direct this to be taken as a Codicil thereto

In Witness whereof I have hereunto set my hand and seal this second day of March in the year of our Lord one thousand seven hundred and forty two — *ffitzwilliam ./.*
Signed sealed published and declared by the said Testator as a Codicil to his last Will in the presence of us who have hereunto subscribed our names as witnesses thereto in the presence of the said Testator and of each other *Gasper Jones, Michael Crane, Tho^s Harriss ./.* Ex^d

This Will was proved at London with a Codicil annexed On the Twenty second day of October in the Year of our Lord One thousand seven hundred and forty three before the Worshipfull Charles Pinfold Doctor of Laws Surrogate of the Right Worshipfull John Bettesworth also Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted By the Honourable Mary Talbot Widow commonly called Countess of Shrewsbury the Sister of the deceased Jonathan Gurnell and Richard ffitzpatrick 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, the said Honourable Mary Talbot Widow and Richard ffitzpatrick being first sworn and the said Jonathan Gurnell having first made a solemn and sincere declaration or affirmation duly to administer ./.

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