

Smithsend Family – Phelps and Smithsend links

Updated – September 2020

This is the history of the Smithsend family which originates in and around Tewkesbury in the 14th Century. This document describes the links between the Smithsend family in Tewkesbury and Robert Phelps (1790-1848) who was left part of the Smithsend Estate in 1837.

Robert was a fourth cousin once removed of Elizabeth Smithsend who owned the Smithsend estates when she died in 1833. Elizabeth's will left a life interest in part of the estate to her cousin Nicholas Smithsend (1761-1837) who was the last male descendant with the Smithsend name. When Nicholas died in 1837 that part of the estate (probably the original Smithsend lands and properties) passed to Robert Phelps. The rest of the large estate passed to Elizabeth's relatives on her father's side of the family – the Romney family.¹

In 1796 there had been a legal dispute between an Edward Smithsend (1755-1829) of London about the Smithsend estate passing to Elizabeth and her sisters in 1790. Edward felt it should have passed to him as the eldest male heir of the Smithsend family. There was not much merit in the case and he abandoned it but this may be how Elizabeth became aware of her links to this part of the family.

Edward (1755-1829) and Nicholas Smithsend (1761-1837) were brothers and nephews of Hester Smithsend and it is through his grandmother Hester Smithsend that Robert Phelps (1790-1848) was part of the Smithsend family. He was their second cousin.

Elizabeth, Edward, Nicholas and Robert have a common ancestor in Nicholas Smithsend (1587-1627).

Most records are from public sources and there is only limited information on those born after 1920.

Robert Phelps (1677-1749)

Edward Phelps married Hester Smithsend in about 1735 at Tewkesbury or Twyning. This started the links between the Phelps families in Tewkesbury and Twyning and the Smithsend family of Tewkesbury.

Edward's father was Robert Phelps (1677-1749) and his mother was Ann Roberts.

Robert's second wife was Mary Pitman (1669-1748) and they were married in Tewkesbury on the 19th September 1730. Mary was originally 'Mary Smithsend' and was Hester's Aunt and became her stepmother when Hester married Edward Phelps. Mary Phelps is referred to in the Will of her cousin Nicholas Smithsend (1688-1746).²

Robert Phelps, died in 1749 and his Will mentioned Hester and Edward and left provision for the grandchildren.³

Will of Robert Phelps 1749

Probate 9th October 1749

This is the last Will and Testament of me Robert Phelps of Tewkesbury in the County of Gloucestershire, Gentleman, for disposition of that estate wherewith where with I am blessed and desire that my body may be decently buried in the Church or Church Yard of Twining in the said County in the said County of Gloucestershire at the discretion of my Executors hereinafter named.

First I give and bequeath unto my loving wife Mary the sum of fifty pounds of good and lawful money of Great Britain for and towards supporting and maintaining her until the rent of her estates shall be payable unto her.

I also give and bequeath unto my said wife during her life the use of all my Plate and household goods hereinafter mentioned, that is to say: the Bed I most commonly lie upon and the bedstead and all the furniture thereunto belonging also one chest of drawers six silver spoons marked with the letters [R P] two silver salts marked with the letters [R A P] one silver pint marked [R P] and all the pewter

and brass which I or my wife have bought since our Marriage and one copper [furnace] two pair of sheets and all the table linen that I had upon the death of my kinsman William Phelps.

And after her decease then I give and bequeath the same unto my granddaughter Mary Smithsend Phelps the eldest daughter of my son Edward Phelps.

I give and bequeath unto my said granddaughter Mary Smithsend Phelps all that messuage or tenement with the appurtenances in Tewkesbury aforesaid wherein I now dwell and also all those four [plots] of land situate and being in the Oldbury near Tewkesbury aforesaid to hold to the said Mary Smithsend Phelps and her assigns from and immediately after the decease of my wife for and during for a during the term of her natural life and after her decease to the first son of the said Mary Smithsend Phelps and the Heirs male of the body of such first son with like remainders to every other son of the said Mary Smithsend Phelps and for the want of such issue to my son Edward Phelps for his life and after his decease to the first son of the said Edward Phelps and the heirs male of the body of such first son with like remainders to every other son of the said Edward Phelps and in want of such issue to the Right heirs of my son Edward Phelps for ever.

I also give and devise unto my said granddaughter Mary Smithsend Phelps and her heirs all that my messuage with the appurtenances situate and being at the Leigh in the County of Gloucester aforesaid and all my Lands tenements and Herditaments thereto belonging to hold unto my said granddaughter and her assigns for and during the term of her natural life and after her decease to the first son of the said Mary Smithsend Phelps and the Heirs male of the body of such first son with like remainders to every other son of the said Mary Smithsend Phelps and for the want of such issue to my son Edward Phelps for his life and after his decease to the first son of the said Edward Phelps and the heirs male of the body of such first son with like remainders to every other son of the said Edward Phelps and for want of such issue to the Right heirs of my said son Edwards Phelps for ever. The sons of the said Mary Smithsend Phelps or Edward Phelps or either of them not to take jointly but successively and after the other as they shall be in seniority of age.

Also I give and bequeath unto my granddaughters, Elizabeth, Ann and Hester, daughters and youngest children of my said son Edward Phelps and Hester his wife one hundred pounds of like lawful money to be equally divided between them share and share alike to be paid to them at their respective ages of one and twenty years or Marriage which shall first happen, and to be put out at Interest for their use in the mean time or to be sooner paid and applied to and for their use and benefit as my Executors shall think fit and if either of them happens to die before her legacy becomes payable then the share of her or them so dying to go and be paid to the survivors or survivor share and share alike.

I also give and bequeath unto my grandchildren Joseph, Sarah and Mary son and daughters of Joseph Harper of [Defford] five pounds a piece to be paid to them respectively within twelve months after my decease.

All the rest and residue of my Goods Cattle chattels and personal estate after payment of all my just debts legacies and funeral expenses and give and bequeath unto my said granddaughter Mary Smithsend Phelps.

And I do hereby constitute and appoint Henry Whitaker of Tewkesbury aforesaid, Gentelman and Mary my said wife Joint Executors of this my will desiring and intreating them to see (as far as in them lies) that the same may be in all things performed.

And I do will and order that my said Executors to pay and reimburse themselves the charges and expenses they shall be at and put to in the probate performance and execution of this my will.

Hereby revoking all former wills by me at any time heretofore made and declare this to by my last will and testament.

In witness whereof I have hereunto put my hand and seal this fourteenth day of July one thousand seven hundred and forty six.

Robert Phelps

Signed sealed published and declared by the said Robert Phelps the Testator as and for his last will and testament in the presence of us who have at his request and in his sight and presence subscribed our names as witnesses thereto.

Alice Whitaker, John Fluck, William Twitty.

On the Ninth of October in the year of our Lord one thousand seven hundred and forty nine Administration (with the Will annexed) of the Goods Chattels and credits of Robert Phelps late of Tewkesbury in the County of Gloucestershire, deceased, was granted to Edward Phelps the father and creator [...] lawfully assigned to Mary Smithsend Phelps a Minor the granddaughter and residuary legatee named in the said will of the said deceased for the use and benefit of the said Minor until she shall attain the age of twenty one years (for that Henry Whitaker the surviving Executor named in the will has renounced the execution thereof) being first sworn by commission duly to administer.

Hester Smithsend (1716-1754) & Edward Phelps

Hester Smithsend (1716-1754). Also Esther. The daughter of John Smithsend (1665-1725) and his second wife Katherine Wakefield. Hester was born in 1716.

Hester was mentioned in her father's Will of October 1724.

... well knowing that she is a tender mother and will take care of the maintenance and bringing up of my five small children viz. Nicholas and Richard my sons and Ann, Katherine and Hester my daughters.

This implies that she was a young child in 1724.

Hester was mentioned in the Will of her Uncle Nicholas made in 1730.

Also I give and bequeath unto my Niece Hester Smithsend who now lives with me and my sister Pittman the sum of fifty pounds of lawfull money of Great Britain to be paid to her when she shall attain the age of one and twenty years or be married which shall first happen.

This legacy was later, on the 29th September 1744, protected by a bond, between Hester (now Phelps), Edward Phelps (her husband) and Nicholas Smithsend (b.1688) her cousin. This was a mortgage on a property in the High Street Tewkesbury situated between the properties of William Lilly, gentleman (in the possession of William Spilman) and Joseph Mangell (in the possession of Daniel Hatton).⁴

Hester was mentioned in the Will of her cousin Nicholas Smithsend (b.1688) dated 21st December 1741.⁵

... and as to my worldly estate I give and devise thereof as followeth. Firstly I give to my dear wife Sarah Smithsend all my dwelling houses in Tewkesbury to hold for term of her life. I also give to her Fifty pounds in money and the half of my Plate Linnen and Goods. I give to my cousin John Jones a Guinea. I give to my cousin James Jones a Guinea. I give to my cousin ... Stephens a guinea. I give to my cousin Mary Phelps a guinea. I give to my cousin Anne Phelps a guinea. I give to my cousin Hester Phelps a Guinea. I give to my cousin Edward Smithsend...

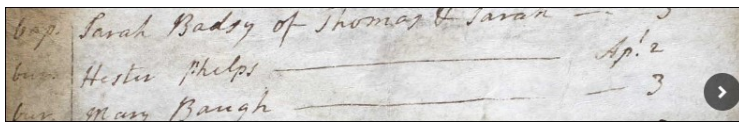
Hester married Edward Phelps (1714-1793) in about 1735.

A memorial in St. Mary Magdalene's Church, Twyning adds some more information about the family.

*Here lyeth the body of
Robert Phelps Gent.
who departed this life, the
18th May 1749. Aged 72 years
Here lye also the Bodies of
Smithsend and Millicent*

Son and daughter of
Edward Phelps of this Parish
Grandchildren of the aforesaid
Robert Phelps
Here lyeth the Body of
Esther, Wife of
Edward Phelps
and mother of the aforesaid
Infants and Daughter of
John Smithsend of London Gent.
who died March 30th 1754
Aged 38 years

The date of 1754 is not clear and can be read as '1734' which may be the cause of several transcribed records showing Hester Smithsend died in 1734. However, other evidence is conclusive for 1754; the children mentioned, Millicent and Smithsend were born after 1734 and the Twyning parish register shows a Hester Phelps buried on the 2nd April 1754.⁶



Hester and Edward had seven children. Millicent (c.1737), Smithsend (bd.1737), Edward (1738-1821), Mary (1739-1822), William (1740-1825), Elizabeth (1741-1819), Hester (b.1743), Susanna (b.1748), Robert (1753-1820).

Millicent Phelps (bd.1737). The daughter of Edward and Hester. She is mentioned on a memorial in Twyning but otherwise there is no record of her. Perhaps she died as a very young infant.

Smithsend Phelps (bd. 1737). The son of Edward and Hester. He is mentioned on a memorial in Twyning and there is a brief entry of his baptism in 1738 in the IGI but otherwise there is no record of him. Perhaps he died as a very young infant.

Edward Smithsend Phelps (1738-1821). Edward Smithsend. The son of Edward and Hester. He was christened in Tewkesbury on the 20th April 1738.

There is a secondary record for the baptism of a 'Smithsend Phelps' in the IGI for the same date in Tewkesbury. This is likely to be a mistake and refer to the same original record for Edward rather than suggesting Edward had a twin.

A marriage licence and bond was issued for Edward, of Queenhill, a yeoman and Sarah Freeman of Beckford on the 27th April 1776. The witness was William Brunson an Innholder of Ripple. The groom and William Brunson were bound in the sum of £500, to marry at Beckford.⁷

Edward married Sarah Freeman (1753-1819) on 23rd November 1776 at Longdon, Worcestershire. Longdon is a village near Upton on Severn.^{8 9}

Edward Smithsend of this Parish & Sarah Freeman of the Parish of Beckford were married in this Church by Licence In the presence of John Ireland & Thomas Grinnell 23 November 1776

Edward made a Will in February 1821.¹⁰

Will of Edward Smithsend Phelps

This is the Last Will and Testament of me Edward Smithsend Phelps of Apperley in the County of Gloucester, Gentleman. First, I order and direct that all my just debts, funeral expenses, the charges of proving this my will be paid by my Trustees and Executors hereinafter named as soon after my decease as conveniently can be and after payment and satisfaction thereof.

I give and bequeath to my son Joseph the bed, bolster and pillows in which he now lies with the bedstead and hangings belonging together with two pair of sheets, one pair of blankets and a cover lid for his own property forever.

I give and bequeath to my daughter Mary the bed commonly called the Red Bed with the bolster, pillows, bedstead and hangings thereunto belonging together also with two pair of sheets, one pair of blankets and a cover lid for her own property forever.

And as to all other of my household furniture, linen, plate, Brewing and dining utensils, of every description, I give and bequeath the same and every part thereof unto and equally to be divided between my two daughters Sarah and Ann as said for their own property forever.

And as to all the rest residue and remainder of my personal Estate, Farming Stock and Crops, Implements of husbandry, ready money, securities for money, goods, Chattels and Effects of what nature or description soever I give and bequeath the same and every part thereof unto my Brother William Phelps and my Brother in Law William Freeman their Executors, Administrators and Assignes forever upon trust nevertheless and to the intent and purpose that they the said William Phelps and William Freeman or the survivors of them his Executors or Administrators do and shall within six months after my decease or so soon as they conveniently can convert the whole thereof into money by such ways and means as to theirs or the survivor's his Executors or Administrators shall seem most [xxxx] and shall do and shall pay and divide the whole thereof unto and equally among all my children Sarah, Mary, Ann, Joseph, Thomas Harper and Elizabeth, the wife of George [Granold] share and share alike to whom I do hereby give and bequeath the same accordingly.

And Lastly, I do constitute and appoint my said Brother William Phelps and my said Brother in Law William Freeman Joint Executors of this my will hereby revoking and making void all former and other wills and testamentary dispositions by me at anytime heretofore made and declare this only to be my last will and testament.

In witness whereof I the said Edward Smithsend Phelps, the Testator have to this my last will and testament set my hand and seal this eighteenth day of February in the year of our Lord one thousand eight hundred and twenty.

Edward Smithsend Phelps

Signed sealed and delivered by the said Edward Smithsend Phelps the Testator and by him published and declared as and for his last will and testament in the presence of us who in his presence at his request and in the presence of each other have subscribed our names as witnesses thereto.

[xxxx]

[William Lane] Ripple

[xxxx Jenner] Tewksbury

A 'coverlid' or 'coverled' is an older term for a coverlet.

'Upon trust nevertheless' means the items are given 'upon trust' but subject to the following conditions.

Apperley is a small village a few miles of south east of Tewkesbury, close to Deerhurst.

Edward was living in Apperley when he died in 1821. His will was proved the same year.

Edward and Sarah had six children: Joseph Phelps (b.1779), Ann Phelps b.1786), Thomas Harper Phelps (1789-1870), Mary Phelps, Elizabeth Phelps (1790-1866), Sarah Phelps (1791-1841).

Mary Smithsend Phelps (1739-1822). Mary Smithsend. The daughter of Edward and Hester. She was christened at Twynning, Gloucestershire on the 18th October 1739.¹¹

Mary is mentioned in the Tewkesbury Churchwardens' Account in the list of pew seating.¹²

Pulpitt Gallery - 1749 May 20th Mary Smithsend Phelps a sitting in room of Mr. Robert Phelps lately deceased.

A 'room' is a place on a pew.

'Smithsend' continued as a middle name with some of Mary's descendants.

Mary married James Law in about 1765.

Mary and James had four children: Robert Law (1768-1801), Sarah Law, William Law, James Law (b.1774), Dorothy Tassett Law (1776-1856).

Sarah Law (c.1770). The daughter of Mary and James. She was born about 1770.

She married Henry Bent Ferne in about 1785.

William Law (c.1771). The son of Mary and James. He was born in about 1771.

William married Isabella Closs on the 31st July 1792 at St. Giles. Camberwell..

William and Isabella had a daughter who was named Isabella Smithsend Phelps Law (1795-1860).

Other children Caroline Ann Law (b.1795), Ann Law (b.1797) and several others.

Isabella Smithsend Phelps Law (1795-1860). The daughter of William and Isabella Law.

Isabella married Henry Fieldwick (c.1791-1865) on 15th June 1827 at St. Giles, Camberwell.

Isabell and Henry had five children.

Isabella died in 1860 and is buried in Camberwell.^{13 14}

Dorothy Law (1776-1856). Dorothy Tassett. The daughter of Mary and James. She was born in 1776.

Dorothy had a daughter named Mary Smithsend Phelps Moody (later Eland).

Dorothy died in 1856.

Mary Smithsend Phelps Moody (1801-1876). The daughter of Dorothy. She was born in 1801 in Bermondsey.¹⁵

Mary married William Jackson Hamilton Eland (1802-1841) on the 26th February 1825. They had two children William Creaton Eland (1825-1873), Ameila Elizabeth Eland (b.1829).

Mary re-married to John Pulsford (1825-1871) on the 19th August 1846.

Mary and John emigrated to Australia on the 11th November 1847.
Mary died on the 16th August 1876 in Adelaide.

William Phelps (1740-1825). The son of Edward and Hester. He was born at Tewkesbury on the 6th July 1740. William died in 1825.¹⁶

Elizabeth Phelps (1741-1819). The daughter of Edward and Hester. She was baptised on the 23rd October 1741 in Twyning.

Elizabeth died, age 78, on the 30th September 1819 at Churcham, Gloucestershire.¹⁷

Hester Phelps (b.1743). The daughter of Edward and Hester. She was christened at Twyning, Gloucestershire on the 10th January 1743.¹⁸

Hester married James Clark on the 17th July 1764 in Twyning. The witnesses were Ann Smithsend and John Lilley.

Page 4 (The Year 1764)
N^o 13 } James Clark & Hester Phelps of this Parish
Married in this Church by License
this 17 Day of July in the Year One Thousand 7 Hundred
and 64 By me W. Palmer
This Marriage was solemnized between Us { the Mark of James Clark
the Mark of Hester Phelps
In the Presence of { Ann Smithsend
John Lilley

Marriage entry for Hester Phelps & James Clark 1764

Ann Smithsend (c.1712) was Hester's Aunt; Hester's had died before her daughter was married

Susanna Phelps (b.1748). The daughter of Edward and Hester. Susanna was baptised at Twyning on the 24th April 1748.¹⁹

Susanna married Samuel Bird on the 1st August 1769 in Twyning.²⁰

Susanna and Samuel had one child: Esther Bird (b.1777),

Robert Phelps (1753-1826). The son of Edward and Hester. He was christened in Tewkesbury on the 15th April 1753.

Robert married Anne Homes (b.1730) on the 20th January 1783 in Stratton Grandison, Herefordshire. Anne was born on the 23rd July 1730.

Robert died on the 8th June 1826 in Ledbury.²¹

Robert and Anne had two children: Ann (c.1791), Robert (1790-1848).

Robert Phelps (1790-1848)

Robert was the son of Robert Phelps and Anne Homes. Robert's father was a solicitor in Ledbury.

In 1837 Robert inherited a portion of the Smithsend estate from his cousin Elizabeth Smithsend. He was her closest Smithsend relative and she probably thought it appropriate that the original parts of the estate passed to him. They were both descendants of Nicholas Smithsend (1587-1627). See *above for more details.*^{22 23}

Robert married Harriet Moore (c.1799) on the 6th April 1820 at Wolverley, Worcestershire. Harriet was born in Ledbury, Herefordshire. Her father was Joseph Moore.

The marriage was reported in the local papers.²⁴

Worcester Journal 13th April 1820

Marriage. Mr. Robert Phelps, attorney, Ledbury, to Harriet, second daughter of Mr. Joseph Moore, of Broadwaters, near Kidderminster.

Robert was a solicitor and businessman.

Robert's daughter Jane (who emigrated to Australia in about 1856) records some information about him (written in 1890).

Having passed through some interesting events in life, I thought I would commit them to paper for the perusal of my dear ones. I am getting now an old lady of 59.

I was fifth daughter of Robert Phelps, Solicitor, of the Grange Estate, Herefordshire - which he sold for £4,500.

His brother was Mayor of Salisbury.

This might refer to Thomas Robert Moore MD who was Mayor of Salisbury 1849–50 and might be Robert's brother in law. Robert and Harriet left Ledbury in 1829 in odd circumstances described by his daughter Jane.

On Papa's leaving Herefordshire for Gloucester he was presented with a piece of plate (solid silver) weighing 460 ounces – it was a round tray and a handsome gold vase or cup, with handles, holding 3 bottles of wine. Mama also had a solid silver tea and coffee service. It was presented at a dinner given at the Feathers Hotel at Ledbury by 150 gentlemen on the 3rd September 1829.

Newspaper articles give more detail about the presentation which was designed to show support for Robert against an 'unwarrantable attack on his character' but we do not know any further details.

Hereford Journal 9th September 1829

On Thursday last nearly one hundred gentlemen assembled at the Feathers Inn, Ledbury, for the purpose of dining with, and presenting a piece of plate to, Robert Phelps, Esq. solicitor, of that place, in testimony of their esteem for him as a man and a Christian, and their objections to the unwarrantable attack that had been made upon his character. The dinner, which was highly creditable to the landlord, consisted of every delicacy of the season, and the dessert, gratuitously furnished, comprised an abundance of pines, grapes, melons, &c. in the highest state of perfection. After the usual toasts of 'The King', 'Royal Family', &c. had been drunk with the accustomed honours, the chairman, Capt. Piper, R.N, rose, and in an appropriate and complimentary speech presented the plate, consisting of a superb gold cup, most tastefully and richly embossed, on a splendid salver of silver, very elegantly ornamented. The cup, or vase, will contain 6 quarts, is chased with grapes and vine leaves, and displayed the following inscription on a shield surrounded with laurels: 'Presented to Robert Phelps, Esq. of Ledbury, by 1004 subscribers, as a testimony of their conviction of his Christian faith, moral conduct, and gentlemanly character; 3 Sept. 1829'. A silver coffee pot and stand was also added, purchased with the surplus of subscriptions after the order for the vase had been given.

After stating the motives or origin of the present, in which all personality was in the handsomest manner avoided, he concluded by proposing the health of Mr. Phelps, and the hope of his long continuing to enjoy the esteem of his numerous friends, and the pleasure which must necessarily arise from it. Mr. Phelps, when the applause had a little subsided, returned thanks for the honour that had been conferred upon him, observing that he felt upon the occasion the utmost gratitude and joy – gratitude for the kindness that prompted, and the warm hearts that had contributed so splendid a mark of their approbation of his conduct, and joy at seeing so large and happy assemblage to sanction the proceedings of the day. During the time he was permitted to remain amongst them their kindness would be a heartfelt satisfaction, and his memory would treasure it as the highest and most gratifying day of his life. Several very able speeches were made on the healths being proposed, and many excellent songs added variety to, and kept alive, this truly convivial and friendly party until a late hour, when each on separation appeared to rejoice at the result of the day.

Cheltenham Chronicle 27th August 1829

Superb piece of plate. Public attention and curiosity have been much attracted within the last few days to a magnificent piece of plate displayed in the window of Mr. Riviere, jeweller, which will be presented to Robert Phelps, Esq. of Ledbury, on Thursday next, at a public dinner to be held in that town. It consists of a superb gold vase, on an elegant plateau or salver of silver. The vase, which will contain nearly 6 quarts, is of an elegant and classical design, and richly embossed with grapes and vine leaves, displaying the following inscription in a shield surrounded with laurel: 'Presented to

Robert Phelps, of Ledbury, Esq. by 1004 subscribers, as a testimony of their convictions of his Christian faith, moral conduct, and gentlemanly character, 3rd Sept. 1829'.

The salver, which is handsome and massive, is surrounded with a richly chased border of shells and flowers. Both the design and execution of this truly elegant present reflect the highest credit on the taste and ability of Mr. Riviere.

Samuel Newton Riviere was a London goldsmith and jeweller with shops in Bath and Cheltenham. It would have been his son in charge of the business in 1829.

Robert was a guardian for a local charity in 1836.²⁵

*May 31 - By indentures of lease and release, bearing date the 31st of May and the 1st of June, 1836, the following gentlemen were appointed Feoffees of Sir Francis Russell's Charity-
John Terrett, esq.*

Thomas Vemon, wine-merchant.

James Bennett, bookseller.

William Moore, wine-merchant.

Robert Young, wine-merchant.

John Moore, wine-merchant.

Lindsey Winterbotham, solicitor.

Robert Phelps, solicitor & chamberlain.

James Blount Lewis, hosier.

George Edmunds Williams, solicitor.

Robert was a town councillor in 1839.²⁶

1 Nov 1839. - Messrs. Nathaniel Chandler, William Knight, Edmund Rudge, jun. and William Potter, four of the town councillors, went out of office in rotation; the said Mr. Rudge was re-elected, and in the place of Messrs. Chandler, Knight and Potter, were chosen.

Robert Phelps, solicitor,

Joseph Smith, maltster,

Benjamin Harris, corn-dealer.

No conservative was now left in the council, and no one of the party was nominated on this occasion.

Robert was Mayor of Tewkesbury in 1840.²⁷

Nov. 9. Mr. Councillor Phelps was unanimously elected mayor for the ensuing year.

20 April. - The anniversary of the accession of Her Majesty happening on a Sunday, the mayor of this borough, Robert Phelps, invited the three candidates for the representation of the borough, the magistrates, the town council, coroner, treasurer, town-clerk, the members of the late body corporate, the churchwardens, &c. to a breakfast at the Town-Hall, and afterwards to accompany him to church. A numerous and respectable party assembled at the breakfast table, which was tastefully decorated, and amply furnished with substantial and delicacies in variety. The mayor, on this occasion, wore his new and elegant civic robes; and the council, for the time, appeared in costly new gowns; and at eleven o'clock, having' been joined by a number of other friends of the chief magistrate, the party walked in procession to the venerable Abbey Church, where the vicar, the Rev. Charles White, preached a very appropriate sermon in behalf of a distressed family, for whom the sum of £34.2s.6d. was collected.

... At a public meeting, held in the Town-Hall, in this borough, on the 1st of March, 1841, pursuant to a requisition, " for the purpose of taking into consideration the provisions of the bill now in progress before Parliament, for affecting alterations in the navigation of the River Severn," Robert Phelps, Esq. the mayor, in the chair, it was resolved ...

Although Robert received a substantial inheritance from the Smithsend estate and had sold his Lebury home for a large sum of money he does not seem to have prospered as a result because a few years later he was recorded as a Bankrupt and had to sell most of the land and properties. These money problems might be connected with a final attempt to establish a spa at Tewkesbury. In 1837 the small Pump room opposite Walton House was rebuilt and perhaps Robert financed this from borrowing on his inherited properties²⁸. *See separate document for details of 'Walton Spa'.*

The first sale of land and properties was in 1839.²⁹

Sale on behalf of Robert Phelps - 1839

At the Kings Head Tewkesbury, 19 June 1839. Sale of Freehold estate, Cottages, Detached lands, at Walton Cardiff for Robert Phelps Esq.

Lot 1 - A complete Freehold estate with Farm House, Barns, Stables, Hold yards, Rick yard, Garden and several pieces of arable meadow and pasture land and orcharding in the occupation of Messrs. Isaac and Thomas Wills (Witts?) 174a. 2r. 5p.

Lot 2 - Two newly built cottages and Gardens in the occupation of Thomas Hathaway and John Russell. Pieces of Orchard called Pear Tree Orchard with the Waggon house and shed thereon and part of the low pen adjoining.

Lot 3 - Two cottages with Gardens in the occupation of Sarah Hawkes and Thomas Wilson. Two 'ley' orchards adjoining.

Lot 4 - Two pieces of pasture and meadow land called Woods Ground and Woods Meadow 14a. 1r. op. The land is open to a small piece of land the Property of Earl (Derry?)

Lot 5 - A piece of Meadow land called Hitch's Meadow on the upper part of the Barton South? 12a. 0r. 5p.

The lots were sold to different buyers and the total paid was £9,714 of which Lot 1 was by far the largest portion.

At the 1841 census they were living at Oldfield Cottages, Tewkesbury.³⁰

1841 Census

*Oldfield Cottages, Tewkesbury
Robert Phelps, age 50, Solicitor
Harriet Phelps, age 40
Robert Phelps, age 20, Solicitor
Harriet Phelps, age 16
Louisa Phelps, age 15
Caroline Phelps, age 14
Ann Phelps, age 11
Jane Phelps, age 8
Stella Phelps, age 6
Smithsend Phelps, age 4*

A further sale was necessary in 1841 and by now Robert is referred to as 'Mr Robert Phelps, a Bankrupt'.³¹

Sale on behalf of Robert Phelps - 1841

Swan Inn Tewkesbury, 3 November 1841

Desireable residence for a genteel family, and plot of Garden lands at Tewkesbury, and two cottages with gardens at Walton Cardiff, Gloucestershire to be sold by Auction, by Moore & Weaver.

On Wednesday the 3rd day of November, 1841, precisely at four o' clock in the afternoon, at the Swan Inn, in the Borough of Tewkesbury by order of the Assignees of Mr Robert Phelps a Bankrupt.

Lot 1 - All that modern freehold dwelling house newly erected with brick, having a stuccoed front and a light iron verandah covered with copper, called Oldfield Cottage, most eligibly situate at an agreeable distance from the Turnpike road at the eastern end of Barton Street in the Borough of Tewkesbury aforesaid, now in the occupation of the said Mr Phelps.

Lot 2 - All that piece or Parcel of Freehold Garden Land, well planted with choice Fruit Trees, situate on the North side of afore-named Property but with an entrance thereto from Chance Street, containing by admeasurement 1a. 14r 4p.

Lot 3 - Two newly erected brick built cottages also Freehold, with Gardens attached thereto, situate in the Parish of Walton Cardiff about 1 mile from Tewkesbury and now in the several occupations of George Taylor and Henry Roberts.

For further particulars apply to Messrs. Workman Solicitors, Evesham, Messrs Wintebotham & Thomas Solicitors, Mr W L Chandler Solicitor and Moore & Weaver Auctioneers Tewkesbury. "

The Lots were apparently sold as follows:-

Lot 1 - £1,000

Lot 2 - £300

Lot 3 - £145

There was another sale in 1841.³²

Sale on behalf of Robert Phelps - 1841

New Inn, Ledbury 9th November 1841. Sale of property at Borbury & Stoke Lacey both of Mr Robert Phelps, a Bankrupt.

Lot 1 - A small compact estate copyhold of Inheritance called Townend situate in the Parish of Borbury adjoining the Grange estate about 5 miles from Ledbury containing 32a. 2r. 0p. And with the exception of the Cottage and an orchard adjoining but of Mr William Coy

Sold for £1,540

The nature of the second Lot was not clear. As a bankrupt Robert had to resign his position of Mayor.³³

Aug. 30. 1841- Mr. Alderman Blizard was elected mayor, for the remainder of the year, in the room of Mr. Councillor Phelps, who had vacated his office in pursuance of the provisions contained in the fifty-second section of the Municipal Corporations Act.

Robert was mentioned at the marriage of his daughter in 1844.³⁴

May 23 1844 - At the Abbey Church, Joseph George Davey, Esq. of Dorchester, Oxfordshire, to Louisa, second daughter of Mr. Phelps, solicitor, of this borough.

Robert's daughter Jane described how her father died in 1848 but she is wrong about his age – he was 58.

Poor dear Papa died very young only 45 years of age, of ossification of the heart, on the 27th April, 1848, and was buried at the Abbey churchyard, Tewkesbury, Gloucestershire of which place he was Mayor for two years.

Robert died at Barton Street, aged 58, on 22nd April 1848. This was listed in the local papers.^{35 36 37}

Robert and Harriet had eight children. Robert Valentine, Anne (b.1822). Harriet (b.1823), Louisa (b.1824), Caroline (b.1826), Jane (b.1831). Stella (b.1833), Smithsend (b.1837).³⁸

Children of Robert Phelps (1790-1848) & Harriet Moore

This section only covers in detail the children who used the Smithsend name.

These are descendants of Robert who used the name Smithsend as a first name or as a middle name.

Robert's daughter Jane described the family when she wrote about her life in Australia in 1890.

I had five sisters & two brothers.

Harriet the eldest married William Mahon Maxwell Esq. widower.

Louisa, my second sister married Dr. I. E. Davey, who was an independent Doctor, having ample means without practising. He used to take me out hunting when in Gloucestershire.

Stella, my third sister married Campbell Gillan, a barrister at Law in Temple Bar.

Caroline the fourth married Captain F.G. Moore.

Annie, the fifth married E.F.W. Oakley, a corn merchant of Poole, also a Magistrate.

I had two brothers, Robert the elder, a solicitor in Victoria, Australia and Smithsend living in Adelaide.

Very shortly after my sister Annie and I went out to Australia as our two brothers were there and one sister.

Our voyage out in the Barrackpore was very pleasant as we were under the care of Captain and Mrs Underwood.

Steamship 'Barrackpore' first went to Australia in 1853 and had only recently been launched.

Smithsend Phelps (1837-1895). The son of Robert and Harriet. He was born on the 12th May 1837 and christened in Tewkesbury on the 11th September 1837.³⁹

He was born just after his father Robert came into the Smithsend inheritance and this probably accounts for his unusual first name.

At the 1841 census, age 4, Smithsend was at home at Oldfield Cottages, Tewkesbury.

In 1852 he emigrated to Victoria on the ship the 'Mary Harrison' with about 250 other emigrants. He was aged 13 and looks to have been travelling on his own; he was probably going to join his brother Robert Valentine who had emigrated in 1846.

Smithsand Phelps, Age 13, Aug 1852, Mary Harrison, Departure point British Isles (Fiche 005, Page 10)

Smithsend married Elizabeth Haggerty in about 1860 and they had 10 children including a son that they also named Smithsend born in 1869. Smithsend and Elizabeth lived at Broken Hill, New South Wales and he was a station hand.

Smithsend died at Sturt, New South Wales, on 23rd October 1895, age 57. The New South Wales probate records show that he left his estate to his wife Eliza and the estate was valued at 45 pounds.⁴⁰

Elizabeth died in 1901.⁴¹

Phelps - On the 3rd December, at her late residence, Orsmond-street, Hindmarsh, Eliza, relict of the late Smithsend Phelps, aged 68 years. Colonist of 50 years. Also, on 3rd June, 1901, of Kalgoorlie, West Australia, Stella, dearly beloved daughter above, aged 38 years.

Smithsend and Elizabeth had eight children: Smithsend (b.1869), Stella (1863-1901), Eliza Lizzie (b.1871), Wilhelmina (bd.1872), Abraham Robert (1873-1925), William Daniel (1876-1877), Enoch, James.

Smithsend Phelps (1869-1948). The son of Smithsend and Elizabeth. He was born at Amherst, Victoria in 1869.

Smithsend died in Transvaal, South Africa in 1948.⁴²

Robert Valentine Phelps (1821-1905). The son of Robert and Harriet. He was born in 1821 and baptised on the 23rd March 1821 at Ledbury. His father was Robert Phelps and his mother was Harriett.⁴³

Robert trained to be a solicitor or attorney and as part of that became an 'articled clerk' with a Lewis Bodenham of Ledbury on the 2nd May 1839. The 'articles' were a fixed term of training and employment.⁴⁴

At the 1841 census, age 20, he was living at home at Oldfield Cottages, Tewkesbury.#

Robert became a solicitor in June 1842.

Worcester Herald 4th June 1842

Mr. Robert Valentine Phelps, of Tewkesbury, was admitted in Easter Term, an Attorney of her Majesty's Courts of Westminster, and a Solicitor of the High Court of Chancery.

Robert emigrated to Wellington, New Zealand in 1846.

Robert appears on jury lists for Nelson, New Zealand in 1847 and 1848. Nelson is on the South Island just across the water from Wellington.⁴⁵

Robert's biography describes his early years in New Zealand and Australia.

Mr. Robert Valentine Phelps, solicitor, the deceased, was born in Ledbury, Herefordshire, England, and was a son of the late Mr. Robert Phelps, solicitor, of Tewkesbury, England. He was admitted as a solicitor, at Westminster on the 9th May, 1842. He left England, and landed in Wellington New Zealand, in 1846, where he resided for some years, arriving on Dunolly, as stated, in 1851. He was admitted to the Victorian bar in 1856 - the year the rush broke out at Dunolly - and thereafter practiced his profession steadily, and with success - being engaged in some great cases.

A family story says that Captain Frederick Moore (the husband of Robert's sister Caroline) was returning to England from New Zealand in 1848 and met up with Robert Valentine Phelps in Sydney. Robert had apparently quarrelled with his parents about his coming out to Australia and now repented of the break with his family and asked Moore to take home a letter of reconciliation. It was apparently addressed to his mother so he presumably knew of the death of his father in April 1848.

In 1851 Robert Valentine Phelps arrived in Victoria, Australia. He was recorded in the Victoria records as an 'original settler of Dunolly'. The following extracts from his obituary in the local newspaper describes his life in Australia.

Mr. Phelps may well be regarded as having been one of Dunolly's most notable residents and in the record of the pioneers of the district and of the state, his name must occupy a prominent place. He had many and varied experiences in a new country, and his vigor, energy, and strength of character were noticeable even in those early strenuous days when the vigor and ardor of youth were manifest amid strange surroundings, demanding incessant watchfulness in a time full of adventure, and characterised by constant change. It was a strange romantic period, and comparatively few are left who engaged in its struggles and these are rapidly passing from amongst us. Mr. Phelps was one of the first white men to settle in this district. He arrived in 1851, some five years before the diggings here opened - having come across country with cattle at that time from Mt. Alexander.

We understand he was associated for a time with the late Mr. Henry Norman Simpson in grazing pursuits, the run extending from about Maryborough to McIntyres. Mr. Phelps was an excellent raconteur when he chose, and his stories of those early times in Victoria, and in this locality, held his hearers breathless, although it was seldom, and to comparatively few, that he gave the pleasure of his reminiscences. Could these have been collected and arranged they would have formed a book of uncommon interest. For Victoria in those early days had much that was romantic and there was constant excitement. Mr. Phelps was one of the very first, if not the first, practising solicitors here, and maintained his connection with the courts of the district till some seven or eight years ago, practising in Dunolly, Tarnagulla, Avoca, Maryborough, and other places. His name was familiar over a wide extent of country, and he was known as an exceptionally clever and able lawyer.

Robert married Eliza Martha Puzey (b.1837) at Dunolly on 1st March 1855.

His was the first marriage celebrated in this locality taking place in Old Dunolly, where he then resided, about fifty years ago. In fact, had he lived till the beginning of March next Mr. & Mrs Phelps would have observed their golden wedding. At that time religious ministrations were not so regular as now, and the clergyman - the Rev. Mr. Cheyne, of the Church of England - drove all the way from Castlemaine to officiate at the wedding, for which Mr. Phelps paid him a fee of fifty pounds.

Robert purchased land in July 1857 and 'Canvas Buildings on Broadway at Rush' in 1856. He is described as Robert Phelps, solicitor, Raglan Street. Robert died on the 10th January 1905 and is buried in Dunolly. This building at 100 Broadway partly survives and is noted as an historic building.⁴⁶

Robert Valentine Phelps and Eliza Puzey had thirteen children and two included Smithsend as one of their middle names. These were Robert Law Smithsend Phelps and his younger brother Frederick Law Smithsend Phelps.

Robert Law Smithsend Phelps (1858-1917). The son of Robert Phelps. He was born on the 2nd October 1858 at Dunolly.

Robert married Maria Florence West in Newtown, New South Wales on 8th February 1886. In 1903 they were living at Simmond Street, Wagga Wagga and he was described as a Horse trainer.

Later in 1906 and 1909 they are at Thompson Street, Wagga Wagga, and he was working as a clerk.

In 1915 and 1916 they were still at Thompson Street, and he was described as a Billiard marker. This was someone who kept the score for billiard matches in league and other important games. By 1917 he was living at Bayliss Street

Robert died on 15th December 1917 at Wagga Wagga, New South Wales. This was reported in the local paper.⁴⁷

The death occurred in the Wagga District Hospital on Saturday night last of Robert Law Smithsend Phelps at the age of 57 years. The deceased was an old resident of the town, and of late years had been a billiard marker at Mr. J.J.Scott's Australia Hotel. In his younger days, he was a lover of sport and successfully trained and rode hurdle and steeplechase horses. He leaves one son and a number of relatives in Melbourne and Wyalong.

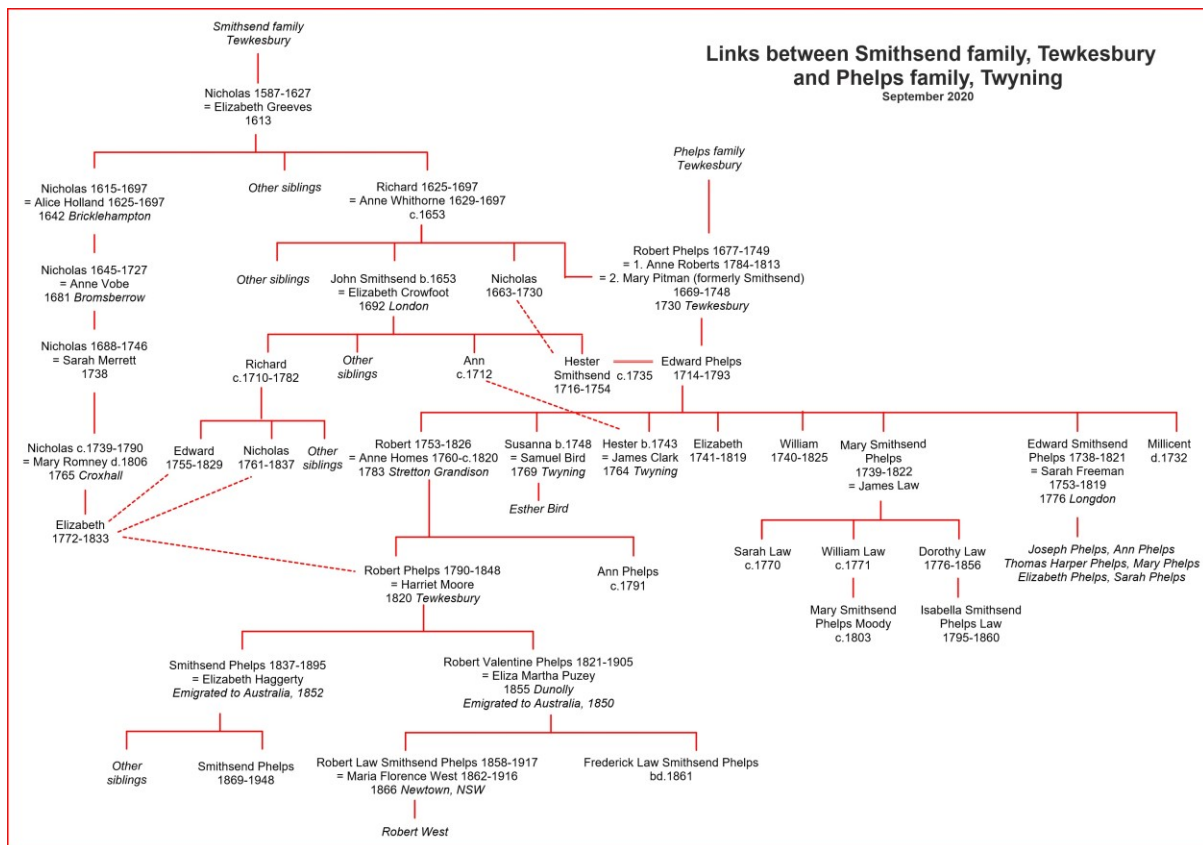
The funeral took place yesterday afternoon, leaving Wagga District Hospital. It was attended by relatives and friends of the deceased from The Rock and Wagga. A wreath from Mr.J.J.Scott and family was placed on the coffin. The pall-bearers were Messrs. J.J.Scott, Thomas Rankin, William Churche and George Gatehouse. The chief mourner present was Mr.W.Maudesley of The Rock, and at the graveside were many old friends of the deceased. Canon Pike read the burial service and the funeral arrangements were conducted by Messrs. McIntosh Bros.

Frederick Law Smithsend Phelps (bd.1861). He sadly died as an infant less than one year old in 1861.

This was described in his father's obituary.⁴⁸

A more painful and pathetic event of those early days took place subsequently, which still further illustrates the long association of Mr. & Mrs. Phelps with Dunolly. The very first internment that took place in what was then the new cemetery here, was that of a little son of Mr. & Mrs. Phelps, who, sad to relate, met his death by drowning in the creek which traverses Mr. Phelps property at the rear of the house.

Family Tree 49



¹ National Burial Index, Nicholas Smithsend, 16 May 1837, St Michael, Worcester

² IGI: Marriage. Robt Phelps=Mary Pitman, 19 Sep 1730, Tewkesbury

³ PRO: Will of Robert Phelps. Probate 9 Oct 1749

⁴ GLRO: Smithsend family of Walton Cardiff. D3112 (4)

⁵ GLRO: Will of Nicholas Smithsend, 21 Dec 1741

⁶ Gloucestershire, Church of England Baptisms, Marriages and Burials, 1538-1813. Twyning, Gloucs.

⁷ Gloucestershire Archives. GDR/Q1/1776/entry number 119

⁸ IGI: Edward Smithsend Phelps = Sarah Freeman, 23 Nov 1776 Longdon, Worcs.

⁹ Longdon Parish Register. Longdon Parish Register Edward Smithsend Phelps of this Parish & Sarah Freeman of the Parish of Beckford were married in this Church by Licence In the presence of John Ireland & Thomas Grinnell 23 November 1776

¹⁰ Gloucestershire Wills 1821/199. Transcription by Mark Phelps

¹¹ IGI: Christening. Mary Smithsend Phelps, 18 Oct 1739, Twyning, Gloucestershire.

¹² They lived in Tewkesbury, By P Day

¹³ 1851 Census. Camberwell, Surrey.

¹⁴ Camberwell Cemetery. Grave No. 7229-89

¹⁵ 'My Heritage'. Muckleston Web site. Brian D. Muckleston

¹⁶ IGI: Birth. William Phelps, 6 July 1741, Tewkesbury

¹⁷ Gloucestershire. Church of England Baptisms, Marriages and Burials, 1538-1813

¹⁸ IGI: Christening. Hester Phelps, 10 Jan 1743, Twyning, Gloucestershire

¹⁹ Gloucestershire. Church of England Baptisms, Marriages and Burials, 1538-1813

²⁰ Gloucestershire. Church of England Baptisms, Marriages and Burials, 1538-1813

²¹ Phelps family website.

²² Note: Robert Phelps was christened on 25 Jan 1790 in St Swithuns, Worcester

²³ Bigland. Ashchurch

²⁴ Worcester Journal 13th April 1820

²⁵ Bennet's Register. 1836. May 31 1836. p.272

²⁶ Bennet's Register. 1839. 1 Nov 1839

²⁷ Bennet's Register. 1840. 9 Nov 1840. p 26

²⁸ Bankrupt Directory 1820-1843

²⁹ GLRO: D2080 Vol 513 Sale on behalf of Robert Phelps 1839

³⁰ 1841 Census, Tewkesbury, HO 107 380/5/29/13

³¹ GLRO: D2080 Vol 567 Sale on behalf of Robert Phelps 1841

³² GRO D2080 Vol 567 Sale on behalf of Robert Phelps 1841

³³ Bennet's Register. Aug 30 1841

³⁴ Bennet's Register. May 23 1844

³⁵ Bennet's Register. April 22, 1848

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- ³⁶ GRO: Death, Robert Phelps, Jun 1848, Tewkesbury, 11 353
³⁷ Worcester Chronicle 26th April 1848
³⁸ GRO: D2957 116(31). Robert Phelps father of Ann, 1822, Ledbury.
³⁹ IGI: Christening. Smithsend Phelps, 11 Sep 1837, Tewkesbury
⁴⁰ Will No. 4/10334 NSW Probate records
⁴¹ The Advertiser, Adelaide, 11 Dec 1901
⁴² National Archives, Pretoria. Transvaal Province, South Africa, Estates Death Notice Index, 1855-1976
⁴³ Herefordshire Baptisms. Family Search database.
⁴⁴ UK, Articles of Clerkship, 1756-1874
⁴⁵ New Zealand, Jury Lists, 1842-1862
⁴⁶ Dunolly Public Library 1871-1877
⁴⁷ Wagga Daily Advertiser (Australia)
⁴⁸ Dunolly and Betbetshire Express 1905
⁴⁹ PRO: Public record office
GRO: General registry office
NBI: National burial index
IGI: International Genealogical index
TWPR: Tewkesbury parish registers
ASPR: Ashchurch parish registers
WRO: Worcester Record Office
Some of these records can also be found at ancestry.co.uk and findmypast.co.uk