

# Will of Augustus John Hervey (1724-1779)

*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 Augustus John<sup>1</sup> Earl of Bristol** do make this my last Will and Testament

Imprimis I pray and hope God of his infinite Mercy will forgive all my ffailures and receive my Soul into his Everlasting Blissful State

I direct that my Body be buried in a vault in Ickworth Church provided a place is therein left by me and appropriated by my Successor which I request of him to place the Body of my Dear Valuable and best ffriend Mary Nesbitt<sup>2</sup> by me whenever she departs the life

and as to my Worldly Estate and Effects I give devise and dispose of the same as follows

Whereas my late Brother George William<sup>3</sup> Earl of Bristol deceased after the making and publishing his last Will and Testament in Writing purchased and became seized to him and his Heirs of Several ffreehold Lands Tenements and Hereditaments in the County of Suffolk and also became intituled to Several Copyhold and Customary Lands and Tenements in the said County of Suffolk which upon his death descended and came to me as his next Brother and Heir at Law Now my Will is and I do hereby give and devise all and every the said ffreehold Lands Tenements and Hereditaments in the said County of Suffolk so purchased by my said Brother after the making of his said Will and which descended upon me as aforesaid unto and to the use of the Honourable Colonel William Hervey<sup>4</sup> my Brother and the Right Honourable George William<sup>5</sup> Earl of Coventry (two of my Executors herein after named) their Heirs and Assigns upon the Trusts and for the Purposes hereinafter mentioned and declared of and concerning the same (that is to say)

Upon Trust that they my said Executors and Trustees or the Survivor of them and the Heirs Executors or Administrators of such Survivor do and shall with all convenient Speed after my decease sell and dispose of the said Lands Tenements and

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<sup>1</sup> August John Hervey (1724-1779), 3rd Earl of Bristol [[Wikipedia](#)], the Testator, son of Mary 'Molly' neé Lepell (1699-1768) and John Hervey (1696-1743), 2nd Baron Hervey, husband of Elizabeth neé Chudleigh (1721-1788), and partner of (i) Ann Elliot (1743-1769), (ii) Mary neé Davis (1742-1825), and (iii) Elizabeth Catherina Orby neé Hunter (1740-1795)??

<sup>2</sup> Mary Nesbitt neé Davis (1742-1825) [[Wikipedia](#)], partner of the Testator, unknown parents, wife of Alexander Nesbitt (1730-1722).

<sup>3</sup> George William Hervey (1721-1775), 2nd Earl of Bristol [[Wikipedia](#)], brother of the Testator, never married.

<sup>4</sup> William Hervey (1732-1815), brother of the Testator, never married.

<sup>5</sup> Presumably George William Coventry (1722-1809), 6th Earl of Coventry [[Wikipedia](#)].

Hereditaments either altogether or in parcels for the best price or prices in Money that can be had and gotten for the same to a person or persons willing to become the purchaser or purchasers thereof giving a preference and prior offer of the same at the same price to the person who shall next after my decease Succeed to the title of earl of Bristol and the Estates Settled and Limited therewith to be enjoyed and do and shall grant and convey the said Lands Tenements and Hereditaments unto such purchaser or purchasers his her or their Heirs and Assigns and receive the Monies arising from the Sale of the said premises or such part or parts thereof as shall be Sold or disposed of and give and Sign proper Receipts and acquittances for the same

and I also direct and empower my said Executors and Trustees as soon as conveniently may be after my decease to make Sale and dispose of Bargain Sell and convey all and Singular my Copyhold and Customary Lands Tenements and Hereditaments in the said County of Suffolk to any person or persons willing to become the purchaser or purchasers thereof they my said trustees giving a preference and prior offer of the same at the same price to the person who shall next after my decease Succeed to the Title of Earl of Bristol and the Estates Settled and Limited therewith to be enjoyed and my Will is that the Receipt or Receipts of my Trustees or the Survivor of them his Heirs Executors or Administrators shall be a Sufficient Discharge and Sufficient Discharges to any purchaser or purchasers of my said freehold Copyhold and Customary Estates or any part thereof for so much Money as the said Estates shall be sold for and as shall be paid for the same into the Hands of my said Trustees or the Survivor of them his Executors or Administrators or for so much thereof as in such Receipts or Acquittances shall be Acknowledged or Expressed to be received and such purchaser or purchasers shall not afterwards be answerable for any Loss Misappropriation or Non Application of such Purchase Money or any part thereof and my Will and mind is that the Money to arise from the Sale or Sales of my said freehold Copyhold and Customary Estates in Suffolk shall fall into and be considered as part of my Personal Estate

Item I give to my Natural Son Augustus Hervey now at School at Bury Saint Edmunds in the County of Suffolk one Annuity rent charge or clear Yearly Sum of three hundred pounds until he shall attain the age of Twenty one Years only for and towards the Support Maintenance and Education of my said Son and from and after the said Augustus Harvey shall have attained the said age of twenty one years I give to him one Annuity Rent charge or clear Yearly Sum of four hundred pounds for and during the Joint Natural lives of the said Augustus Hervey and of the said Mary Nisbett the same Annuities Rents charge or Yearly Sums respectively to be payable Quarterly free from all deductions whatsoever on the four most usual Quarter Days or Days of Payment in the Year Namely Lady Day Midsummer Day Michaelmas Day and Christmas Day the first Quarterly payment of such of the said Annuities Rent charges or Yearly Sums as shall become payable after my death to be paid on such of the said Quarter Days as shall happen next after my decease And my Will is that the said Annuities Rent charges or Yearly Sums shall be respectively issuing and payable out of my Manor of Evedon and Estates in the County of Lincoln purchased by me of Lord Robert Spencer and out of my

other Estates in the same County which descended upon me as next Brother and Heir at Law of the said George William Earl of Bristol and I do hereby charge my Estates with the payment thereof accordingly and with the usual powers of Distress and Entry in case of non payment thereof and so Subject and charge

I give and devise all that my said Manor of Evedon and all other my Estates before mentioned to be Situate in the said County of Lincoln unto the said Mary Nesbitt and her Assigns for and during the term of her natural life and from and after her decease then I give and devise the same Estates unto my said Son Augustus Hervey and the Heirs of his Body And in default of such Issue I give and devise the same Estates To my said Brother Colonel William Hervey his Heirs and Assigns for ever Provided always and it being my intention that Alexander Wright now and Infant Son of Thomas Wright in case he takes Holy orders and Qualifies himself for that purpose shall be presented to the Rectory of the Parish Church of Evedon in the County of Lincoln as soon as he is Capable and the same shall become Vacant my Will therefore is that upon every avoidance of the said Rectory of Evedon to which the said Mary Nesbitt or any other person who shall by Virtue of this my Will be Seized of my said Manor Lands and Estates in the said County of Lincoln shall present before the said Alexander Wright shall attain his age of twenty five years she the said Mary Nesbitt or such other person as aforesaid shall make the best provision that the Law will admit of that the presenter or presentees shall Resign the said Rectory within six Calendar Months after the said Alexander Wright shall Enter into Holy Orders of Priesthood and I do direct the said Mary Nesbitt and such other person or persons as aforesaid immediately after the said Alexander Wright shall be capable of holding the same and upon such Resignation or Resignations and when and as soon as the said Rectory shall become vacant to present the said Alexander Wright to the said living and to do all other acts on her or his part as patron that the said Alexander Wright may be duly Presented Instituted and Inducted into the said living

And I give to my Mulatto Servant [Jozeede] Dios if he be living with me or in my Service at the time of my death one annuity or clear Yearly Sum of thirty pounds to be payable to him Quarterly on the Quarter Days hereinbefore mentioned the first Quarterly Payment to be made on such of the said Days as shall happen next after my decease

and I give to my Nephew the Right Honorable Constantine Lord Mulgrave all my Papers and Journals relative to the Sea

and to my Worthy friend M<sup>r</sup> Thomas Pennystone my Steward I give the Sum of two hundred pounds

and to my Bailiff Robert ffreeman at Ickworth if in my service at my death the Sum of one hundred pounds

I direct my wearing apparel to be distributed between my Valet de Chambre or Valet de Chambres living with me at my death

and my Body Linnen to such person as shall have the care of it at the time of my death Except my Laced Ruffles which I leave my said Natural Son Augustus

and to each of my Domestick Servants living with me at the time of my death I give half a Years Wages over and above what shall be due to them respectively

and Lastly I do hereby give and bequeath all and Singular the Money to arise from the Sale of my said freehold Copyhold and Customary Estates in the said County of Suffolk and all the rest and residue of my Personal Estate unto the said Mary Nesbitt and my said Son Augustus Hervey equally to be divided between them share and share alike and in case of the death of my said Son Augustus before the age of Twenty one Years then I give and bequeath the Moiety or share of my said Personal Estate so given to my said Son to my dear friend Mrs Mary Nesbitt

and I do hereby Nominate and appoint the said Mrs Mary Nesbitt William Hervey and the said Earl of Coventry Executors of this my Will and do declare this only to be my last Will and Testament hereby revoking and making void all other Wills by me at any time heretofore made

In Witness whereof I the said Augustus John Earl of Bristol have two parts of this my last Will and Testament each part contained in one Skin of Parchment set my hand and Seal this twentieth day of May one thousand seven hundred and Seventy nine *Bristol (SS)* Signed Sealed Published and Declared by the Testator the said Augustus John Earl of Bristol as and for his last Will and Testament in the presence of us who at his request and in his presence and in the presence of each other have Subscribed our Names as Witnesses hereto the Earl of Coventry's name being first wrote on an Erasure and the Erasures in the forty first Line being also first made *Tho<sup>s</sup> Ryder. Tho<sup>s</sup> Hall. E Threshor.*

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**By way of Codicil** I write this with my own hand and hereby give to my Natural Son Augustus Hervey the Box or Chest with all my fathers Manuscript Writings therein Contained and in case of his death I give the same to my Brother Coll Will<sup>m</sup> Hervey but with Strict Injunction to both one and the other never to print or publish them or my fathers memoires during the Reign of the present Majesty nor ever for any time or at any time to give or lend or leave them to my Brother Frederick<sup>6</sup> the present Bishop of Derry as Witness my hand this 20<sup>th</sup> Day of May one thousand Seven hundred and Seventy nine *Bristol ./.*

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**I give** my Gold Box set round with Diamonds which the Emperor gave me with his and the Empresses picture set on the Top of it to my said Natural Son Augustus Hervey and desire he will at his death leave it to some of my family *Bristol, June 3 1779*

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<sup>6</sup> Frederick Augustus Hervey (1730-1803), 4th Earl of Bristol [\[Wikipedia\]](#), brother of the Testator, husband of Elizabeth Davers (1733-1800).

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23<sup>d</sup> December 1779

**Appeared Personally** Thomas Hall of Lincolns Inn in the County of Middlesex Gentleman and Ellingham Thresher of the same place Gentleman and being Sworn on the Holy Evangelists made oath as follows that they knew and were well acquainted with the Right Honourable Augustus John Earl of Bristol deceased and with his manner and Character of handwriting having often seen him write and subscribe his name and having now seen and carefully viewed the two Codicils to the last Will and Testament of the said deceased the said Codicils being wrote immediately underneath the said Will the first of the said Codicils beginning thus “By way of Codicil I write thsu with my own hand” and ending thus “as Witness my hand this 20<sup>th</sup> Day of May one thousand Seven hundred and Seventy nine” and thus Subscribed “Bristol” the second of the said Codicils beginning thus “I give my Gold Box set round with Diamonds” and ending thus “and desire he will at his death leave it to some of my ffamily” and thus Subscribed “Bristol June 3<sup>d</sup> 1779” they these Deponents say that they do verily and in their Consciences believe the whole Series and Contents of the said Codicils and the Subscriptions thereto to be all of the proper Handwriting of the said Right Honourable Augustus John Earl of Bristol deceased *Tho<sup>s</sup> Hall. E Thresher*

Same day the said Thomas Hall and Ellingham Thresher were Sworn to the truth of this Affidavit Before me *Geo Harris* Surrogate Present *Henry Stevens* Not<sup>y</sup> Pub<sup>l</sup> ./.

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**This Will** was proved at London with two Codicils the twenty fourth day of December in the year of our Lord one thousand Seven hundred and Seventy nine before the Worshipful William Marcham Doctor of Laws Surrogate of the Right Worshipful Peter Calvert Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the Oaths of Mary Nesbitt Widow and the Right Honourable William Hervey the Brother of the deceased two of 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 having been first Sworn duly to administer power reserved of making the like grant to the Right Honourable William Earl of Coventry the other Executor named in the said Will when he shall apply for the same ./.

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