

Will of Catherine Herbert née Vorontsova (1783-1856)

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.

This is the last Will and Testament of me Catherine¹ Countess Dowager of Pembroke and Montgomery

I appoint my son The Right Honorable Sidney Herbert² and ffrederick Iltid Nicholl³ of Carey Street Lincolns Inn Esquire *Executors* and Trustees of this my Will

I direct all my funeral and testamentary expenses and just debts to be paid in the first place by my executors out of my personal estate

I give to each of my Executors the legacy of one hundred pounds in consideration of the trouble they may have in executing the trusts of this my Will

I give the following Annuities unto the respective Annuitants or persons next hereinafter named for their respective lives that is to say

Unto Lawrence Blunt Williams Rdr (now living at Bath) an annuity of one hundred pounds

unto Miss Caroline Mary Jennison (now residing in Germany) an annuity of two hundred pounds

unto Miss Maria Renton Tufnell of Raby Place Bath aforesaid an annuity of one hundred pounds

unto Miss Mary Anne [Batcheiser] formerly residing with me an annuity of one hundred pounds

unto Miss Eliza Baldene (sister of the late Miss Tatiana Baldene) an annuity of twenty pounds

unto Mrs Sarah Duell my Housekeeper and annuity of sixty pounds

¹ Catherine Herbert née Yekaterina Semyonovna Vorontsova (1784-1856) [\[Wikipedia\]](#), the Testatrix, daughter of Ekaterina Alekseevna Seniavina and Count Semyon Romanovich Vorontsov (1744-1832) [\[Wikipedia\]](#), wife of General George Augustus Herbert (1759-1827) [\[Wikipedia\]](#) 11th Earl of Pembroke and 8th Earl of Montgomery.

² Sidney Herbert (1810-1861) [\[Wikipedia\]](#) 1st Baron Herbert of Lea, son of the Testatrix and George Augustus Herbert (1759-1827), husband of Mary Elizabeth née Ashe à Court-Repington (1822-1911) [\[Wikipedia\]](#).

³ Frederick Iltid Nicholl (1814-1893), solicitor [\[Wikipedia\]](#).

unto Swan the brother of Ruth Swan formerly Servant to Elizabeth Countess Dowager of Pembroke an annuity of ten pounds

unto David Smith formerly Butler to the said late Countess Dowager of Pembroke an annuity of forty pounds

unto George Crewlow formerly Servant to the late Thomas Viscount ffitzwilliam an annuity of thirty pounds

unto William Lamb my Butler as annuity of forty pounds

unto Edward Morgan House Porter in my Service an annuity of forty pounds

unto Jane Hardy Housemaid in my Service an annuity of twenty pounds

and for Mary Stanley late Maid to Miss Jardine an annuity of twenty four pounds

And I direct that the said several Annuities shall commence and be computed from the day of my death and shall be clear of legacy duty and all other incidental deductions and shall be paid by my Executors half yearly unto the respective Annuitants upon such half yearly days as shall be most convenient with regard to the fund or provision for the payment thereof respectively out of my general personal estate so far as the payment of the same Annuities respectively shall not be otherwise provided for by my Executors in exercise of the powers or authorities hereinafter given to them for that purpose

And I further direct that so far as practicable a proportional part of every such annuity shall be paid to the representatives of each Annuitant who may die in the interval between any of the said half yearly days of payment

I authorize my Executors on their discretion to provide for all or any of the said several Annuities by appropriating and investing in their names in any of the stocks funds or securities hereinafter authorized for the investment of my residuary personal estate any part or parts of my general personal estate and I direct that all such parts (if any) of my general personal estate which shall or may be appropriated and invested by my Executors as aforesaid shall be held by them and the survivor of them his executors or administrators and other the trustees or trustee for the time being of this my Will upon trust by and out of the income thereof to pay the annuities or annuity as a provision for which respectively such appropriation shall have been made and subject to the payment of the same annuities or annuity respectively upon and for the trusts and purposes and with and subject to the powers and provisions hereinafter declared and contained of and concerning my residuary personal estate

And I further direct that so soon as the appropriation and investment of any part of my personal estate shall be made for the purpose of providing for any of the said Annuities respectively as aforesaid such annuity or annuities respectively as the case may be shall thereupon leave to be a charge upon or to be payable out of the remaining part of my general personal estate

and I further direct and declare that in case the income arising from any such part or parts of my said estate which shall be appropriated and invested as aforesaid shall at any time thereafter from any cause whatsoever become insufficient to produce the full amount of the annuity or respective Annuities for the purpose of providing for which such appropriation and investment shall have been made such annuity or annuities respectively as the case may be shall thereupon abate and be diminished in proportion

I further authorize my Executors in their discretion as to all or any one or more of the aforesaid Annuities in lieu of paying or providing for the same respectively in manner aforesaid to purchase in their names either from Government or from any Office of Company and Annuities or Annuity of the like respective Amounts or amount for the lives or life of the annuitants or Annuitant entitled thereto respectively and to apply any sufficient part or parts of my general personal estate for the purpose of any such purchase and every annuity which shall or may be so purchased shall be held by my said Executors and the survivor of them and other the Trustees or Trustee for the time being hereof upon trust for thee annuitant for whose life respectively the same shall have been purchased in lieu of the annuity hereinbefore given unto the same Annuitant respectively as aforesaid

Provided nevertheless and I hereby expressly declare that notwithstanding the powers hereinbefore given to my Executors of providing for all or any of the aforesaid Annuities by means of such appropriation and investment or such purchase as aforesaid and whether such powers respectively shall be exercised or not no Annuitant shall in any case be entitled to elect to receive the price or value of his or her annuity or any gross sum in lieu of such annuity

I give to my footman Richard Badrock if in my Service at my death a legacy of forty pounds in addition to what may be then due from me to him

I direct my Executors to pay to the said William Lamb and the said Edward Morgan and Richard Badrock and to each of my other domestic Servants not hereinbefore named who shall be in my Service at the time of my decease the amount of one years wages over and above what may be then due to each of them respectively and in addition to any other benefit given to them or any of them respectively by this my Will

I give to the person who shall be in my service as my own Maid at the time of my decease all my Wearing Apparel (except Laces Shawls and materials not made up)

I give to Robert Henry⁴ Earl of Pembroke and Montgomery a Snuff Box at present mislaid with the Miniature Paintings thereon of his Grandfather and Grandmother Henry Earl of Pembroke and his Countess and their son my late husband when a child

⁴ Robert Henry Herbert (1791-1862) [\[Wikipedia\]](#) 12th Earl of Pembroke 9th Earl of Montgomery, step-son of the Testatrix, son of Elizabeth née Beauclerk (1737-1831) and George Augustus Herbert (1759-1827), husband of Ottavia Spinelli (1779-1857), partner of (i) Alexina Sophia Gallot (1821-1891) and (ii) Marie Catherine Caroline 'Elisa' Schäffer (1826-1872).

I give to the said Sidney Herbert and ffrederick Ilitid Nicholl their executors administrators and assigns a legacy of three hundred pounds In trust for the separate use of M^{rs} Carthew the Wife of Carthew now residing at Guelph in North America late the Widow of M^r Hooley Williams deceased and I direct the same to be paid applied and disposed of as she the said M^{rs} Carthew may from time to time by any writing under her hand direct

I give to my Godson The Honorable Herbert Welbore Ellis⁵ the legacy of one hundred pounds

I give to the persons or person who shall at the time of my death be the trustees or trustee under the Settlement made in consequence of the marriage of Elizabeth⁶ the daughter of Captain Montgomery⁷ with Mr Arthur Gibbon⁸ a legacy of two thousand pounds Bank three per cent Consolidated Annuities upon such of the trusts (except so far as the same are for the benefit of her husband during his life by that Settlement declared of and concerning four thousand and eighty three pounds six shillings and eight pence like Annuities) being the moiety belonging to the said Elizabeth Gibbon of eight thousand one hundred and sixty six pounds thirteen shillings and four pence of those annuities arisen from the personal estate of her said ffather Captain Montgomery as shall at the time of my decease be subsisting or capable of taking effect except that after the death of the said Elizabeth Gibbon I direct that the said two thousand pounds Consolidated Bank three per cent Annuities shall belong to and be equally divided between Arthur Gibbon⁹ and William Gibbon¹⁰ (the two sons of the said Arthur and Elizabeth Gibbon) if both then living in equal shares share and share alike and that the same be transferred accordingly to them their executors administrators and assigns respectively but if either the said Arthur Gibbon the son or the said William Gibbon should die during the life of the survivor of me and the said Elizabeth Gibbon then I direct that the said two thousand pounds Consolidated Bank three per cent Annuities

⁵ Presumably Herbert Welbore Ellis Agar (1823-1901), step-grandson of the Executrix, son of Diana née Herbert (1790-1841) and Welbore Ellis Agar (1778-1868) [Wikipedia} 2nd Earl of Normanton, husband of Helen Millicent née Gibson (1854-1932).

⁶ Elizabeth Gibbon née Montgomery (1796-1870), step-half-sister of the Testatrix, daughter of Suzanne née Maltasse (1770-1851) and Augustus Retnuh Reebkomp (1762-1797), wife of Arthur Gibbon (1780-1881).

⁷ Augustus Retnuh Reebkomp (1762-1797) aka Augustus Montgomery, half-brother in law of the Testatrix, son of Elizabeth Catherine Orby née Hunter (1740-1795) and General Henry Herbert (1734-1794) [Wikipedia], husband of Suzanne née Maltasse (1770-1851).

⁸ Arthur Gibbon (1780-1861), son of Barbara née Yeats (1749-1791) and Robert Gibbon (1738-1821), husband of Elizabeth née Montgomery (1796-1870).

⁹ Arthur Augustus Gibbon (1829-1907), son of Elizabeth née Montgomery (1796-1870) and Arthur Gibbon (1780-1861), husband of Mary Isabella Elizabeth née Kerr (1838-1900).

¹⁰ William Henry Gibbon (1832-1894), son of Elizabeth née Montgomery (1796-1870) and Arthur Gibbon (1780-1861), husband of (i) Flora Elizabeth francisca née Fogolari (1832-?) and (ii) Sarah Elizabeth née van Niekerk (1849-?).

shall after the death of the said Elizabeth Gibbon belong to the survivor of the said Arhtur Gibbon the son and William Gibbon his executors administrators and assigns and be transferred to him or them accordingly

I give to the said Lawrence Blunt Williams a legacy of five hundred pounds

I give to the three persons who shall at the time of my decease be the Bishop of the Diocese of Sailsbury the Archdeacon of Sarum and the Rector of Wilton (or in case of a Vacancy at my death who shall next succeed to all or either of those Offices or preferments) as Trustees for the purposes hereinafter mentioned the legacy of one thousand pounds Sterling to be paid out of my personal estate which I can dispose of for Charitable purposes In trust to be invested by them in Stocks or funds of the British Government and to be held by them and the survivors and survivor of them and transferred (as occasion may require and at the costs of the funds) to their respective successors in the Bishoprik Archdeaconry and Rectory aforesaid from time to time as the trustees for the purposes hereinafter mentioned and I direct that the said trustees or trustee for the time being of the said last mentioned legacy stocks or funds shall from time to time and at all times stand possessed thereof upon trust in part of the dividends or annual produce to be from time to time received upon or in respect of the same Stocks or funds as and when the same shall in their discretion appear to be necessary in or towards maintaining cleaning restoring and keeping in good repair and condition the painted glass and mosaic work and all or any part of the other Ornamental works in or about the new Parish Church of Wilton in the County of Wilts erected by my said son Sidney Herbert and for or towards no other purpose whatsoever my intention being that no part of the income of the said trust legacy shall be applicable to the usual substantial repairs of the roof and other parts of the ffabric of the said Parish Church (the expence of which as to any Parish Church ought by law to be provided by means of Church Rates) but that the whole of such income shall be applicable only to the cleaning restoring and keeping in repair the ornamental and decorative parts of the said Church

And I further direct that the said trustees shall employ to do the works aforesaid such Artists and Workmen as may have been accustomed to works of a similar nature and I direct that such parts if any of the income arising from the said trust legacy as shall not be expended or applied in or towards the purposes aforesaid shall from time to time be invested and accumulated by the said trustees or trustee for the time being thereof in augmentation by the principal of the same legacy

I give to my son in law the Honorable Thomas Vesey¹¹ his executors administrators and assigns in case he shall survive me to be paid or appropriated by him or them to or in aid of any Institutions or purposes of a Religious or Charitable Character in Ireland and not elsewhere which he or they may think fit to [serve] and in such shares and manner

¹¹ Thomas Vesey (1809-1875), son in law of the Testatrix, son of Frances Letitia née Brownlow (1776-1840) and John Vesey (1771-1855) 3rd Viscount de Vesey of Abbey Leix, husband of Emma née Herbert (1819-1884).

as he or they shall in his or their absolute and uncontrollable discretion think proper the legacy of two thousand pounds Sterling to be paid out of my personal estate capable of being bequeathed for such purposes and in the event of my surviving the said Thomas Vesey to my son in law Richard Charles Francis¹² Earl of Clanwilliam his executors or administrators to be paid or appropriated by him or taken for the same objects and with the same [direction] as aforesaid

I also give the following legacies and direct the same to be paid out of such my personal estate as last aforesaid that is to say

To the Treasurer for the time being of the Wilts and Dorset Penitentiary five hundred pounds in aid of the objects of that Institution

To the Treasurer for the time being of the Salisbury Infirmary the sum of one thousand pounds towards the objects of that Institution

And to the Treasurer for the time being of Saint Georges Hospital Hyde Park Corner Middlesex the sum of five hundred pounds towards the objects of that Institution

I give to the said Sidney Herbert and Frederick Iltid Nicholl their executors administrators assigns my leasehold houses with their respective fixtures and other appurtenances situate in Curzon Street Mayfair in the said County of Middlesex for all my [term] and interest therein respectively (but subject to the payment out of the income arising from the last mentioned houses and premises of such rents and to the performance of such covenants as may be payable or to be performed by or on the Lessees part or behalf under the lease or leases under which the same are held and subject also to the underleases of the same or any part thereof granted by me and also a legacy or sum of five thousand pounds Sterling upon trust as soon as conveniently may be after my decease to settle assign and dispose of the said leasehold houses lastly hereinbefore bequeathed and also the said legacy of five thousand pounds upon and for such trusts intents and purposes and with under and subject to such powers provisions and declarations as Mary Jane Diana¹³ Countess Nelson the Wife of Horatio Earl Nelson¹⁴ shall notwithstanding her present or any future coverture and whether covert or sole from time to time by any deed or deeds or instrument or instruments in writing under her hand and seal and with or without power of revocation and new appointment or by

¹² Richard Charles Francis Christian Meade (1795-1879) 3rd Earl of Clanwilliam, son in law of the Testatrix, son of Maria-Caroline née von Thun (1769-1804) and Richard Meade (1766-1805) [\[Wikipedia\]](#) 2nd Earl of Clanwilliam, husband of Elizabeth Herbert (1809-1858).

¹³ Mary Jane Diana Nelson née Agar (1822-1904), step grand-daughter of the Testatrix, daughter of Diana née Herbert and Wellbore Ellis Agar (1778-1868) [\[Wikipedia\]](#) 2nd Earl of Normanton, wife of Horatio Nelson (1823-1913) [\[Wikipedia\]](#) 3rd Earl Nelson.

¹⁴ Horatio Nelson (1823-1913) [\[Wikipedia\]](#) 3rd Earl Nelson, husband of a step grand-daughter of the Testatrix, son of Frances Elizabeth née Eyre and Thomas Nelson (1786-1835) [\[Wikipedia\]](#) 2nd Earl Nelson, husband of Mary Jane Diana née Agar (1822-1904).

her last Will and Testament in writing or any Codicil or Codicils in writing thereto direct or appoint of and concerning the same or any part or parts thereof and in the meantime and in default of and subject to any such appointment and so far as any such if partial or incomplete should not extend upon trust for the said Mary Jane Diana Countess Nelson her executors administrators and assigns

And I make the following devises and bequests in favor of my dear children and I beg them to believe that any unequal distribution that I may make in the disposal of my property does not arise from any [more] preference or from any want of affection or a just appreciation of their dutiful tenderness towards me but only that I have to the best of my judgment provided for them according to their actual requirements

I give devise and bequeath unto the said Sidney Herbert his heirs executors administrators and assigns absolutely according to the legal nature and tenure of the property hereby disposed of all the freehold properties and leasehold lands and hereditaments and other real estate whatsoever and wheresoever which I shall or may be possessed of at the time of my death except for the several leasehold houses and other hereditaments herein specifically given and bequeathed and except the estates vested in me upon any trusts or by way of mortgage also the sum of twelve thousand pounds owing to me by the said Sidney Herbert and secured to me with interest by a mortgage of his house in Belgrave Square and the further sum of six thousand pounds also owing to me by him and secured to me with interest by his Bond and all interest and arrears of interest if any which shall be due to me at the time of my death in respect of the same last mentioned sums or either of them Also all that part of my Russian Stock which was produced from the sale of my estates and property in Finland and which consists of the sum of one hundred and six thousand Silver Roubles Russian Currency the inscriptions for which are now deposited in my name at Mess^{rs} Hoares and are marked as destined for my said son and as having arisen from the sale of the said estates and property also so much (if any) of the fund now consisting of stock in the three per cent consols set apart to answer the annuities given by the Will of Richard Viscount Fitzwilliam¹⁵ as shall remain at my decease (but nevertheless subject as to such last mentioned fund to the payment of the subsisting Annuities so long as they or any of them shall be payable) also a Silver Gilt Dessert set of knives forks spoons and ladies and tea spoons (part of the plate which belonged to my late father Simion Count Woronzof¹⁶)

¹⁵ Presumably Richard FitzWilliam (1745-1816) 7th Viscount FitzWilliam of Mount Merrion [[Wikipedia](#)], the Testator, son of Catharine née Decker (1711-1786) and Richard FitzWilliam (1711-1776) 6th Viscount FitzWilliam of Mount Merrion [[Wikipedia](#)], never married but had children by a mistress Marie Anne 'Zacharie' Bernard (1769-?).

¹⁶ Semen Romanovitch Vorontsov (1744-1832) Count Vorontsov, father of the Testatrix, son of Marfa Ivanovna Surmina (1718-1745) and Roman Larionovich Vorontsov (1707-1783), husband of Ekaterina Alekseevna Seniavina (1755-1784).

I give to the said Sidney Herbert and ffrederick Iltid Nicholl their executors administrators and assigns a sum of thirty five thousand pounds Sterling upon trust to invest apply and dispose of the same and the stocks funds or securities in or upon which the same or any part thereof may from time to time stand invested and the dividends interest and annual produce thereof from time to time upon such trusts and for such intents and purposes as my daughter Mary Caroline¹⁷ Countess Bruce the Wife of George William ffrederick¹⁸ Earl Bruce by any deed or deeds under her hand and seal or by her last Will and Testament in writing or any Codicil or Codicils thereto respectively shall notwithstanding her present or any future coverture from time to time direct or appoint and in default of and in the mean time subject to any such direction or appointment or so far as any such if partial or incomplete should not extend upon trust to lay out and invest the said sum of thirty five thousand pounds in the names of the said trustees or trustee or the trustees or trustee for the time being of this my Will at interest on or upon some or one of the Stocks or funds of the British Government (but not upon mortgage or any other security) and to stand possessed of the same Stocks or funds and the dividends and annual produce thereof upon trust during the life of the said Mary Caroline Countess Bruce or as she may by any writing under her hand from time to time direct as and by way of pin money during her present or any future coverture and so that the same may by for her separate use and not be liable to the debts engagements or control of her present or any future husband and from and after her decease (subject to any such appointment as aforesaid) upon trust as to the principal or capital of the said stocks or funds for the next of kin of the whole blood of the said Caroline Countess Bruce as if she had died without having been married and intestate

I give and bequeath my leasehold house Stables and Offices situate in Grafton Street in the Parish of Saint George Hanover Square in the County of Middlesex now in my own occupation and all my term and interest therein at the time of my decease (but subject to the payment out of the income arising from the last mentioned house and premises of the rent and to the performance of the covenants on the Lessees part to be paid and performed with respect to the same) and also all fixtures in and about the same belonging to me unto the said Sidney Herbert and ffrederick Iltid Nicholl their executors administrators and assigns upon trust that they or the survivor of them or the executors or administrators of such survivor do and shall (but during the joint lives of my

¹⁷ Mary Caroline Bruce née Herbert (1813-1892), daughter of the Testatrix and George Augustus Herbert (1759-1827) [[Wikipedia](#)], wife of George William Frederick Brudenell-Bruce (1804-1878) [[Wikipedia](#)] 2nd Marquess of Ailesbury.

¹⁸ George William Frederick Brudenell-Bruce (1804-1878) [[Wikipedia](#)] 2nd Marquess of Ailesbury, son in law of the Testatrix, son of Henrietta Maria Noel née Hill (1773-1831) and Charles Brudenell-Bruce (1773-1856) [[Wikipedia](#)] 1st Marquess of Ailesbury, husband of Mary Caroline née Herbert (1813-1892).

daughters Catherine¹⁹ Countess Dunmore and Lady Emma Vesey²⁰ (wife of the said Thomas Vesey) by and with their joint consent in writing and not without) sell and dispose of the same leasehold premises either by Public Sale or Private contract for the best price or prices in money that can or may be had or gotten for the same with liberty to make special or any other conditions of or at any such sale and to buy in the same premises thereat and again to offer the same for sale as in the circumstances shall or may in their or his direction appear to be necessary and upon further trust to lay out and invest the clear produce of the said leasehold premises if and when said (after retaining or paying thereout the costs charges and expenses attending the same) in or upon some of the stocks funds or securities of the British Government or upon real securities in England or Wales with liberty to alter vary and transpose such stocks funds or securities for others of the like nature from time to time when and as occasion shall require or it should be deemed by my said trustees or the survivor of them his executors administrators and assigns to be expedient

And I direct that the said trustees or trustee shall stand possessed of and interested in the said clear produce sale monies Stocks funds or securities upon trust as to one moiety or equal half part of the same and the dividends and annual produce thereof for the said Catherine Countess of Dunmore her executors administrators and assigns and as to the remaining or other moiety thereof upon trust to pay assign and dispose of the same or any part thereof to such person or persons and for such intents and purposes as the said Lady Emma Vesey shall notwithstanding her present or any future coverture and whether covert or sole from time to time by any deed or deeds or instrument or instruments in writing under her hand and seal or by her last Will and Testament in writing or any Codicil or Codicils thereto direct or appoint of and concerning the same or any part thereof and in default of and subject to any such appointment or so far as any such if partial or incomplete should not extend then upon trust for the said Lady Emma Vesey her executors administrators and assigns and I direct that in the mean time and until such sale shall be made as aforesaid my said trustees or trustee and their or his executors or administrators do and shall let or otherwise dispose of the said household premises and the rents and produce thereof in such manner as the said Catherine Countess of Dunmore and Lady Emma Vesey shall during their joint lives jointly direct the ground rent and other outgoings becoming one in respect of the same in the mean time and until the sale thereof being borne in equal proportions by the said

¹⁹ Catherine Murray née Herbert (1814-1886), daughter of the Testatrix and George Augustus Herbert (1759-1827) [[Wikipedia](#)], wife of Alexander Edward Murray (1804-1845) [[Wikipedia](#)] 6th Earl of Dunmore.

²⁰ Emma Vesey née Herbert (1819-1884), daughter of the Testatrix and George Augustus Herbert (1759-1827) [[Wikipedia](#)], wife of Thomas Vesey (1803-1875) [[Wikipedia](#)] 3rd Viscount de Vesci of Abbey Leix.

Catherine Countess of Dunmore and Lady Emma Vesey and their respective executors administrators and assigns in equal shares share and share alike but the share of the said Lady Emma Vesey therein to be subject to her separate appointment and disposal in manner aforesaid

and I give all my plate and plated Articles (the whole of which belonged to my late ffather Count Woronsoff except such as I have before given to my said son unto my daughter Lady Emma Vesey absolutely

I give and bequeath all linen Wine books paints pictures furniture Jewelry ornaments objects of vertu Carriages Utensils and all other personal effects whatsoever belonging to me at my decease (except money stocks funds and shares or securities for money and except the Articles of that description which I have hereby otherwise specifically given or bequeathed or which I may hereafter give or bequeath by any Codicil or Testamentary paper) unto and between the said Catherine Countess of Dunmore and Lady Emma Vesey in equal shares and their respective executors administrators and assigns absolutely as Tenants in Common but the share of the said Lady Emma Vesey in the said last mentioned to be subject to the same or the like power of separate appointment or disposal by her s is hereinbefore given to her with respect to her share in the said leasehold house in Grafton Street and the proceeds of the sale thereof as aforesaid and to be held and disposed of by my Executors accordingly

I give to the said Sidney Herbert and ffrederick their executors administrators and assigns the legacy of five thousand pounds In trust to be paid and disposed of unto such person or persons and in such manner and subject to such provisions as my daughter Elizabeth Countessof Clanwilliam the Wife of the said Richard Charles ffrancis Earl of Clanwilliam notwithstanding her present or any future Coverture shall or may from time to time by any writing signed by here or by her Will order or direct and in default of and subject to any such order or direction and so far as any such if partial or incomplete shall not extend In trust for the said Elizabeth Countess of Clanwilliam her executors administrators and assigns absolutely and I intend the above legacy as an equivalent to my said last named daughter for the house in Grafton Street and the other Articles and effects herein before given and bequeathed unto or in trust for her sister the said Countess of Dunmore and Lady Emma Vesey as aforesaid

I direct that all legacy duty payable in respect of the several annuities monies and bequests given by this my Will or by any Codicil (except the said bequests to or in favor of the said Countess Nelson) shall be paid by my Executors out of my general personal estate

And as to all the rest and residue of my *Personal Estate and Effects* of what nature or kind soever not herein given or bequeathed or which may become undisposed of by lapse or otherwise previously to my decease (but not including such personal estate and

effects as are or may be vested in me upon any trust or by way of mortgage) I give and bequeath the same unto the said Sidney Herbert and ffrederick Iltid Nicholl their executors administrators and assigns nevertheless upon the trusts and for the intents and purposes and with under and subject to the powers and provisoes hereinafter declared and contained of and concerning the same that is to say upon trust as soon as conveniently may be to sell call in and convert into money all such parts of my said residuary personal estate as shall not consist of ready money or of any such stocks funds or securities as hereinafter mentioned (but with full discretion to postpone the conversion of any part of my property which may belong to me in reversion only and not in possession) and as to the money to arise or be produced thereby and also as to such part of my said residuary personal estate as may consist of ready money upon trust that my said trustees or trustee for the time being do and shall lay out and invest the same in their or his names or name in the Parliamentary Stocks or Public funds of Great Britain or at interest in real securities in England or Wales and as to such part of my said residuary personal estate as may consist of monies invested in any such stocks funds or securities as las aforesaid or in any stocks funds or securities of the British or Russian Governments or upon the security of any American United States Stock upon trust that they or he the said trustees or trustee for the time being either do and shall permit the same monies to continue in their actual state of investment or and shall at their or his entire discretion call in the same monies or sell dispose of or transfer the securities for the same and at the like discretion lay out and invest the monies to be produced by any such calling in sale disposition or transfer in their or his names or name in the said Parliamentary Stocks or public funds of Great Britain or on real securities in Great Britain and subject to the trusts hereinbefore declared of and concerning my said residuary trust monies and the stocks funds and securities thereof the said trustees or trustee for the time being of this my Will shall stand and be possessed of and interested in all and singular the said residuary trust monies and the sticks funds and securities for the same and the interest dividends and annual produce thereof respectively and of all and singular other my said residuary personal estate and effects hereinbefore bequeathed to them and him as aforesaid all which said trust premises are hereinafter designated as "my trust estate and premises" upon the trusts and for the intents and purposes and with under and subject to the powers hereinafter declared and contained of and concerning the same respectively that is to say

As to one equal third part or share of and in my trust estate and premises and the dividends interest and annual produce thereof upon trust for such person or persons for such purposes and to be paid applied and disposed of in such as the said Richard Charles ffrancis Earl of Clanwilliam and Elizabeth Countess of Clanwilliam his Wife shall or may at any time or from time to time during their joint lives by any deed or writing with or without power of revocation and new appointment signed by them both and attested by one or more witness or witnesses jointly direct or appoint and in default of and until any such joint direction or appointment and so far as any such if partial or incomplete shall not extend upon trust during the joint lives of the said Earl and

Countess of Clanwilliam for the sole and separate use and benefit of her the said Countess of Clanwilliam free from the control or engagements of her husband the said Earl and after the decease of either of them the said Earl or Countess of Clanwilliam then upon trust for the survivor of them and his or her assigns during his or her life and after the decease of the survivor of the said Earl and Countess of Clanwilliam then upon trust for all or any one or more exclusively of the other or others of the children of them the said Earl and Countess of Clanwilliam at such ages or age times or time in such shares or proportions if more than one and subject to such provision as to the vesting and payment of any shares or share and for the maintenance advancement or benefit of any such children or child and generally in such manner and form as they the said Earl and Countess shall or may at any time or from time to time during their joint lives by any deed or writing with or without power of revocation and new appointment signed by them both and attested by one or more witness or witnesses jointly direct or appoint and in default of any such joint appointment and so far as any such if partial or incomplete shall not extend then as the survivor of them the said Earl and Countess shall at any time or from time to time by any such deed or writing signed by such survivor and attested as aforesaid or by his or her Will solely direct or appoint and in default of and until any such direction or appointment as aforesaid and so far as any such if partial or incomplete shall not extend upon trust absolutely for all the children or the only child of them the said Earl and Countess of Clanwilliam who being sons or a son shall have attained or shall attain the age of twenty one years or being daughters or a daughter shall have attained or shall attain that age or be married under it with the consent of their or her Parents or surviving Parent or Guardians or Guardian and to be divided equally between or amongst such children if more than one as tenants in common but in case no child of the said Earl and Countess shall become absolutely entitled under the foregoing trusts then upon trust for the said Elizabeth Countess of Clanwilliam her executors administrators and assigns absolutely

and as to one other equal third part or share of my trust estate and premises and the dividends interest and annual produce thereof upon trust for my said daughter Catherine Countess of Dunmore and her assigns during her life and after her decease upon trust for all or any one or more exclusively of the others or other of the children or the child of the said Countess of Dunmore at such ages or age times or time in such shares or proportions if more than one and subject to such provisions as to the vesting and payment of any shares or share and for the maintenance advancement or benefit of any such children or child as the said Countess of Dunmore shall or may at any time or from time to tom by any deed or writing with or without power of revocation and new appointment signed by her and attested by one or more witness or witnesses or by her Will direct or appoint and in default of and until any such direction or appointment and so far as any such if partial or incomplete shall not extend upon trust also [lately] for all the children or the only child of the said Countess of Dumore who being sons or a son shall have attained or shall attain the age of twenty one years or being daughters or a daughter shall have attained or shall attain that age or be married under it with the

consent of their or her Mother or Guardians or Guardian and to be divided equally between or amongst such children if more than one as Tenants in Common and in case no child of the said Countess of Dunmore shall become absolutely entitled under the foregoing trusts that upon trust for the said Countess of Dunmore here executors administrators and assigns absolutely

And as to the remaining one equal third part or share of my said trust estate and premises and the dividends interest and annual produce thereof upon the same or the like trusts and with and subject to the same or the like powers of appointment and other provisions and limitations in favor or for the the respective benefit of the said Thomas Vesey and Lady Emma Vesey his Wife and of the children or child of them the said Thomas Vesey and Lady Emma Vesey after their respective deaths as are respectively hereinbefore declared and contained of and concerning the said one third part or share of my said trust estate and premises hereinbefore given in trust for the respective benefit of the said Earl and Countess of Clanwilliam and their children or child respectively as aforesaid in the same manner and as fully and effectually in all respects and for all purposes as if the respective names of the said Thomas Vesey and Lady Emma Vesey and their children or child respectively were in every instance substituted and inserted in the same several trusts powers provisions and limitations respectively in lieu of the respective names of the said Earl and Countess of Clanwilliam and their children or child respectively provided always and I hereby declare that (subject to any direction to the contrary to be given in exercise of any power of appointment hereinbefore contained no child taking any part of the said trust estate and premises under or by virtue of any appointment to be made in exercise of any such power as aforesaid shall under or by virtue of any limitation hereinbefore contained to or in trust for children equally in default of appointment as aforesaid have or be entitled to any further or other share in that part of the said trust estate and premises which shall be subject to the same power of appointment and of which no such appointment shall have been made without bringing his or her appointed share into ____ and accounting for the same accordingly

Provided also and I hereby further declare that (subject to any appointment to be made in exercise of the foregoing powers) it shall be lawful for my said trustees or trustee for the time being at any time or times after the death of the Parents of any child or in the lifetime of such parents or surviving parent with their his or her consent in writing too raise any part or parts of the then expectant or presumptive vested share of any child in my said trust estate and premises or any part thereof under the trusts hereinbefore declared not exceeding in the whole one half part of the said then expectant or presumptive or vested share of such third part and to pay or apply the same for the preferment advancement or benefit of such child as they the said trustees or trustee for the time being shall think fit or to pay over the same unto the Guardians or Guardian if any of the same child for the purpose aforesaid upon their or his receipt without seeing to the application thereof and also subject as last aforesaid after the death of the parents of any child from time to time to pay and apply the whole or such part as the trustees or

trustee for the time being shall think fit of the interest dividends and annual produce of the share in my said trust estate and premises or any part thereof to which such child shall for the time being be entitled in expectancy under the trusts hereinbefore declared for or towards his or her maintenance or education until his or her said then expectant share shall become vested and payable and that the said trustees or trustee for the time being may either themselves or himself so pay or apply the same or may from time to time pay the same to the Guardians or Guardian of such child for the purpose aforesaid upon their or his receipts without seeing to the application thereof

And I further direct (subject also as last aforesaid) that during the suspension of absolute vesting of the share of any child in my said trust estate and premises or any part thereof all the residue (if any) of the interest dividends and annual produce arising from every such share which shall not be expended or applied under any of the powers aforesaid shall be accumulated in the way of compound interest by investing the same and all the resulting income and produce thereof from time to time in or upon any such stocks funds or securities as are hereinbefore mentioned and authorized for the benefit of the person or persons who under the trusts herein contained shall become entitled to the principal fund from which the same respectively shall have proceeded with power for the said trustees or trustee for the time being to resort to the accumulation of any preceding year or years and to apply the same for or towards the maintenance or education of the child for the time being presumptively entitled to the same in the said manner as such accumulations might have been applied in case they had been interest dividends or annual produce arising from the original trust fund in the year in which the same shall be so applied

And I hereby further declare that it shall be lawful for my said trustees or trustee for the time being in their or his discretion to postpone the conversion of any part of my property so long as they shall think it advisable to do so and from time to time to alter vary and transpose all or any part of the investments or securities upon which any of the trust funds disposed of by this my Will shall for the time being be held or invested into or for any of the stocks funds or securities hereinbefore directed or authorized for the investment of my said trust estate and premises as aforesaid and also that it shall be lawful for my said Executors and for my said trustees or trustee for the time being in their or his respective discretion to compromise (or compromise settle and release all debts claims actions and demands on behalf of my estate upon such terms and in such manner as they or he shall or may in their or his discretion consider proper or expedient

I direct that the said Frederick Iltid Nicholl and any future trustee of this my Will who shall be a Solicitor shall be at liberty to act Professionally as Solicitor in all matter connected with my trust estate and to make all usual professional charges for his Services and advice in the management of my said trust estate or any part thereof and generally in the performance and discharge of the trusts of this my Will and that all such charges shall be paid unto or may be retained by the said Frederick Iltid Nicholl and

such future trustee respectively out of my trust estate and shall be allowed to him respectively in passing his accounts

I give devise and bequeath all the real and personal estates and property whatsoever vested in me upon any trust or by way of mortgage with their appurtenances unto and to the use of the said Sidney Herbert and Frederick Iltid Nicholl their heirs executors administrators and assigns according to the nature and quality thereof respectively In trust to hold and dispose of the said trust estates and property in the manner in which they ought to be held or disposed of and pursuant to the said trusts and upon payment of the money secured on mortgage to convey or assign the estates and property in mortgage to the person or persons entitled thereto for the time being

And I hereby declare that the receipts of the said trustees or of my trustees or trustee for the time being for any money payable to them or him under this my Will shall effectually discharge the person or persons to whom the same receipts shall be respectively given from being obliged to see to the application or from being answerable or accountable for the misapplication or nonapplication of the money therein respectively mentioned to be received

Provided also and I further declare that if the said Sidney Herbert and Frederick Iltid Nicholl or either of them or any trustee or trustees to be appointed as hereinafter mentioned shall die go to reside abroad or desire to be discharged from or decline or become incapable to act in the execution of the trusts therein contained then and in such case and when and so often as the same shall happen it shall be lawful for the said Sidney Nerbert during his life and after his decease for the surviving or continuing trustee hereof if any or the executors or administrators of the last acting trustee (whether such surviving or continuing trustee or executors or administrators respectively shall be willing to act in other respects or not) by any writing or writings under their his or her hands and seals or hand and seal to appoint any other fit person or persons to be a trustee or trustees in the stead or place of the trustee or trustees so dying going to reside abroad or desiring to be discharged or declining or becoming incapable to act as aforesaid all the trust estate monies and premises which shall be then held upon or subject to the trusts hereof or any of the same trusts shall be assigned and transferred in such manner and so as that the same may be vested in the then surviving or continuing trustee hereof (if any) jointly with such new trustee or in such new trustees only as the case may require upon such and the same trusts and subject to such and the same power provisoes and declarations as are hereinbefore declared or expresses of or concerning the same trust estate monies and premises or such of these trusts powere provisoes and declarations as shall or may be then subsisting or capable of taking effect

And I further will and declare that every such new trustee shall and may in all things act and assist in the execution of the several trusts to which he or they shall be so appointed

as fully and effectually and with the same powers authorities and discretions as if he had been hereby appointed a trustee

Provided also and it is my Will that the trustees hereby appointed and every future trustee to be hereafter appointed as aforesaid and each of them and the executors administrators and assigns of them and each of them shall be respectively chargeable only with such monies as they respectively shall receive and that any one or more of them shall not be answerable for the other of them but each only for his own acts deeds receipts neglects or defaults and that they or any of them shall not be answerable for any Banker Broker or other person in whose hands any of the trust monies may be deposited for safe custody or otherwise in the execution of any of the trusts aforesaid nor for any loss or damage which may happen in the execution of the aforesaid trusts or in relation thereto except the same shall happen by or through their respective own wilful defaults and also that it shall be lawful for the said trustees and every such future trustee as aforesaid their respective executors and administrators with and out of the money which shall come to their hands respectively in pursuance of this my Will to reimburse himself and themselves respectively and each other all costs charges and expenses which they or any of them shall or may sustain or be put unto in or about the execution of the trusts of this my Will

And I hereby revoke all former and other Wills Codicils and Testamentary Instruments

In witness whereof I have to this my Last Will and Testament set my hand this twenty ninth day of July in the year of our Lord one thousand eight hundred and fifty three — *Catherine Pembroke & Montgomery* — Signed by the Right Honorable Catherine Countess Dowager of Pembroke and Montgomery as and for her last Will and Testament before us both present together who in her presence and in the presence of each other have hereunto subscribed our names as witnesses (the name Tenison having been previously written above the 12th line of the first page in lieu of that of Tomson 'struck out' — *William Weight* — *Henry Francis Penn* } Clerks to Messrs Nicholl & Smyth 18 Carey Street London Sol^{rs}

This is a Codicil to the Will of me *Catherine Countess Dowager of Pembroke and Montgomery* I give to my daughter Elizabeth Countess of Clanwilliam such Articles of Plate as shall be enumerated in any list or Catalogue found with my Will or among my papers and marked as intended for her

Witness my hand this second day of August 1853 — *Catherine Pembroke & Montgomery* — Signed by the Countess Dowager of Pembroke as a Codicil to her Will in the presence of us both then present together who in her presence and in the presence of each other have subscribed our names hereto — *Jane M Montagu* — *Frederick I Nicholl* 18 Carey Street London Sol^r

This is a Codicil to the Will of me Catherine Countess Dowager of Pembroke and Montgomery I revoke a Codicil to my said Will made by me dated the twenty first day of May one thousand eight hundred and fifty five

And I hereby give to my late housemaid Ann fforest and annuity of twenty five pounds for her life to commence from my death and to be paid clear of legacy duty and I direct that the same be paid half yearly and be provided for in like manner and be subject in all respects to the like clauses and provisions as directed by my said Will concerning the other Life Annuities thereby given

And I confirm the annuity given by my said Will to my late housemaid Jane Hardy who is no longer in my Service

And whereas for the purpose of providing for the payment of certain Annuities under the Will of Richard late Viscount ffitzwilliam a fund now consisting of thirty one thousand six hundred and sixty six pounds thirteen shillings and four pence Consolidated three per cent Bank Annuities was appropriated and set apart and the said fund belongs to me subject to such of those Annuities as are still subsisting And whereas from time to time as the Annuities under the said last mentioned Will have ceased I have appointed or transferred to my own name so much of the said fund as was no longer required for the purpose aforesaid And whereas I have by my said Will given to my son The Right Honorable Henry Herbert so much of the said fund as should remain at my decease And whereas it is my wish and intention to appropriate part of the said fund for the benefit of my four daughters leaving the residue thereof to pass under the aforesaid bequest to my said son but I may not have the opportunity or the desire of making any such specific appropriation during my life and am therefore desirous of adding this Codicil to my said Will

Now I do hereby but nevertheless without prejudice to the provisions for and payment of the said subsisting Annuities under the Will of the said Viscount ffitzwilliam give and bequeath twenty thousand pounds three per cent consols part of the said fund unto my four daughters Elizabeth Countess of Clanwilliam Mary Caroline Marchioness of ___sbury (in my said Will described as Countess Bruce) Catharine Countess of Dunmore and Emma Viscountess De Vesti (in my said Will named Lady Emma Vesey) their respective executors and administrators to be equally divided between them share and share alike

And I direct that the said stock shall be made over to or appropriated for my said daughters respectively as and when the said annuity fund or any part thereof shall from time to time be available for that purpose on the deaths of any of the said Annuitants either in my lifetime or after my decease

And in all other respects I confirm my said Will

As witness my hand this twenty first day of february one thousand eight hundred and fifty six — *Catherine Pembroke* — Signed by the Countess of Pembroke and Montgomery as a Codicil to her Will in the presence of us both present at the same time who in her presence and in the presence of each other have subscribed our names hereto — *Frederick J Nicholl 18 Carey Street London Sol^r* — *William Weight his Clerk*

This is a Codicil to the Will of me *Catherine Countess Dowager of Pembroke and Montgomery* I give to my footman Richard Badcock an annuity of twenty five pounds for his life in addition to any other benefits under my said Will such annuity to commence from my death and to be paid clear of legacy duty and to be provided for in like manner and to be subject to the like clauses and provisions as directed by my said Will concerning the other life Annuities thereby given

And I give to M^{rs} Cecilia Montgomery a legacy of five hundred pounds free of duty in addition to what she may take under my said Will and to any other acknowledgements which I may have made for her care and attention to me during my illness and at other times

As witness my hand this seventeenth day of March one thousand eight hundred and fifty six — *Catherine Pembroke* — Signed by the Countess Dowager of Pembroke and Montgomery as a Codicil to her Will in the presence of us both present at the same time who in her presence and in the presence of each other have subscribed our names as witnesses — *Frederick J Nicholl 18 Carey St Sol^r* — *William Weight his Clerk*.

Proved at London with three Codicils 30th May 1850 before the Worshipful ffrederik Thomas Pratt Doctor of Laws and Surrogate by the Oaths of The Right Honorable Sidney Herbert the son and ffrederick Iltid Nicholl Esquire the executors to whom Admon was granted having been first sworn duly to administer.

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