

Will of Sir Robert Southwell, 1702.

I, Sir Robert Southwell of Kings Weston in the county of Gloucester, knight, being in sound memory but knowing the uncertainty of life to make this my last Will and testament, and in the first place do in all humility commit my soul into the hands and affection of Almighty God my most gracious saviour and redeemer Jesus Christ and my body in case it shall happen but I died in England my will is if that conveniently it maybe it be buried in the parish church of Henbury and in my tomb there with the bodies of my dear wife and son Rupert but if I die in Ireland then my will is if conveniently it may be that my body be buried in the parish church of Kinsale in my tomb there with the bodies of my father mother and her relatives, and my will and desire is to be privately buried and that the charge of my funeral and the morning to my children and such as are most near may not exceed £100 and as concerning my whole estate in the kingdoms of England and Ireland whereas I did by deeds of lease and release bearing date the 29th and 26 days of September in the year of our Lord 1682 make settlement of and convey the same to the of my son and three daughters as me expressed yet with power in me reserved to revoke all parts thereof first what concerned as much of the manor of Kings Weston in the county of Gloucester as was purchased with the money left me by my father's will which I fixed and settled on my only son Edward Southwell Esq now in as much as this verified settlement was by me voluntarily made during such minority and tender age of my son as you would not afford me that prospect of his conduct and with doing in the world as by God's favour I now enjoy I do therefore in pursuant of the power reserved on to me therein revoke and make void all and every the use and uses trusts and trusts estate and estates of in and to my Hereditaments in England and Ireland in and by the said written indenture to limited and declared and which by the said settlement or otherwise I had a power to revoke and do hereby declare and appoint the(nots) of the same to be to me my heirs and successors for ever discharged and freed off and from all that goods and provisions which were in the said written in indenture retained for my three daughters for my intention is that all my said estate I have in England shall come to my son in the and I do therefore here by we'll give and devise all my estate lands tenements and hereditaments in the kingdoms of England and Ireland on to my son Edward Southwell his heirs and assignees for ever yet my will is that such lands hereditaments in the county of Gloucester together with my house in Spring garden as also such other lands in the county of cork in Ireland as I have in this my will charged for provisions for my daughters shall be charged as in this my will and as this extent of my trust and confidence in my son is the effort of his good conduct in the world and his dutiful behaviour towards me so I doubt not but he will in honour oblige such institutions as I purpose to want in reference to his three sisters in case of an accident that may happen I do also give and bequeath to my said son mindset house in old spring garden in the parish of St Martin in the Fields in Middlesex with all the fee and estate I have therein and all that appertains there too I do likewise give and bequeath to my said son all those free farm unto which I long since purchased in reversion after dowagers life and I do further give my son all my personal estate goods and chattels rights and ... (Credits?) as well in England as in Ireland except what I otherwise dispose off by this my will all may do hereafter by any codicil next and I do appoint my said son Edward Southwell to be sole executor of this my last will and testament now as to my three daughters whereas at the time of making the settlement aforesaid I lay under such debts as did not allow me to appoint such portions and maintenance as my estate by God's blessing may now afford I do therefore hereby give and bequeath to my first daughter Helena Southwell the sum of £3500 of lawful money for her portion and to my second daughter Elizabeth Southwell the sum of £3000 of lawful money for her portion and for my third daughter Catherine Southwell the sum of £2500 of lawful money for her portion they having all by there are two and good behaviour deserved much more from me than I am able to give them and whereas I have lately preferred With Charles Oliver of Chanodfoy in the County of Limerick Esq and with Robert Oliver his son touching a marriage to be had between the said Robert and my said daughter Katherine and touching which such provisions and preparation is made as I need only commit the due performance and extension of this part of my dear son and executor.

There Which now remains on me will chiefly relate to the happy disposal of his two other sisters and my will herein is that they shall both of them have the fit and entire disposal of the said portions which I have respectively all offered them, and as to the maintenance of my said two daughters to their said portions shall be satisfied my will is that my said executor shall pay them half yearly computing from the day of my death, the interest thereof at the rate of five per cent advancing to them the first half years interest on amount of what may be due for the whole year in one month after my death, but the following interest as it shall half yearly grow due and to the day that there said portion part paid which said portion of my will it shall be paid to them respectively and our interest payments, and as any of their portions shall be paid so the maintenance of such daughters or daughter shall then cease and my will is that my said executor do upon my death furnish

and pay to each of my said two daughters £20 for their occasions, and that they enjoy all those small jewels they have hitherto respectively worn and the ornaments of their respective closets at Kings Weston and that my executor, if desired, give them copies of their mothers picture and mine and I do most earnestly and enjoy it on all my dear children that they live in mutual love and assistance to each other as hitherto they have done, and I do nominate for trustees to my said three daughters my ever honoured Kinsman the Earl of Nottingham his Majesty's principal secretary of state, and the honourable Heneage Finch Esq, together with my work are good friend Robert Henley Esq or any two of them or other survivors of their desiring they would take upon them the tenor of setting my daughters portion as also the annual maintenance which is hereby allotted them to be satisfied and do here by direct and appoint my said son Edward Southwell to join if desired in all such deeds and conveyances of the hereditaments hereafter charged with the portion of my said three daughters and the maintenance of such of them as shall be unmarried as shall be **buying** the said trustees be thought reasonable for the better serving of the payment of the said portions and maintenance according to the intent of this my will. Now as to the maintenance payment of the portions and maintenance which are fixed as for said I do hereby declare and appoint that these shall be and remain liable to the same, first my said house and interest in Spring Garden, next all those my lands in the county of Gloucester both within and without the manor of Kings Weston which were not settled absolutely on my son in the settlement which before mentioned, and lastly Ringcorran and those my lands in the county of Cork in Ireland which were granted to my father Robert Southwell Esq by provisioned in the act of settlement of Ireland, which are now held by tenants, and my will is that the said house and the annual profits and prints of all the said plans shall be liable to and applied to raise such yearly maintenance for my said three daughters as is by me was effectively given them as the whole right I have in the said house and the inheritance of the void lands shall be subject unto and charged with the raising the said separate portions and sums of money to my said three daughters by me given by this my will in as the saying is given but in case out of my said three daughters shall be married or her portion paid then my will is that the said house in Spring Garden shall be exempt from being liable to the portions or maintenance of the other two whereby my son may have this part free to mortgage (if occasion require) for raising the portion or portions of his other sisters, and when one of these also shall be married or her portion paid then my will is that my said lands in the county of Cork shall be in life exempt from the charge aforesaid so as only my said land in Gloucestershire shall then remain liable to the maintenance and portion of the third till she also be disposed of, all her portion paid according to the tenor of this my will, and lastly as to my said daughters Helena and Elizabeth I do hereby declare that in case they shall both of them marry with the consent and good liking of their brother, if living, which earnestly recommend I do hereby divert to my daughter Helena for the preparations of her marriage £150, and to my daughter Elizabeth £110, to be paid them by my said son and executor in time convenient before their respective marriages. I give the said three trustees for my daughters 10 guineas to each for a ring and the life to my lady Dering my honoured mother in law I desire also that my executors may present a ring of 5 pounds to the several persons following viz: The Right Honourable the Lord Viscount Weymouth, the lady dowager Shelburn, The Lady Celia Finch my goddaughter, William Lord Bishop of Derry, the Lord Chief Justice Eyre, my nephews Sir John Perceval, and Sir Emanuel Moore, my kinsman Sir Thomas Southwell, my sister in law and the lady Knatchbull, my niece Dering and her son, my two nephews William and Robert Moore Francis Parry, Francis Gwyn, Robert Yate, Thomas Edwards the elder esq, Colonel Wm Taylor, Mr John Finch my Godson, and Mr John Henry of them being my Honourable or notable friends and relations, Mr Philip Maddox in remembrance of his former service and fidelity 10 guineas to William Grant my steward at Kings Weston £10, to Mr Gabriel Soulden my steward at Kinsale 5 pounds, to Mr Lewis Payzant five pounds. Among the rest of my servants at the time of my death £20 and to the poor where I shall be buried 5 pounds and whereas I was by the will of my late nephew Sir John Percival Bart left guardian of the persons and the estate of his children and afterwards become executor I do earnestly exhort my son that when he shall come as executor to me to take this case upon him for Sir John Perceval and his brother Philip my two surviving grandnephews is he omit nothing that his care and fidelity can compass for their happy education and further defence and improvement if their estates but as to my said nephew Philip Percival Who is also my godson and was after his death born at my house at Kings Weston since By his father's will there is only £60 yearly left him from his age of 14 years to the age of 21 both for maintenance and education and this appears altogether insufficient to rise him up to what he being capable of and to what his birth requires therefore in memory of my dear sister his grandmother and for the natural love and affection I bear to himself my will is and I do hereby give and grant to my son Edward Southwell but in trust for my said nephew Philip Perceval and for his benefit and according to the purpose and limitations hereafter following and is not otherwise The sum of £500 of lawful money of England and first direct my son to furnish thereout from year to year during the time and between the years before me mentioned such supplies for my said nephew's maintenance and education as may be wanting and as he in his

discretion shall judge fit, and I do firstly by direct and appoint that what my said son shall enter into a book to be kept for that purpose to have been from time to supplied and paid out shall be to him and his executors a sufficient discharge for so much of this gift and legally directing also that the same be without any account or consideration for interest and I do further order and is direct that if any part of the said some shall remain unexpended in the manner aforesaid at the time my said nephew shall come to attain the age of 21 years I do here by Will and my wish is that my son or his executors to pay the said remainder unto my said nephew if then living but in case he departs this life before the whole be expended in the manner aforesaid or if it should happen that he become to the estate by his brother's death which God forbid then my son or his executors may in such case fee paid retain the same to his or her own use or uses, and as I do nothing doubt that my son will most sincerely fulfil this trust by me it supposed in him so am I much more assured that if any of his posterity shall be left orphans hereafter God Almighty will raise friends to exercise toward them the life of affection and defence as my father and I have exercised towards this family of the Percival's for about 30 years now passed and I do exhort my son that in making of his will or any settlement hereafter he still be mindful of his dear sisters and of their offspring of Sir John Percival and his brother Philip who are the offspring of my late dear and most virtuous sister and those or so of the family of the ladies whom he shall best approve of as being the relations of my most dear and excellent mother deceased, and I do further enjoying my son room or my debts and credits are well known that he be careful to pay all men with the utmost justice and punctuality also I desire him to take care of the alms house at Kinsale according to the settlement I have made therein and this I declare to be my last will and testament revoking all former wills and do sign and state the same at my house at Kings Weston this 16th day of August in the year of our Lord 1702 and in the first year of the reign of our sovereign Lady Queen Anne.

Robert Southwell signed sealed published and delivered in the presence of us John Percival, William Wogan, Lewis Payzant, William Grantt