

## **Smithsend Family - Tewkesbury and Walton Cardiff (1390-1850)**

*Updated – July 2015*

This document describes the Smithsend family in Tewkesbury from about 1390 to 1850. It concentrates on the descendants of William Smithsend & Eleanor leading to Elizabeth Smithsend (d.1833) who was the last person with the Smithsend surname in Tewkesbury.

Two other branches of the family living in Tewkesbury are covered in a separate document.

*Tim Smithin and Jill Greaves Rudge*

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### **1. Early ancestors**

**John Smithsend (c.1390).** Possibly the grandfather of John Smithsend (c.1465).<sup>1 2</sup>

*John Smithsend held a house and 6a in Walton Cardiff as a customary tenant of Tewkesbury Abbey in 1419.*

*A particular of the Manor of Walton Cardiff - 1419*

*Between the Abbot and Monks of Tewkesbury and Thomas Bassett and his wife Elizabeth.*

*"... William Balkerne als Baweryne holds a messuage and 6 acres according to the Captain of the manor at 13s rent and suit of heriot and Peter Clarke holds as much by the same service [ ... ] and John Smythsend holds as much by the same rents and services ..."*

**John Smithsend (c.1455).** Possibly the grandson of John. He was a serf or villein, that is, bound to his holding and obliged to do agricultural work for his Lord, the abbot of Tewkesbury (Henry Beoly). A villein had certain rights and could, for example, pass his house and holding on to his son.<sup>3</sup>

John married in about 1490.

A John Smythsend appeared at a Cirencester commission of inquiry, with others, to protest about the inclosure of land near Winchcombe.<sup>4</sup>

John was mentioned on his son's manumission document of 1528.

John had several children.

## 2. William Smithsend (c.1480) & Eleanor and their children

**William Smithsend (c.1480-c.1560).** The son of John (c.1455). He was born in about 1480. William married Eleanor in about 1515.

William appears on the Gloucestershire Military tax roll of 1522 living in Fiddington. His tax was assessed at £7. This was a tax levied on all holders of land and moveable assets in the County to pay for military operations; in this case to subsidise a planned invasion of France by Henry VIII and Charles V in 1522/23<sup>5</sup>.

William is also listed on the Lay subsidy (tax) roll for Gloucestershire of 1525.<sup>6</sup>

### Second Payment 1525

*Walton Cardiff*

*Thomas Hyett, Cs, B, iis vid*

*Willielmus Smetheshend, xls, B, xiid*

*Thomas Wilkynson, xls, B, xiid*

*Robertus Kemell, xls, B, xiid*

*Robertus Mathewe, xxs, B, iiiid*

*Summa subsidii huius ville, vs xd*

That is, his goods were valued at more than 40 shillings and the tax was 12 pence in the pound.

In 1528 William applied for and received a manumission (cancellation) of his villein status to become a free man.<sup>7</sup>

*Henry, by divine permission Abbot of the Monastery of St Mary the Virgin, of Tewkesbury, and the convent of the same, by unanimous consent by their mere will manumitted and set free and released from all yoke of servitude, villenage, bondage or noematatis, William Smithsend, husbandman, son of John Smithsend, by the name William Smithsend, or whatever other name he may be known or called by, a native and villan of our Manor of Walton Cardyff, with all his sons and daughters whatsoever, and all his progeny lawfully begotten or to be begotten, his goods and chattels, and all other things, wheresoever they be; so that the said William Smithsend and all his belongings may go forth from under the yoke of servitude and rejoice in liberty, both for themselves and all their goods etc., for ever.*

This was issued from the Chapter House at Tewkesbury on the 5th January 1528. William was then able to apply to William Basset the Lord of the Manor at Walton Cardiff (near Tewkesbury) to be the tenant of two tenements and 50 acres of arable land at Walton Field and 1 acre of meadow at Lechymere, and 1 acre at Turle Meadow. The rent was 29 shillings per annum.

### William Smythend's copy of Court Roll, 21 Henry VIII (1529/1530)

*Walton Caerdiff*

*The court of William Bassett held in the same place on the 6th day of April in the 21st year of the reign of King Henry the Eighth, before John Bassett, Senescal [1] there, etc...*

*To this Court came William Smythsend and Elenor his wife and Richard their son and received from the lord [of the manor] two tenements in Walton Piece [2] with 52 acres of land, viz, two acres of meadow land, one acre in Terle Meadow and the other in Lechymede, and 50 acres of arable land in the field [3] of Walton Piece and for the same thence to pay annual rent to the lord of 29 shillings and a heriot when due [4], to have and to hold the said premises to them the said William, Agnes [5] and Richard for the terms of their lives according to the custom [of the manor] and made fealty to the lord and were admitted as tenents, etc.*

Notes

[1] steward

[2] an enclosed piece of land ie. a field

[3] campus = field

[4] when William died, the heriot (such as a cow) would be paid by his heirs

[5] possibly a mistake by the scribe when making the copy

In 1538 William was mentioned in a Walton Court roll (the formal account of the Manor) as holding (with his wife) two acres of meadow in Turle (Tirle) meadow in Walton Cardiff.

William was later mentioned with his son Richard, on a Walton Cardiff Manor Court roll of 1563 as holding land in Walton Cardiff.

William and Eleanor had several children.

### **Children of William & Eleanor**

**Anne Smithsend (c.1515-c.1574).** The daughter of William and Eleanor. She married John Barebon (or Basebon or Barston) a leather worker or shoemaker.

John was an overseer to her brother Richard's Will in 1566.

Anne's nephew Thomas Smithsend (c.1550) was apprenticed to John Barebon as a shoemaker in 1576.<sup>8</sup>

A John Barebon was listed in the records of the Tewkesbury Cordwainers' (shoemakers) Guild in 1565 and 1576.

A John Barbon was mentioned in the Tewkesbury Churchwarden's accounts for 1572-1574 'of John Barbon for his wiffes rome with Mrs Cole. 12d'.

A 'room' was a place in a pew and there was a local custom of paying for the room when it was first assigned or changed ownership.<sup>9</sup>

**Nicholas Smithsend (c.1525).** Possibly the son of William and Eleanor.

**William Smythsyn (c.1515-1555).** Possibly the son of William and Eleanor. *See separate document for details.*

**Richard Smithsend (c.1507-1567).** The son of William and Eleanor. He was born in about 1507. Richard married Eleanor (Alionor) Avenant probably around 1530.

Richard was mentioned in some Walton Cardiff documents of 1532/33.<sup>10</sup>

#### Walton Kerdyf

*Richard Smythsende was elected as a tithingman and sworn*

#### Tewkesbury

*Presentments by Officers and Ministers of the Borough*

*Presentment that at this Court Richard Smythssend acknowledged that he held of the king in right of Alionor his wife half a burgage and garden in the town of Tewkesbury in Barton Strete, given and bequeathed to Alionor by John Avenant her brother.*

*Mainpernors[?] George Comley and Philip Wether.*

A Tithingman was an under constable. The half burgage in Barton Street is possibly one of those mentioned in Richard's Will. In his Will he also left a brass pan to his daughter Bridget which he had bought from Anne Comley; possibly a relative of George Comley. A Mainpernor was the person standing surety for someone to appear at court.

Richard was mentioned along with his father on a Manor Court Roll for Walton Cardiff as taking a holding on some land in 1538. This is possibly the following document.

### Smithsend Indenture - 30 Henry VIII

*This Indenture made the [xvjth] day of [February] the thirtyeth yere of the reign of our Soverayn Lorde Kyng Henry the Eight between [John] Abbott of the [monastery] of our blessed [Mary the Virgin] of Tewkesbury in the Countie of Gloucester and the [tenant] of the same place on [the one part] And John [xxx] of the [towne] of [xxx] in the Counte of [xxx] on the other part.*

*Betweene both that the [xxx] Abbott and [xxx xxx xxx xxx] [consent] and [xxx] John [xxx xxx] and to [xxx] [xxx] and by these presents dothe lett [xxx] and to permit dothe lett to the [xxx] John [xxx] amd to his Executors and assignes [their] [xxx] and [their] [xxx] of land [xxx] theyre appurtenances and [xxx] [xxx] of land [xxx] and appurtenances sett lying and beyng in Walton Cardyff, [xxx] Tewkesbury [xxx] in the same countie of [xxx] now in the holding of my [xxx xxx] there. And bothe in the holding Rychard Smethesend [xxx]. And also the [xxx] Abbott and [xxx] [xxx]*

*7. lett appointe and to [xxx] lett And by the same presents dothe lett [grant] and the presents dothe lett [to] the [xxx] John [xxx] and to his Executors and assygnes*

*8.*

*by divine persmission Abbot of the Monastery of St Mary the Virgin of Tewkesbury, and the convent of the same*

The Will of a William Hawlynge of Walton Cardiff dated 1545 mentions that an overseer of the Will was a Rychard Smythsend.<sup>11</sup>

### Will of William Hawling, 1545

*In die nomine Amen. In the yere of owre Lord God MVCVLV and in the XXXV11 yere of the reyng of owre sofferane Lord kyng Henry the Eyght Kyng of England Franncce and Ireland and in Erthe supreme Head of the Churche of England and Ireland next under God. I Wylliam Hawlyng of Walton Cardyffe in the paryshe of Tewkesbury husbandman: syke in body but hole and perfyte of mynd and of good remembrance do ordeyne and make this my last wyll in manner and forme foloyng. Fyrst I be queth my sole to allmyghty god to our gloryus Lady seynt Mary and to all the hole company in hevyn: and my body to be buryd in churchyard of Tewkysbury.*

*Also I be queth to Thomas Hallyng my brother my best cott. Item I be queth to John Hawlyng my best Rosett cott. Item I be queth to Elyn my dowghter my best pane after the decese of my wyffe. Item I be queth to Jone my dowghter my cowbard after the desece of my wyffe. Item I be queth to my IJ dowghters IJ brasse pottes after my wyffe desece. Item I be queth to Wylliam Smythsend my godsun a cow calfe of a yere old. Item I be queth to my IJ dowghters a bryndyd bolocke for to be sold and the monnye to be delyverd to them at cystmas next in [----] porsyons. Item I be queth to Rychard Bacarmy best breches and a pere of short hossys. Also I be queth my grene gyrkyn to Rychard that maryd Davey Taberars wyffe. And all my goodes unbequeathed movable and unmovable I geve unto Elizabeth my wyffe makyng her my hole Executryxe to order them to the honor of god and to the profytt of her makyng. Rychard Smythend my over sear that this my lasdt wyll be fulfilled.*

*Wytnes to thys Rychard Smythend and Robert Tolentyn  
Probate: 12th December 1545*

Richard was mentioned in the Gloucester Diocesan records in 1556; possibly a court case involving tithes.<sup>12</sup>

Richard was an overseer of the Will and of his children and their legacies of his friend John Jones (a weaver) in 1558.<sup>13</sup>

John Jones stipulated that if the girls would not *play themselves godly in their worldly lives and endeavour themselves to live in this world*, then his goods were to be given to the poor, at the discretion of the overseers. This seemed to have caused a dispute which was dealt with at the Gloucester Consistory Court in 1558/9.<sup>14</sup>

*Office on motion of Elizabeth Jones and Joan Jones, natural daughters of John Jones deceased, late of the parish of Tewkesbury, v. John Jones and Richard Smythsende. Rash administration March 13. Original mandate having been introduced with certificate endorsed on same, judge on his [mene?] motion caused the same to be called whom etc...Suspended in writing.*

A Richard Smithsend was mentioned in a case in the diocesan court in Tewkesbury in 1559.<sup>15</sup>

Richard witnessed the Will of Elizabeth Hawling (the wife of William) in 1561. He was also listed as one of her creditors whom she owed 23 shillings.<sup>16</sup>

Richard married a second time to Joan Jeffries in Tewkesbury in May 1562. In his Will of 1566 Richard's son William refers to Joan as his 'Mother in law'. The children must all have been from the first marriage.<sup>17</sup>

Richard was mentioned on a Walton Cardiff manor court roll of 1563 as holding land along with his father William.

Richard's Will described most of the Smithsend estate at that time.

Will of Richard Smithsend, 1567

...Item. I geve unto the pore people to be distrybuted unto them at the daye of my buryall XXs.  
Item. I geve to the reapaations if the parishe church of Tewkesbury XXs. Item. I geve to the reparacons of the long bridge of Tewkesbury VJs VIIJd. I geve to the reparacons of Salandyne Wey to be bestowed at John Richardes lesownende XIIJs IIIJd.

Item. I geve & bequethe unto Thomas Smithsend my sonne Imediatly after the deceasse of Jone my wyfe All that my messuage or halfe burgage & garden thereunto adioynnyng with all & syngular. Their appurtenances set lying & being yn Tewkesbury aforesaid yn a strete there callyd the Oldbury Strete Betwene a messuage of one Thomas Frebancke on the Southe parte & a messuage late in the tenure of one Richard Mathew on the Northe parte & now yn the tenure of occupacon of one Thomas Jones To have & to holde to hym & his heyres forever of the chiffe lordes of the fee thereof by servise from thence due & of Righte Accustomed.

Item. I geve to the same Thomas my sonne a cowe called Lonely & in Redy money £XIIJ VJs VIIJd to be payed to hym at the age of XXIJ yeres.

Item. I geve & bequethe unto Nicholas my son At the age of XXIJ yeres All that my one Acre of grounde with his appurtenances set lyeng & being yn the feilde callyd Oldbury nyghe Tewkesbury foresaid in the said countie of Gloucester & in the one furlong of the same feilde & now alos in the tenure or occupacon of the foresaid Thomas Jones. To have & to holde to hym & his heires for ever of the chiffe lordes of fee thereof by service from thence dew & of Right accustomed. The rente of the same acre to remayne unto my executors until my son Nicholas be of the said age of XXIJ yeres.

Item. I geve & bequethe unto the same Nicholas my sonne a cowe called Lyllye & yn Redye moneye £XIIJ VJs VIIJd to be paid unto hym at the age of XXIJ yeres.

Item. I geve & bequethe unto William my son All those my two messuages or halfe burgages & gardens to them belonginge with all & singular their appurtenances set lyeng & beyng yn Tewkesbury foresaid in the said countie of Gloucester & a strete callyd Barton Strete. The one nowe yn the tenure of Thomas Hill & the other yn the tenure of one Thomas Turner. To have and to holde to hym & his heires forever of the chyffe lordes of the fee thereof by service from thence due & of Righte accustomed.

Item. I geve to the same William my son my lease of the howse & grounde that Richard Perte now dwellethe yn Walton aforesaid with all the tacke Tymber & implementes of husbandry A Maser my saw & lerne wedge my two sesternes of ston & a greate Cawthorne of XIX galons.

Item. I geve unto Thomas Pronte my kynsman a tagged heyfer called Tadge two shepe two platters a bras potte a flockbed a bolster a doble canvas a pare of shets a bord clothe & a candlestick.

Item. I geve to my sister Anne Barebon a corrocke of wheete.

Item. I geve & bequethe unto Bridget my dawghter yn redy money £XX a fetherbed with all hys appurtenances a bras pan that I boughte of Anne Comley. Two bras pots harfe a dosen peeces of

*pewter. IIJ pare of shets half a dosen of napkyns a meteclothe. Two candlestickes & a latyn bason & a broche.*

*Item I geve & bequethe unto Elizabethhe my dawghter yn redye money £XX. A fetherbed ith all his appurtenances a potte a cawthorne half a dosen peces of pewter. Two candlestickes & a broche to be paid to her at the daye of her marriage.*

*Item. I wyll that yf any of my children do happen to dye before that there legaises shalbe dewe unto them Then his parte of hers that so shall happen to dye shall Remayne unto my other children that then shalbe alyve equally to be devided.*

*The Resydew of all my goodes & cattells not geven nether bequethed my debts payd & funerall expences dyscharged I do geve & bequethe wholly unto Jone my wife and William my sonne & them I do make my whole Executors of this my last wyll & Testament I do will also to occupye my groundes yn Walton foresayd Joyntley togetherf untyll my legaises be payd.*

*Also I do ordeyne & make my beloved fryndes Thomas Wilkyns on Richard Greg John Barebon & Roger Gylbert the overseers of this my last wyll & testament & to evry one of them I do geve for their peynes to be taken therein IIJs IIIJd.*

*Also I will that my sayd overseers shall have full power & Authoritye by the vertue of this my last wyll & Testament to Requyre & take sufficient bondes of my Exectuors for the performance of these my legaises above mentioned.*

*These witnesses. Nicholas Cromdale curat of Tewkesbury Richard Kynard & John Syrrell.*

A Roger Gylbert was a churchwarden of Tewkesbury Abbey in 1568. John Barebon (or Basebon or Barston) was probably Richard's brother in law who was married to his sister Anne. Nicholas Cromdale was the curate at Tewkesbury and appeared as a witness on several Wills of this period.

From the Will it looks as though Richard had built up an estate of at least:- a house and grounds in Walton, four houses and gardens in Tewkesbury and several other plots of land in Tewkesbury. Nicholas was under 21 in 1566/67 and the other children look as though they are younger..

A Richard Smithsend was mentioned in the Gloucester Diocesan records in 1567 in case about a Tithe versus William Cole.<sup>18</sup>

Richard's second wife Joan was mentioned in the accounts of Tewkesbury Abbey in 1567 as Richard left a bequest to the church.<sup>19</sup>

*Jone Smethesend of Walton for her husbands legacie to the church.  
As it appeareth in the recypte afore declared the whiche they receyved of Jone Smithsend 20s of Thomas Pigeon 2s and of Mr Wyatt 5s of Mr Baylysses 28s 5d and of Alexander 4d.*

Joan made a nun-cupative (spoken) Will on the 11th December 1576 and she died some time later in 1576. Her stepson Nicholas was the sole executor and beneficiary.

### Will of Joan Smithsend - 1576

*Memorandum that the XIJth day of decembre Anno Domini 1576 and in the XIXth yere of the reign of our Sovreigne lady Quene Elizabeth. I Jone Smythesend of Walton Cardyff in the paryshe of Tewkysbury & within the countye and Dyoces of Gloucster wydowe syck in body butt perfecte in mynd beyng demanded by John Walkerpreacher and curat of the paryshe of Tewkesbury aforesayd whether she woold make her wyll and also beyng persuaded by the sayd Mr Walker thereunto and demanded how she meaned to bestowe her goodes answered & her mynd was to make Nycholas Smythsend her executor in the presence of the sayd Mr Walker John Cole paryshe clearke these and others.*

Richard and Eleanor had several children.

### **3. Children of Richard Smithsend (c.1507) and Eleanor Avenant**

**William Smithsend (c.1535-1567).** The son of Richard and Eleanor. He was born in about 1535.

William was mentioned in the Will of William Hawling of Tewkesbury of 1545.

*Item. I bequeth to Wylliam Smythsend my godsun a cow calfe of a yere old.*

William's father Richard was a friend or colleague of William Hawling and Executor of his Will.

William was left several properties in Tewkesbury by his father, in his Will of 1567 and the Will implied that William was over 20 at that date.

William himself died only a few months later and his Will was proved in December 1567. In his Will he described himself as a husbandman of Walton Cardiff. He left everything to his brothers Nicholas and Thomas and this was mainly the properties that he had been left by his father the year before. His brother Nicholas was the executor of the Will.<sup>20</sup>

### Will of William Smithsend, 1566

*In the name of God Amen the seventh daye of December yn the yere of our Lord a thousand Fyve hundred three skore & syxe. I William Smethesend of Walton Cardiffe yn ye parishe of Tewkesburye & countie of Gloucester husbandman being sicke in bodie but God be praised of good & perfect Remembrance do ordeyne & make my last wyll & testament yn formee & maner folowing.*

*Firste I geve & bequethe my soule to unto almyghte God my maker & Redemeer & my bodye to be buried in the parishe churcheyarde of Tewkesburye aforesayd.*

*Item. I geve & bequethe unto Nicholas Smethesend my brother All that mye messuage or halfe burgage & garden thereunto adioyning with all & syngular theire appurtenances set lying & being yn Tewkesburye aforesayd in a strete there comonly called the Barton strete & nowe un the tenure of occupation of one Thomas Turner & betwene a messauge or tenement nowe in the tenure of one Thomas Hill on the este parte & the land comonly called the Rede ground on the west parte and shoteth itselpe in lengthe from the said strete on the further parte into the feilde called Oldburye on the hynder parte. To have & to holde to hym & to his haires for ever of the chiffe lords of the Fee therof by service from theire dewe of Righte accustomed.*

*Item. I geve unto hym the said Nicholas all my tacke & implementes that my father did geve me by his last will & testament after the deceasse or marriage of my mother in law*

*Item. I geve & bequethe unto Thomas Smethsend my brother all that my messuage of half burgage & garden thereunto adioyning set lying & being yn Tewkesburye aforesaid yn the said countie of Gloucester in a strete there comonly called the Barton strete betwene the lande that leadethe yn to the feilde called the Oldbury on the est parte & a messuage of the heires of one Gyles Geast on the west parte & nowe in the occupacon of the foresaid Thomas Hill. To have & to hold to hym & his heyres for ever of right of the chiffe lordes of*

*the Fee therof by service from their dewe & of right accustomed. I do geve to the same Thomas my maser.*

*Item. I geve to Brigette my syster my cowe.*

*Item. I geve to Elizabeth my syster my great cawthorne.*

*The resydewe of my goodes I do geve unto Nicholas my brother aforesaid & hym I do make my whole Executor of this my last will & Testament.*

*These witnesses Nicholas Crondale clerke. Thomas Wilkynson & Richard Greg.*

**Bridget Smithsend (c.1540).** The daughter of Richard and Eleanor. Her father left her twenty pounds in ready money and several household items in his Will of 1567.

*Item. I geve & bequethe unto Bridget my dawghter yn redy money £XX a fetherbed with all hys appurtenances a bras pan that I boughte of Anne Comley. Two bras pots harfe a dosen peeces of pewter. IIJ pare of shets half a dosen of napkyns a meteclothe. Two candlestickes & a latyn bason & a broche.*

Bridget married William Hiatt in Tewkesbury on the 7th August 1567.<sup>21</sup>

Bridget and William had several children. William, Thomas, Richard, Elizabeth and Elinor Hyett.

A William Hiatt was mentioned in the Tewkesbury churchwardens Accounts in 1584.<sup>22</sup>

*Of Wyllyam Hyett for a seat for his wife with John Hyett.*

Bridget was mentioned in the Will of her son William who died in 1605.<sup>23</sup>

*To William Hyett, my father, 20 shillings, my second cloak, one medlie jerkin, my buck leather dublet, my best hat, my second --- band, one greenish[?] pair of breeches and my best pair of stocking.*

*To Thomas Hyett, my brother, 20s.*

*To my brother Richard Hyett, 20s, my bible, my best fustian dublet, my best tawney uper hose, my bucke leather hose, my second pair of stockings, my bowe and my best coffer.*

*To Bridgett Hyett, my mother, 20s.*

**Elizabeth Smithsend (c.1550).** The daughter of Richard and Eleanor. She was mentioned in both her father's Will and that of her brother William.

Elizabeth married John Clarke at Tewkesbury in 1578. A document of 1578 mentioned the marriage settlement of John son of Robert Clarke of Pamington and Elizabeth daughter of Richard Smithsend of Walton Cardiff; it included 4 acres of arable land at Homedowns.<sup>24</sup>

*Marriage settlement of John, son of Robert Clarke of Pamington and Elizabeth daughter of Richard Smithsend of Walton Cardiff, 4 acres of arable at Homedowns 1578/9*

A John Clarke and his wife are mentioned in the Tewkesbury churchwardens' Accounts in the period 1584-1585.<sup>25</sup>

*Of John Clarke for his owne roome and his wyves in the hie seate at the south side of the church below the pulpit, 20d*



**Nicholas Smithsend (c.1546-1614).** The son of Richard and Eleanor.<sup>26</sup> He was born in about 1546.

From 1567, after his father had died, Nicholas gradually started adding to the estate.<sup>27 28</sup>

Indenture - 9 Elizabeth (1566/67)

*This Indenture made the eighth daye of Septembre in the nynthe yere of the Raigne of our Soveraigne Ladye Elizabeth, by the grace of God, Queene of England, France and Ireland Defender of the faythe.*

*Betweene Gyles Read of Mytton in the Countye of [Worcester], esquire, of the one partye and Nycholas Smythesend the sone of Richard Smythesend late of Walton Cardyff in the Countye of Gloucester, [deceased], one the other partye.*

*Betweene both that where William Bassete Esquire at a courte holden at Walton aforesaid, the tenthe daie of [Marche] in the 30th yere of the raigne of our late Soveraigne Lord Kinge Henry the eighth, dyd there in open courte grannte, by copie of Courte Roll, one messuage seventeene acres of lande and three acres of meadowe with th'appurtenances in Walton p'cell, [1] of the Manor of Walton, unto William Reed, Gyles Reed and John Reed sonnes of the saide William Reed for terme of their [lyves] and the longest lyves of them [succesivelye].*

*In which copie expressed, lycense is geven unto the saide William Reed, Gyles and John and to everye of them to substitute and make a sufficient undretennt in the premysses without loss or forfeiture therebye to be sustayned as by the said copie [dothe] allso [appeare].*

*[And forasmuche as] by the decease of the said William Reed the said messuage and seventeene acres of lande and three acres of meadowe and th'appurtenances are in the hande of the said Gyles Reed sonne of the said William. Thys Indenture wyttnessythe that the said Gyles Reed hath substituted [ordained] and made and by these presents dothe [substitute] ordayne and make the same Nycholas Smythesend his undretennts in the same messuages landes and other the [premisses] with the appurtenances, contayned in the said cople, duringe the [lyfe] of the said Gyles Reed.*

*And allso the same Gyles Reed [coventethe] by these presents that the said Nycholas and his assignes to be assyned by the consente of the said Gyles Reed shall have holde and enjoye the premysses, from the date hereof, duryng the lyfe of the said Gyles Reed as his undertennant in as ample and large manner and forme as the said copie will and maye permytte suffer or [maynteyne].*

*And the said Nycholas Smethesend [coventethe] and [grannteth] to [and with] the said Gyles Reed his executors and assignes that he the said Nycholas and his assignes by the consente of the said Gyles Reed shall dyscharge the saide Gyles Reed his executors and assignes of all yearly rent and reparacions charges [suite] of Courte and other customes to the Lorde of the Manor of Walton due for the premisses duryng the saide terme.*

*Pryvded allwais that this Indenture nor any thyng therein contayned shall not extende to [xxx] the said Gyles Reed [anye] [further] than the interest that the saide Gyles Reed [hathe] by reason of the [foresaid] grante by copie.*

*In Wyttness whereof the partyes above saide to these presents interchangeablye have putt their Seales geven the daie and yere firste above written.*

*Signed. Gyles Reed. Nicholas Smithsend.*

[1] p'cell - parcel of land

In 1567 as Thomas Wye leased land to Nicholas.

1567 - Thomas Wye leases land to Nicholas Smithsend of Walton Cardiff, husbandman son of Richard Smithsend, deceased, and Thomas Smithsend

In 1572 William Thornbury sold some land to Nicholas.

*Indenture dated 22nd September 1572 between William Thornbury, gent, and Nicholas Smithsend of Walton Cardiff. Nicholas receives a messuage, lands, pasture and meadow (Turlemead and Lechmere).*

Nicholas married Joan in about 1575.

By 1577 Nicholas had been left property by his father, his elder brother William, and his stepmother Joan. This perhaps explains how he was able to buy the Manor of Walton Cardiff in the same year.

Walton Cardiff was split into two quite small Manors (a quarter Knight's fee each); one originally owned by Tewkesbury Abbey and the other the one bought by Nicholas. Both manors were sometimes referred to as the 'Manor of Walton Cardiff'.

In 1577 a Walton Cardiff court roll recorded that John Berrow conveyed to Nicholas Smithsend all his lands in Walton and a licence for this was granted later in the year by letters patent from Elizabeth I.<sup>29</sup>

<sup>30</sup>

#### Licence - 20 Elizabeth (1577/78)

*Elizabeth by the grace of God Queen. To all to whom these presents may come - Greeting.*

*Know ye that we by our special Grace for 16 shillings, and eight pence have so far as in us lies by these presents granted licence to our Beloved John Berrow Gent. that he may alienate 2 messuages and all buildings thereto belonging in Walton Cardiff together with all [houses] orchards now or late in the occupation of Nicholas Smithsend.*

*And all other lands tenements meadows and other hereditaments whatsoever of the said John Berrow in Walton Cardiff, Fiddington, Tredington and Northway, now or late in the possession of Nich. Smithsend.*

*Which were held of us in capite to give and alienate or by fine and [xxx] in our Court or in any other way at his will to Nich. Smithsend aforesaid.*

*To have and to hold to the said Nicholas his heirs, of us and our heirs by the usual services [due] therefrom for ever. And to the said Nicholas (we give licence) to receive and hold the same.*

*And we will that the said John and his heirs, or the said Nicholas and his heirs, shall not be hindered or molested by us or our heirs or by any of our Escheators or any other official ministers of ours whatsoever for ever.*

*In Testimony whereof we have caused these letters patent to be drawn.*

*Witness our own self at Westminster on the first day of May in the 20th year of our reign.*

#### Notes

*20 Elizabeth 1 - 1577/78*

*Escheator - a royal official administering lands*

*Alienate - transfer of property from one person to another*

*In capite - holding land in tenure directly from the Queen*

*Fine - final judgement regarding a title of land*

The sale was delayed for a year because of legal dispute about who had rights to the Manor; it looks as though John Gunter an earlier Lord of the manor had sold his rights to two different people; Thomas Berrow (John's father) and a Charles Willoughby. The title was proved in favour of John Berrow and he then completed the sale to Nicholas Smithsend and Nicholas became Lord of the Manor of Walton Cardiff.

There are several other documents which are probably related to the above licence of 1577.

*- Indenture, 2 April, 20 Eliz (1577). Between John Berrow and Nicholas Smithsend*

*- Release of Right, 20 Eliz (1577). John Berrow to Nicholas Smithsend. In English*

- *Receipt, 20 Eliz (1577). In English. Says John Berrow received £65 from Nicholas Smithsend, as payment referred to in Indenture date 2 April, 9 Eliz (1577)*
- *Bond of Performance, 20 Eliz (1577). In Latin. Between John Berrow and Nicholas Smithsend.*

Nicholas became a freeman of Tewkesbury in 1577 and was also a High Constable of Tewkesbury between 1577 and 1583 and was mentioned in the Churchwardens' accounts for Tewkesbury Abbey.<sup>31</sup>

*1576/77 - to Nicholas Smethine high constable for the discharge of the parishe for the castelle for which we have an acquittance vid. 17s 4d.*

*1576/77 - to Nicholas Smythend for the discharge of the towne and parishe for the castell. 17s 4d.*

*1580/83 - of Nicholas Smysend (for a seate). 20s.*

The High Constable was the official of the hundred to whom petty constables for each parish reported. He acted as an assistant to the Lord Lieutenant of the County and was also responsible for organising military musters.

'Castle money' appears to have been paid by the Churchwardens quite frequently but it is not clear what it was for. The Norman castle known as Holme Castle had long since been destroyed.

In 1558 the Will of Giles Geast a former Bayliff of Tewkesbury set up a charity for the poor of the town. This was administered by the town officials and in 1575 Nicholas signed the accounts as Bayliff and in 1576 as 'Sargent at Mace' and possibly as a witness in 1580.<sup>32</sup>

Nicholas appeared on an indenture of 1578. In this Nicholas Smithsend, Yeoman of Fiddington and Thomas Smithsend, cordwainer of Tewkesbury (Nicholas' brother) transferred some land and property in Walton Cardiff to John Stratford and Francis Woodward.

Nicholas appeared on another document recording the sale of some land in 1583.<sup>33</sup>

*Bargain and Sale - 26 March 1583*

- (1) Nicholas Smithsend of Walton Cardiff, Yeoman*
- (2) Thomas Deakyn Kynsham, Bredon Worcs., Husbandman*

*One messuage and garden (one half burgage) in Oldbury Street, Tewkesbury, tenement of Thomas Frebancke on South; tenement of Thomas Hylleyon North; street in front; Oldbury field behind.*

*Consideration: £36-65s*

*Witnesses: Thomas Rayer, Richard Lightfoot Richard Stevens, William Newman Stephen Skynner*

Nicholas was listed on a warrant to the Constable of Walton Cardiff for the collection of taxes in 1604

Nicholas (and his son) were mentioned as Overseers of the Will of John Hampton in 1612.<sup>34 35</sup>

*The Hamptons had served as churchwardens of Deerhurst and maintained important bonds of friendship to the Smithsends, a family of gentle rank in Tewkesbury and Walton Cardiff. Phillip's father, the yeoman John Hampton of Apperley, described the Smithsends as 'my well-beloved in Christ' and appointed Nicholas Smithsend the Elder, and Nicholas Smithsend the Younger, as the overseers of his Will.*

Nicholas' daughter Elizabeth had married a Hampton so John Hampton may have been her father in law.

Nicholas was mentioned on a lease (probably of 1613) involving land in Walton Cardiff; it also mentioned his wife Joan and his son and his son's wife Elizabeth.

Nicholas made a Will dated the 20th March 1614.<sup>36</sup>

Will of Nicholas Smithsend - 1614

*In the name of God Amen the twentieth day of Marche Anno domini 1614. I Nicholas Smithsend of Walton Cardiffe in the parishe of Tewxbury and in the Count. of Gloucester beinge sick in body, god be praised of good and perfect remembrance, do ordayne and make this my last will and testament in manner and forme followinge.*

*First I bequeath my soule unto almighty god my maker and redeemer and my body to be buried in Christian buriall.*

*Item. I give to the poore of the parishe twenty shillings. Item the reparation of the church ten shillings. Item to the repayringe of the stepstones in Walton ten shillings.*

*Item. I give and bequeath unto Thomas Smithsend my sonne £60 upon a bond due at Michell the archangel next ensuing with the bond and all profyte and damages thereof also I give and bequeath unto the said Thomas £10 which Thomas Edwards Harry Edwards and John Edwards owed to be paid the second day of February called Candlemas Day.*

*Item. I give to Joan £14? which John Jaynes of Fyddington oweth unpaid of a bond of Fifty poundes upon receipt thereof to deliver the said bond.*

*The residue of all my goods moveable and unmoveable my debts paied and my funerall expenses discharged I give and bequeath unto Joane my wife whome I do make my whole executrix of this my will and testament.*

*And I do make my loving friends Thomas Edwards and Harry Mason my overseers of this my will and I do give to every of them for their panes thereon to be taken 25s. 4d a peece.*

*Witness my sele the day and yeare above wrytten  
Nicholas Smithsend the elder*

Henry Mason was the husband of Nicholas' daughter, Elinor. A Thomas Edwards was mentioned in the Tewkesbury churchwardens accounts in the period 1580-1583. A Harry Edwards was also mentioned in the period 1615-1618.

Nicholas died on the 22nd September 1614, at Walton Cardiff.<sup>37</sup>

Joan made a Will on the 20th May 1620 and probate was granted on the 8th July 1620. At the time of her Will Joan was a widow with four surviving children and several grandchildren. It looks from the Will as though she was quite well off and she left many bequests to various family members and servants. Nicholas Smithsend, her son, was one of the witnesses. After several legacies to children and grandchildren the residue of her estate was given to Thomas her son. The bulk of the estate had presumably already passed to Nicholas the eldest son at his father's death in 1614.<sup>38</sup>

Will of Joan Smithsend, 1620

*In the name of God Amen the Fower and twentieth date of Maye Anno domini 1620 and in the yeares of the reigne of our soveraigne Lord James by the grace of god of England Scotland Franncce and Ireland kinge defender of the faith &c. that is to saie of England Franncce and Ireland the eighteenth and of Scotland the Three & Fiftieth.*

*I Johan Smithsend of Tewkesburie in the Countie of Gloucester widdow being in good and perfect remembrance all laud and praise be geven to the lord therefore, doe Ordaine and make this my last Will and Testament in maner & forme following.*

*That is, to saie, First and principally I yeld and Comend my soule to Almightye god my Creator and maker and to Jesus Christ my saviour and redeemer and my body to be buried in the parish Church or Churchyard of Tewkesburie aforesaid.*

*Item. I do geve unto the poore of the Towne and parish of Tewkesburie aforsaid XXs of lawful money of England to be distributed at the descrecon of my Overseers.*

*Item I doe geve unto Elizabeth Hampton my daughter Fortie shillings of lawfull English money to be paid unto her within Two yeares and halfe next after my deceasse.*

*Item. I do geve more to the said Elizabeth Hampton my daughter my best gowne my best hat my Taffety Apron and my best lawne Ruffe.*

*Item. I doe geve and bequeath unto Elinor Mason my daughter Fower pounds of lawfull money of England to be paid unto her within two yeares & halfe after my deceasse.*

*Item I doe geve more to the said Elinor Mason my daughter my best petticote my best smock petticote and my second best Ruffe.*

*Item. I doe geve and bequeath unto George Whitledge my Godsonne £VJ XIIJs IVd of lawfull English money the which my will is shalbe employed to the use of the said George Whitledge by my two sonnes Nicholas Smithsend & Thomas Smithsend at or before the end and expiracon of Two yeares & halfe nexte after my decease, And the same soe employed with the benefitt & profitt that shall arise therof my said Two sonnes Nicholas & Thomas Smithsend shall paie unto the said Georg Whitledge when he shall accomplish the age of XXJtie yeares. And yf it happen that the said Georg Whitledge doe deceasse before he doe accomplish the age of XXJtie yeares then my will is that the money to him before geven being employed as aforsaid, shall remaine & come to Thomas Smithsend and Elizabeth Smithsend the Children of my said sonne Nicholas and unto Thomas Smithsend & Anne Smithsend the Children of my said sonne Thomas equally to be divided amongst them.*

*Item. I doe geve unto Nicholas Smithsend my Godsonne XXs. I doe geve unto Johan Beale my Goddaughter Vs.*

*Item. I doe geve unto Elinor Hampton the daughter of my said daughter Elizabeth my Sundays petticote. Item. I doe geve unto Alice Smithsend of Walton Cardiff Widdow my Sundays gowne.*

*Item. I doe geve unto Johan Smithsend my Goddaughter One smocke and one Ruffe of Scottish Cloth.*

*Item. I doe geve unto Johan Wood the servant of my said sonne Thomas one smocke one Canvas Apron and one kerchiefe.*

*The Rest of all my goodes moveable and unmoveable Catells and Chatells not before geven and bequeathed my debtes being payed and my funerall expences discharged I doe geve and bequeath to my said sonne Thomas Smithsend whom I do ordaine & make my whole & sole Executor of this my last will & Testament.*

*Lastly I doe desire Henry Mason my sonne in law and my said sonne Nicholas to be my Overseers to see this my last will and Testament performed and for their paines I doe geve unto them IJs a peece.*

*In Witness wherof I the said Johan Smithsend have to this my last will & Testament put my hand & seale. Geven the date and yeare first above written*

*Witnesses unto this last will and Testament, Nicholas Smithsend, Georg Alcock Scriptor*

*Johan Smithsend her mark.*

Nicholas and Joan had several children.

#### **4. Children of Nicholas Smithsend (c.1545) & Joan**

**Richard Smithsend (b.1576/77)**. Possibly the son of Nicholas and Joan. He was christened on the 4th March 1576/77 in Tewkesbury.<sup>39</sup> He may have died as an infant.

**Elizabeth Smithsend (b.1577/78)**. The daughter of Nicholas and Joan. She was christened on the 4th February 1577/78 in Tewkesbury.<sup>40 41</sup>

Elizabeth married a Mr. Hampton and they had a daughter Elinor. The Hampton family may have come from Deerhurst.

Elizabeth was left some money and household items in her mother's Will of 1620.

*Item. I doe geve unto Elinor Hampton the daughter of my said daughter Elizabeth my Sundays petticote.*

*Item I doe geve unto Elizabeth Hampton my daughter Fortie shillings of lawfull English money to be paid unto her within Two yeares and halfe next after my deceasse.*

*Item. I do geve more to the said Elizabeth Hampton my daughter my best gowne my best hat my Taffety Apron and my best lawne Ruffe*

**Elinor Smithsend (b.1579/80)**. The daughter of Nicholas and Joan. She was christened in Tewkesbury on the 8th February 1579/80.<sup>42</sup>

Elinor married Henry Mason. Henry was an overseer of her mother's Will in 1620.

Elinor was left some bequest in her mother's Will of 1620.

*Item. I doe geve and bequeath unto Elinor Mason my daughter Fower pounds of lawfull money of England to be paid unto her within two yeares & halfe after my deceasse.*

*Item I doe geve more to the said Elinor Mason my daughter my best petticote my best smock petticote and my second best Ruffe.*

Henry and Elinor had a son Henry Mason.

**Nicholas Smithsend (1587-1627)**. The son of Nicholas and Joan. He was christened in Tewkesbury on the 26th December 1587.<sup>43</sup>

Nicholas was mentioned on a document of 20th November 1611 exchanging lands between Gyles Reede, Nicholas Smithsend, Thomas Edwards, Richard Hirl and John Jeynes

In 1612 Nicholas was an Overseer (along with his father) for the Will of John Hampton .

Nicholas was mentioned on a lease for some lands in Walton Cardiff, Tredington, Northway and Tewksbury (possibly in 1613). This involved; his father Nicholas Smithsend the elder of Walton Cardiff Yeoman, Nicholas and Thomas Smithsend (his brother). The lease also mentions Joan wife of Nicholas Smithsend the elder and Elizabeth the wife of Nicholas Smithsend the younger. The witnesses were Henry Mason and George Whitledge.<sup>44</sup>

Nicholas married Elizabeth Greeves (c.1587-1643) in 1613. The Inquisition Post Mortem says this was in Walton Cardiff but the Chapel was not built until 1658. Her father was John Greeves of Fiddington, a yeoman, who was apparently quite wealthy as he provided a dowry of £260 for the marriage.

Nicholas appeared on a document of 15th June 1615.<sup>45</sup>

*(1) Charles Thornberrie (son and heir of William Thornbury of Tewkesbury deceased)*

*(2) Nicholas Smythsend (son of Nicholas Smithsend late of Walton Cardiff)*

*Tithes of Hay out of Lachmoore als Lachemere and Tull-Meadow als. Tirlle meadow in Tewkesbury.*

*Witnesses: Thomas Greene John Peice, Nicholas Edwardes*

In 1618 Nicholas was involved in a High Court action with others about the right and title of tithes around Tewkesbury.<sup>46</sup>

*Fulk Read v. Sir Francis Popham, Knt., John Nanfan, Nichs. Smithesend, Geo. Morrey, senr., Thos. Hilley, John Ray, Edwd. Toney, James Garrett, Robt. Cole, Thos. Mann, Chas. Jeynes.: Right and title to the tithes of pasture and other lands called Tewkesbury Park, The Southams, Sedgleys, Calcey Mead, Hindmead, Holme Hill, Perry Hill, &c.; whether they are within the tithing of Southwick. Touching also the tithes of Oxenton, Pamington, Aston-upon-Carrant, Aschurch, Northey, Nuton, Natton, Fiddington, Tredington, Walton, Cardiff, Gupshill.*

Nicholas was listed on a subsidy roll for Walton Cardiff of 1620/21; assessed for tax at £2 5s 4d.<sup>47</sup>

Nicholas Smithsend was involved in a case William Hitches, at a church consistory court, possibly the same William Hitches who was a Bailiff of Tewkesbury in 1609.<sup>48 49 50 51</sup>

In 1626 William Hitches, farmer of the rectory of Tewkesbury used the church court to protect a payment of six pence in lieu of a 'chrisom cloth' for every child christened in the Parish.

In the 1620's Nicholas Smithsend refused to make any payment, claiming that the chrisom was a 'relique of popery and superstition'.

The court not only excused Smithsend from payment of the fee but also, rarest of rarities, abolished a source of ecclesiastical revenue.

#### *Hitches v Smisens*

*Imprimis quod mensibus (March to March, 1617 to 1626 and March to May, 1627), William Hitches [received payment in lieu of Chrisom cloth].*

*[Item] That is for these 10, 20, 30, 40, 50 and 60 years last past and before and since and for tyme out of minde there hath bin and yet is a laudable custome observed and kepte within the foresaid parish of Tewxburye and within the titheable places thereof that evrie Parishioner and Inhabitant of the said parishe that heretofore hath had or hereafter shall have any childe or children christened and baptised in the foresaid parishe of Tewxburye ought to paie to the parson or Impropraiacion of Tewxburye for the time being or to his or her lawful farmer or deputie for the time also beinge the some of sixe pence of currant English moneye for and in lieu of a Chrisome clothe for every childe that pretofore hath bin or hereafter shall be Christened and baptised in the said parish whiche some of sixe pence for and in lieu of such Chrisome cloth soe to be paide as aforesaid for all the time aforesaid hath bin accordingly paid to the parson or proprietary of the aforesaid Rectory or Impropraiaton of Tewxburye aforesaid or to his lawful farmer or deputy for the time being and they accordingly for all the time aforesaid have quietly and peaceably had received and enjoyed the same. And so hath the foresaid William Hitches had and received the same alsoe ever since his being farmer there as aforesaid usquad tempus gravaniumi- infra scriptora and soe ought to doe for ever hereafter - ponit et supra.*

*Item that Elizabeth Smisens the daughter of Nicholas Smisens the defendant in this cause was baptised in the foresaid parishe of Tewxburye the twenty eight day of February Anno domini 1618. And John Smisens the son of the said Nicholas was baptised in the said parishe the eighth daye of Aprill Anno dni 1621. And Joseph Smisens the son of the foresaid Nicholas Smisens was baptised in the said parishe the Twentye three daye of November Anno D 1623. And Richard Smisens the son of the foresaid Nicholas Smisens was baptised the thirde daye of Aprill AD 1625 last paste. And by the custome aforesaid there is due and to be paid to the plt in this cause by the aforesaid Nicholas Smisens sixe pence a piece of currante Englishe money for and in lieu of a Chrisom clothe for eache and everye of his said fower children in this article formerly named - ponit et supra.*

*6) Item quod presatus Nicholas Smisens ante hauc -teni mora sepuis sin saltem somes, rogatus et requisitus fuit at solvenda- presato William Hitches cespti sive sixe pence a peace of currant English*

money for and in lieu of a Chrisome clothe for eache and every one of his former children according to the custom aforesaid or att leastwise to compoude with him for the same.

Defence of Nicholas Smithsend[?]

*Item: Interitur quiet testes what degree of kindred he or she is to the partie -d-ucent whether he or she is taxed in the subsodie what ---est witness is worth in ---goods his or her debts payed which of the parties he or she most favours in this suit, whether he or she is indebted to the partie educent and how much and what --- hath received or is [pro?]missed for to come to dispose in his cause and at whose request et fiat et supra.*

*Item interitur quiet testes ---ise what a Crysome cloath hath bin and is as he or she doe know or has credibly heard, whither he or she hath heard and doe know that within the time of his or her remembrance a Crysome Cloath was a cloath layd on a child with a badge or great Crosse made uppon the same in some parte thereof to be seene in coulens either in velvet satten or silke in some different Coulens from the Cloath, and used onlie in the time of popery and superstition and which he the witness do know or hath heard that in the time of poperie and superstition the same had his beginning originall and contumance. And whether such the abolishing of popery and superstition out of this Realme of England the sd Crysome cloth, with a great crosse made or fixed thereupon, hath ben left of and relinquished as an abolished refrane of popery for many years last past, according to the laws of this land. Et fiat ut supra them interrogetur quiet testes ---tense whither he or she hath credibly heard that in the time of superstition and popery a cresom cloath with a crosse thereupon laid on a child that was to be christened at the parish church of Tewkesbury was paid to the minister of the sd parish Church in his proper kind and whither the said witness doth know or remember that the sd Crysom Cloath was in ---eire time paid in kind et fiat et supra.*

*Item interrogate quiet testes per-tense- whither the sd witness hath known in his or her time 4d hath been paid in lieu of the sd crysom cloth and sometimes 6d and yet some have paid nothing that hath said -eire children christened and that sometimes the said cloath as aforesaid hath been pd in kind and let the witness declare ye truth by vertue of his oath.*

Nicholas signed a document about the marriage of Elizabeth Greenwood and William Hitches in April 1626.<sup>52</sup>

Re. Marriage of Elizabeth Greenwood, Widow and William Hitches

*Causa p-sonalia Nicholai Smithend allegaconi apud act vicesimo prius Aprilis 1626 ex pte Willimii Hitches hac curia fact sequitur.*

*Ad -cam allegaconedi - apud act fact quoad matrimonum allegat et solemnatu- inter Elizabetham Greenwood et - William Hitches in dca allegacone specificat rondit (qtr) credit dcosum Hitches et Elizabeth Greenwoode susisse et esse -ltimo matrimonio cominuc- uixta ritus Ealie - - -anglicand hut allegat Esqr esse vira- et uxore et elimos cominges ye tet- tempus in dra allegatone sperisicat. Et atr - referend se and (ro)desed Mrs Cleut hcuronis sui in hac c--- exhibit in dra allegacone speificat in Regro huiis Curie remainde - (que[?] roudsa credit essa vera) non credit dca allegacond ressa veram in aliquis.*

*Signed Nicholas Smithsend and another, illeg.*

[Note: William "Hitch" and Elizabeth Greenwood married at Forthampton Parish Church on 18 May 1612 (IGI)]

Nicholas made a Will on the 16th May 1624. This left all his estate to his son Nicholas and to his wife Elizabeth with gifts of money to the other children. The children mentioned in the Will were: Nicholas, Thomas, John, Elizabeth, Joseph and Richard. The overseers were Thomas Smithsend his brother, John Roberts his brother in law, and William Rayer his brother in law.<sup>53</sup>



Will of Nicholas Smithsend 16 May 1624

*In the name of God Amen. I Nicholas Smithsend of Walton Cardiff in the county of Gloucester being sick in body but God be praised of good and perfect memory do ordain and make my last Will and testament this XV1th day of May Anno Dom. 1624 in manner and form following:-*

*First I do give and bequeath my soul unto Almighty God my maker and redeemer and my body to be buried.*

*Item. I do give and bequeath unto the poor of Tewkesbury XXs and to the poor of Walton XXs to be distributed after my decease by the discretion of my overseers to those that are householders and are not able to relieve their families and not unto common wanderers that are professed beggars.*

*Item. I do give and bequeath to Thomas Smithsend my son and John Smithsend my son and Elizabeth my daughter Richard and Joseph my sons One hundred and twenty pounds equally to be divided amongst them to be paid when they shall attain the full age of XX1 years.*

*Any my will is that if Thomas my son or John my son or Elizabeth my daughter or Richard my son or Joseph or any one of them or more do happen to die before he she or they shall obtain such age that the one of them or more of their portions shall remain unto her or they that shall by living equally to be divided.*

*Item. I do give and bequeath unto Thomas Smithsend John Smithsend Elizabeth Smithsend Richard Smithsend and Joseph Smithsend my sons for raising of portions for my aforesaid children all the lands which I hold by lease unto me my executors administrators and assigns for many number of years yet to come lying and being in Walton Cardiff or elsewhere now in my occupation or my assigns. All such lands meadows and pastures are known where they lie by certain deeds of exchange made by Gyles Reade Esquire and others to Nicholas Smithsend my father. To have and to hold unto my aforesaid children until my son Nicholas shall attain the full age of Twenty and one years equally to be divided amongst them.*

*Also my will is that Nicholas my son shall happen to die before he shall attain the full age of twenty and one years that then my son Thomas shall have no benefit by this gift which is in lands or leases bequeathed unto him and others of my aforesaid children.*

*And also my will is that if Thomas my son shall happen to die before he shall attain the full age of Twenty and one years that then John my son and Elizabeth my daughter or Richard or Joseph or any or all of them that shall then be living shall hold all those messuages tenements lands meadows and pastures tithes and commons and leases until my son Thomas shall attaine the full age of twenty and one years and that my son Thomas shall have no benefit by this gift which is in lands meadows and pastures and leases bequeathed unto him and others.*

*Also my will is that if Thomas my sonne shall happen to die before he shall attain the full age of Twenty and one years that then my son John shall have no benefit by this gift which is in lands and leases bequeathed unto him and other of my aforesaid children.*

*Also my will is that if I have any more child or children by Elizabeth my wife that then his hers or theirs portion shall be equally out of the lands meadows or pastures leases or in money bequeathed to my aforesaid children.*

*Item. I do give and bequeath unto Nicholas my son the one half of all my lands meadows and pastures tithes and commons with all houses buildings edifices orchards gardens and backsides after my decease and when he shall attain the full age of twenty and one years for and during his natural life and after his decease to the issue male of his body lawfully to be begotten for ever.*

*And I do also after the decease of Elizabeth my wife bequeath the other half of all may lands meadows and pastures tithes and commons with all houses buildings edifices orchards gardens and backsides with all their appurtenances unto Nicholas Smithsend my son during the time of his natural life and after his decease unto the issue male of his body to be begotten for ever.*

*And for default of such issue unto my son Thomas Smithsend for and during the time of his natural life and after his decease unto the issue male of his body lawfully to be begotten for ever. And for default of such issue unto John Smithsend my son for and during the time of his natural life and after his decease unto the issue male of my body to be begotten of Elizabeth my wife for ever. And for default of such issue unto the issue male of my body to be begotten of any other woman lawfully for ever. And for default of such issue unto the heirs female of the body of my son Thomas lawfully to be begotten for ever. And for default of such issue unto the issue female of the body of my son John lawfully to be begotten for ever. And for default of such issue unto my son Nicholas Smithsend my son and his heirs for ever.*

*Item. I do give and bequeath unto Nicholas Smithsend my son all my lands meadows and pastures what I have in exchange and hold by lease for many number of years yet to come to my executors and assigns so long as I have issue male of my body lawfully begotten or to be begotten. I do bequeath them all unto Nicholas my son after my decease and when he shall attain the full age of twenty and one years during the time of his natural life. And afterwards his executors and assigns if he have issue male of his body lawfully begotten.*

*Excepting one lease made to John Ferrers and John Geynes to the use of Elizabeth my wife in lieu of her jointure. And for default of such issue male of Nicholas my son unto Thomas my son after my decease and when he shall attain the full age of twenty and one years for and during the time of his natural life and afterwards to his executors and assigns if he have issue male of his body lawfully begotten. And for default of such issue unto my son John for and during his natural life and after my decease when he shall attain the full age of twenty and one years and afterwards to his executors and assigns if he have issue male of the body lawfully begotten.*

*And for all the remainder of Goods Chattels and Cattles unbequeathed my debts and legacies being paid and funeral expenses being discharged I do give and bequeath unto Elizabeth my wife whom I do make my whole executrix of this my last will and testament.*

*And my will is that Thomas Smithsend my brother and John Roberts my brother in law and William Rayer my brother in law my beloved friends whom I do trust I do make my overseers of this my last will and testament that they and either of them do get and let those leases and employ the stock and benefit thereof unto the only use and behoofe of my youngest child or children equally to be divided when they or either of them shall attain the full age of twenty and one years.*

*And my will is fater that those my overseers shall take bonds of my executrix for the payment of £120 when my child or children shall attain the full age of twenty and one years and that those bonds be taken within one month after my decease and for their pains therein to be taken I do give them [ --- ] a piece.*

*Dated: XV1th day of May Ann. Dom. 1624*

In the period 1626 to 1627 Nicholas appeared as a juror at several Inquisition Post Mortems. These were inquiries held whenever a tenant in chief died. A tenant in chief held their estates directly from the Crown and on their death the estate was temporarily held by a local official called an Escheator who summoned several local inhabitants to testify to the value, services and title of the estate of the deceased. The estate usually passed to the heir. Nicholas appeared as a juror at the following inquisitiones in Tewkesbury.<sup>54</sup>

*Richard Haynes, 1st March 1626  
John Wakeman, 1st March 1626  
Barnard Dobbins, 21st March 1626  
Henry Hale, yeoman, 24th March 1626  
Elizabeth Lady Craven, 12th March 1627*

At the Inquisitions on the 1st of March the juror was recorded as 'Nicholas Smith snr' but this was probably a mistake for Nicholas Smithsend.

Nicholas died on Christmas day 1627 and was buried in Tewkesbury Abbey where there is a flat stone memorial inside the church.

*Here lyeth the Body of  
Nich. Smithsend, of Walton Cardiff  
who died Dec. 25 1627.  
Elizabeth, his Wife,  
died April 2nd. 1643.  
Thomas, their son, died  
April 18, 1665, Aged 48.  
Mary, Wife of John Lyes.  
and Daughter of Thomas and  
Ann Smithsend, died Sept. 9th, 1719  
Aged 58*

An Inquisition Post Mortem was held in April 1628.<sup>55</sup>

*Inquisition Post Mortem Nicholas Smithsend, of Walton Cardiff, yeoman - 1628*

*Inquisition taken at Tewkesbury, 9th April 4 Charles I [1628] before Richard Guy, esq., escheator, after the death of Nicholas Smithsend, late of Walton Cardiff, yeoman, by the oath of Thomas Mayd, Thomas Ward gentleman, Thomas Surman, Charles Cartwright, Charles Bick William Haynes John Purse John Jurden, John Edwarde, Henry Edwardes Thomas Yend Henry Hatton, John Fynch Richard Olliffe, and Thomas Rayer who say that:*

*Nicholas Smithsend, senior, father of the said Nicholas Smithsend, was seised of one messuage with appurtenances in which he was then living, situate in Walton Cardiff, and 3 virgates of land to the said messuage belonging, lying in Walton Cardiff, Fiddington Tredington, Northway, and Tewkesbury, with all houses, buildings, orchards, meadows, woods, tithes etc., to the same belonging.*

*So seised, the said Nicholas Smithsend senior, by indenture dated 4th May, II James I [1613] and made between himself of the one part, and John Greeves of Fiddington, yeoman, and John Ferrers of Fiddington, gentleman, of the other part, in consideration of a marriage to be had between the said Nicholas Smithsend junior, and Elizabeth Greeves, eldest daughter of the said John Greeves, and in consideration of the sum of £260 paid by the said John Greeves for the marriage portion of the said Elizabeth, and, in lieu of her dower granted to the said John Greeves and John Ferrers the moiety of the said premises to hold them immediately after the death of Nicholas Smithsend junior for 80 years (if the said Elizabeth so long should live) upon trust, to permit the said Elizabeth to enjoy the premises during her life, and to take the issues and profits of the same, paying thereof yearly to the said Nicholas Smithsend one penny at Michaelmas if demanded. By virtue whereof the said John Greeves and John Ferrers were possessed of the said term.*

*Nicholas Smithsend, senior, by indenture dated 7th May, II James I [1613], made between himself of the one part, and Thomas Edwardes of Walton Cardiff, yeoman, and George Whitledge of Tewkesbury, tanner, of the other part, in consideration of the marriage abovesaid, and of the sum of £260 paid by the said John Greeves, and for other considerations, sold and granted to the said Thomas Edwards and George Whitledge all the premises aforesaid: to hold them to the uses following, to wit, as to one moiety of all the premises to the use of Nicholas Smythsend, senior, for life, and for the whole year next after his decease, and afterwards to the use of Nicholas Smithsend, junior, and his heirs male; for default, to the use of Thomas Smithsend, another son of the said Nicholas Smithsend, senior, and his heirs male for default, successively to the use of the heirs of Nicholas Smithsend, junior, of the heirs of Nicholas Smythsend, senior, and of Nicholas Smythsend, junior, and his Smithsend, junior, and his heirs by the said Elizabeth; for default to the use of the said Nicholas Junior in tail male; for default, to the use of the said Thomas Smithsend and his heirs male; for default, successively to the use of the heirs of Nicholas Smithsend, junior, of Nicholas, senior, and of the heirs of Nicholas junior. By virtue whereof, and by force of the Statute of Uses, the said Nicholas, senior, and Nicholas, junior, were respectively seised of the premises.*

*On the 30th day of May, II James I [1613], at Walton Cardiff, the said Elizabeth married the said Nicholas Smythsend, junior. All the premises aforesaid are held of the King in chief by knight's service,*

*but by what part of a knight's fee the jurors know not, and are worth per annum, clear 80s. Nicholas Smythsend, senior, died at Walton Cardiff, 22nd September 12 James I [1614], and Nicholas Smythsend, junior, died there 25th December last past; Nicholas Smythsend is his son and next heir, and at the time of his father's death was aged 12 years 6 months and 21 days.*

*The said Elizabeth still survives at Walton Cardiff*

A virgate was 30 acres of land scattered among the common field of the manor. Seized means legal possession with occupation.

For Elizabeth there were also apparently several legal matters to deal with at her husband's death in 1627 as their son was a minor when he inherited as tenant-in-chief and Elizabeth must have been acting for him when she appeared on a grant of Wards and Liveries on the 6th July 1628.

Elizabeth agreed a Bond with a William Dalby of London, Merchant on the 20th July 1632.<sup>56</sup>

Elizabeth made a Will in March shortly before she died on the 2nd April 1643 and was buried in Tewkesbury Abbey with her husband.<sup>57</sup>

#### *Will of Elizabeth Smithsend - 1643*

*In the name of God Amen. XXVIIJ" daie of March Anno domini 1643 in the XIXth yeare of our soveraigne Lord Charles by the grace of God of England Scotland Franncce and Ireland Defender of the faith. I Elizabeth Smithsend of Tewkesburie in the Countie of Gloucester widow being weake in body but in good & perfect remembrance, all laud and praise be given to the Lord therefor, I doe ordaine and make this my last will and testament in manner & forme following that is to saie.*

*First, and principally I yeld & comend my soul to God my creator & maker and to Jesus Christ my saviour and redeemer by whose precious death merrits & passion I hope to be saved and my body to be buried in Chrisital buriall.*

*Item. I doe geve and bequeath all my free lands which I have situate lying and being in Homesdowne Alias Hamond Downe in the parish of Ashchurch in the County of Gloucester unto Nicholas Smithsend my sonne and to his heires executors and assignes for ever.*

*Item. I geve and bequeath unto Elizabeth Smithsend my daughter the full summe of two hundred poundes to be given unto her within one month next after my decease.*

*Item. I doe geve bequeath more unto the said Elizabeth Smithsend my daughter all my wearing apparell my best Fetherbed and my best two fether pillowes [ --- ] pillow sleeves on [ --- ] flock bed and one flock boulder my best coverlitt. One greene rugge my best [ --- ] curtanes tow paire of my best blankitts one dosen and halfe of my best table napkins my best [ --- ] table cloth one paire of sheetes laced thereon the middle two paire of my flaxen sheetes three paire of hempen sheetes my brewing kettle my biggest bras potte half a dosen of my best pewter dishes half a dozen [ --- ] one presse one chest one Trunk on save and one Faice cloth my warming pan one Carpit and half a dozen of my best quishons.*

*Item I doe geve & bequeath unto John Smythsend my sonne the full summe of one hundred pounds to be paid unto him at in or before the Third daye of Maye in the year of our Lord 1644.*

*Item. I doe geve & bequeath unto Richard Smithsend my sonne the full sume of one hundred and fiftie pounds to be paid unto him in manner and forme following that is to be paid Twentie pounds within one month next after my decease Fowerscore pounds more upon the first upon the first daie of November next ensuing the date hereof and fiftie pounds in and upon the Chrisday [ --- ] which shall be in the yeare of our Lord God 1644.*

*Item, my will & mind is that the Remynder of all the [ --- ] not before geven and bequeathed shall be equally devided amongst my Three Sonnes Thomas Smithsend, John Smithsend and Richard Smithsend.*

*Item. I doe geve & bequeath to the poore XXs. The rest of my goodes cattels and chattels not before geven and bequeathed my debts being payd and my funerall expenses defrayed I doe geve and bequeath unto my said sonne Thomas Smithsend whome I doe ordaine & make my whole and sole Executor of this my last will and testament.*

*Lastlie I doe desire my beloved brother in lawe Robert my beloved kinsman John Edwardes and my said sonne Nicholas Smithsend to be my overseers of this my last will and testament. In wittness whereof I have hereunto put my hand and seate the said day above written.*

*Signed sealed & published in the presence of us John Edwardes [ --- ]*

Nicholas and Elizabeth had several children.

## **5. Children of Nicholas Smithsend (c.1587) & Elizabeth Greeves**

**Elizabeth Smithsend (1618-1665).** The daughter of Nicholas and Elizabeth. She was baptised in Tewkesbury on the 28th February 1618/19.<sup>58 59</sup>

Elizabeth married John Higgins of Tewkesbury in about 1640. We think that they did not have any children as none are mentioned in their Wills.

Elizabeth made a Will on the 22nd June 1665 and died on the 2nd July 1665. Probate was granted on the 19th July 1665. She left properties, money and household items to the children of her brothers Richard, Thomas and John Smithsend.<sup>60</sup>

### Will of Elizabeth Higgins - 1665

*In the name of God Amen. the two and twentieth day of June Anno Domini One thousand six hundred and sixty five in the seaventeenth yeare of the reigne of our soveraigne Lord Charles the second by the grace of god King of England Scotland France and Ireland defender of the faith &c. I Elizabeth Higgins of Tewkesbury in the County of Gloucester widow being weake in body butt of perfect memory and understanding praised by god therefore yett considering how uncertain the tyme of death is doe therefore make and ordeyne this my last will and Testament in wryting.*

*First I give and bequeath my soule into the hands of Almighty God trusting to be saved by the meritts death and passion of his deare and beloved sonne Jesus Christ my only Saviour and Redeemer. And as touching my worldly estate I give and bequeath as followeth.*

*Alsoe I give and bequeath to Richard Smythsend sonne of my brother Thomas Smythsend and his heires and assignes for ever All that one third parte in three partes to be devided of all those my three messuages or tenements pigeon house gardens orchards backsides howse and outhowse buildings barnes and stables with their & every of their appurtenances together with one yard land thereunto belonging scytuate lying and being in Oxendon in the said County of Gloucester now in the several tennencies or occupacons of Elizabeth Portlogg widow, John Yeates, William Brittainne and Isaack Barker or some or one of them commonly called or knowen by the several names of Oxendon Inn, Yeates tenement, and Brittainne Tenement or by what other name or names the same or any or other of them now are or have been called distinguished of knowen and the revercon and revercons remainder and remainders of the said third parte of the said premisses. To have and to hold the said thirde parte of the said messuages or tenements pigeon howse yard land and premisses with thappurtenances unto the said Nicholas Smythsend his heires and assignes for ever. To and for the only use and behoof of the said Nicholas Smythsend and of his heires and assignes for ever.*

*Alsoe I give and devise to my Nephew John Smythsend sonne of my brother John Smythsend and his heires and assignes for ever One other thirde parte in the three partes to be devised of all and singular the said Messuages of tenements pigeon howse edifices buildings barnes stables gardens orchard courts yards backsides yard and premisses with thappurtenances and the revercon and revercons remainder and remainders of the said last mentioned thirde parte. To have and to hold the said last menconed third parte in three partes to be devided of the said messuages or tenements Pigeon howse howses edifices buildings courtes yarden backsides gardens orchard yard land and premisses with thappurtenances unto my said Nephew John Smythsend his heires and assignes for ever. To and for the only use and behoof of my said Nephew John Smythsend and of his heires and assignes for ever.*

*Alsoe I give and devise to Conway Smythsend second sonne of my brother Richard Smythsend and his heires and assignes for ever One other third parte in three partes to be devided of all and singular the said Messuages or tenements Pigeon howse howses edifices buildings barnes stables gardends orchard courtes yarges backsides yard land and premisses with thaappurtenances and the revercon and and revercons remainder and remainders of the said last menconed third parte of the said premises. To have and to hold the said third parte in three partes to be devided of the said Messuages or tenements Pigeon howse howses edifices buildings courtes yard backsides gardens orchard yard land and premisses with thappurtenances unto the said Conway Smythsend his heires and assignes for ever. To and for the only use and behoof of the said Conway Smythsend and his heires and assignes for ever.*

*Alsoe I give and bequeath unto Anne Smythsend and Mary Smythsend daughters of my brother Thomas Smythsend Fifty pounds apeece of current English money to be paid unto them as they shall accomplish their severall and respective adges of One and twenty yeares or be marryed which shall first happen together with the interest and encrease thereof from and after my decease. And if it shall happen that if either of the said Anne or Mary Smythsend shall dye or depart this life before they shall attain to the adge of One and twenty yeares or be marryed That then the porcon of either of them doe dyeing shall remaine to the survivor of them the said Anne or Mary together with the interest benefitt and encrease thereof. And if it shall happen that both of them the said Anne and Mary shall dye before their said legacyes shall respectively become due then my will and meaning is that the legacyes or porcons of the said Anne and Mary amounting in the whole to One hundred pounds shall be paid to Nicholas Smythsend brother of the said Anne and Mary together with the interest benefitt and encrease thereof att such tyme as hee shall attain the adge of one and twenty yeares or be marryed.*

*And I do alsoe hereby declare and my will and meaning is That the said some of One hundred pounds shall be payed to my sister in lawe Anne Smythsend widdow Mother of the said Anne and Mary within siz monethes next after my decease soe as my said sister in Lawe Anne Smythsend shall give unto My Overseers of this my will hereafter named sufficient security for the true payment of the same legacyes or porcons to the said Anne and Mary together with the interest and benefitt thereof att the tyme aforesaid. And my Executor hereafter named a sufficient release or discharge in wrytinge touching the saide legacyes last mentioned which release shallbe a good and sufficient discharge to my Executors concerning the same.*

*Also I give and bequeath to Susanna the daugther of my brother John Smythsend Fower score pounds of current English mony. Alsoe I give and bequeath to Sarah daughter of my said brother John Smythsend Twenty pounds of current mony to be paid to them within six months next after my decease.*

*Alsoe I give and bequeath to Richard Smythsend Elizabeth Anne and Nicholas Smythsend sonnes and daughters of my brother Richard Smythsend Tweny five pounds apeece of current mony to be paid to them within siz moneths next after my decease. And if any or other of them the said Richard, Elizabeth Anne and Nicholas shall dye before the payment of the said legacy that then the legacy or porcon of any or other of them soe dyeing shall remaine amongst the survivor or survivors of them.*

*Alsoe I give and bequeath to Elizabeth daughter of my brother Nicholas Smithsend five poundes of current mony.*

*Alsoe I give and bequeath to the said Elizabeth daughter of my said brother Nicholas two paire of flaxen sheets one Flaxen tablecloth one dusson of Flaxen Napkins to be paid and delivered to her within six monethes next after my decease.*

*Alsoe I give and bequeath to Mr John Dobbins the elder of Tewkesbury aforesaid Twenty poundes of current mony to be paid with six monethes next after my decease.*

*Alsoe I give and bequeath to John Hale and Anne Bignell both of Tewkesbury aforesaid Fifty shillings apeece of current mony to be paid them within six monethes next after my decease.*

*Alsoe I give and bequeath to the said widow Portlugg Twenty shillings of current mony. Also I give and bequeath to Walter Portlugg Twenty shillings of like mony. Alsoe I give to Elizabeth Portlugg Twenty shillings.*

*Alsoe I give to Richard Smythsend of Tewkesbury Labourer Twenty shillings of current mony.*

*Alsoe I give and bequeath to Joseph Cowley in the parish of Ashchurch Labourer Twenty shillings of current mony.*

*Alsoe I give and bequeath unto my kindesman William Rayer Twenty shillings of current mony.*

*Alsoe I give and bequeath to Mary the wife of John Harding of Tewkesbury aforesaid Innholder the some of Forty shillings of current mony.*

*Alsoe I give and bequeath to Samuell Harding the sonne of the said John Harding Twenty shillings.*

*Alsoe I give and bequeath to Elizabeth the daughter of George Cotton of Tewkesbury aforesaid Tenn shillings of current mony.*

*Alsoe I give to Hester the wife of Thomas Sweet of Tewkesbury aforesaid tenn shillings.*

*Alsoe I give and bequeath to Thomas Priddy and Katherine Baldwyne my servants Twenty shillings apeece of current money.*

*Alsoe I give and bequeath to my kindesman Isarell Shawe Twenty pounds of current mony.*

*Alsoe I give and bequeath to my Cosen Mary Bound in the parish of Upten upon Seaverne in the County of Worcester Five poundes.*

*Alsoe I give and bequeath to Susanna daughter of my said brother John Smythsend the bedd and beddstead in the great Chamber and the purple Curtaines and valaines and all other thinges thereunto belonging. Alsoe I give and bequeath to the said Susanna three paire of my largest flaxen sheets one dusson of dyaper Napkins one dyaper table cloth six redd leather chaires and two purple stooles.*

*Alsoe I give and bequeath to Anne daughter of my said brother Thomas Smythsend the feather bedd and beddstead in the kitchin chamber and the redd Curtaines and valaines and all othe things thereunto belonging and alsoe one Cubbard cloth and the two redd stooles.*

*Alsoe I give to Elizabeth daughter of my brother Richard Smythsend the beddsteed in the Chamber over the great Chamber and the bedd in the Chamber wherein I now lodge and the greene Curtaines and valaynes and all other things thereunto belonging and the cubbard cloth and Cushion belonging to the same chamber.*

*Alsoe I give and bequeath all the rest of my lynnyn wollen brasse pewter and all other my howsehold stuffe whatsoever not formerly disposed of unto the daughters of my brother Thomas Smythsend my brother John Smythsend and my brother Richard Smythsend to be equally devided betweene them. All which said last menconed somes of mony or legacyes and howsehold stuffe my is shall be payed and delivered to the severall legatees before named within six monethes next after my decease.*

*Alsoe I give and bequeath to the pore people of the parish of Tewkesbury Five poundes and to my pore neighbours of Tewkesbury aforesaid Forty shillings of current mony to be distributed with one moneth next after my decease att the discrecion of my Executors.*

*Alsoe I give and bequeath unto the said Susanna daughter of my said brother John Smythsend her Executors and assignes all my estate right title interest tearme of yeares clayme or demand whatsoever in or to one half acre of pasture grounde lying in the Oldbury field in Tewkesbury aforesaid To have and to hold the said parcell of pasture ground with thappurenances unto the said Susanna Smythsend her Executors and assignes from and immediately after my decease unto thend & terme of Twelve yeares next ensueing to be compleat & ended.*

Alsoe I give and bequeath to Anne Smythsend daughter of my said brother Thomas Smythsend All that tenement with thappurtenances lying in Tewkesbury aforesaid in a Lane there called Howell Lane in occupacon of one George Wyniall and all my estate right title interest tearme of yeares clayme and demand whatsoever in and to the said Anne To have and to hold the said Tenement with thappurtenances unto the said Anne Smythsend her Executors and assignes from & immediately after my decease unto thend & tearme of Twelve yeares then next following.

Alsoe I give and bequeath the said Richard Smythsend sonne of my said brother Richard Smythsend All that my Tenement with thappurtenances lying in Tewkesbury aforesaid in the said lane called Howell Lane next to the river of Avon now in the occupacon of John Cooke And all my estate interest tearme of yeares clayme and demand whatsoever in and to the said last menconed tenement To have and to hold the said last menconed Tenement with thappurtenances unto the said Richard Smythsend the sonne his Executors and assigns from and immediately after my decease unto thend & tearme of Twelve yeares thence next ensueing.

Alsoe my will and meaning is and I doe hereby intend that my Executors shall within what convenient speed may be after my decease dispose of my howse in Tewkesbury aforesaid wherein I doe now inhabite and dwell for the tearme of Twelve yeares after my decease or for such tyme tearme or number of yeares which By the last will and Testament of John Higgins my late husband deceased is given or allotted unto mee and the mony thereby to be raised and all other sumes of mony due and owing unto mee over and above the Legasies before given and my funerall Expences My will and meaning is shall be equally divided betweene & amongst the Children of my brothers Thomas Smythsend John Smythsend Richard Smythsend share and share alike.

And alsoe I do give and bequeath unto my said Brothers John Smythsend and Richard Smythsend Thirty pounds apeece of Lawful mony of England to be paid with Six monethes after my decease.

And I doe hereby make Constitute ordaine & appoint my said brother John Smythsend and my said brother Richard Smythsend to be executors of this my last will and Testament and I do hereby revoke all former Wills and legacies & bequests by mee Formerly made or given.

And I do desire my Brother Nicholas Smythsend and Mr Conway Whitthorne of Tewkesbury aforesayd to be the Overseers of this my last will and to see the same duly pewrformed In every respect and doe give them Twenty shillings apeece for their paines. Alsoe my will and meaning is that my said Brothers John Smythsend and Richard Smythsend being executors of this my last will shall within six moneths next after my decease severally give unto my said overseers or the survivor of them of their executors or Administrators good and sufficient securitie [ --- ] sayd severall and respective Children of my sayd Brothers John Smythsend and Richard Smythsend before named.

In Witness whereof I the sayd Elizabeth Higgins have to this my last Will and Testament in Writing conteyning seven Sheets of paper put my Hand and Seale the day and yeare first above in these presents written.

Signed Sealed Published & Delivered in ye presence of: Richard Neaste, John Harding, John King

The marke of Elizabeth Higgins

The inventory shows that it was a very prosperours household.

#### Inventory of Elizabeth Higgins - 1665

A true & perfect inventory of the goods cattles & chattells of Elizabeth Higgins widow late of Tewkesbury in the county of Gloucester who deceased the 2nd of the instant July had taken & apprised by us whose names are hereunto subscribed.

Imprimis. for wearing apparell, 3 gold rings and money in the house: ..... £58

Item. in the Chamber over the haul one joyne bedstead a feather bed and bolser, rugg, valians & curtens & one table board, one side cupboard one presse, six chaires, 2 stooles and a mapp : ..... £12



*Item. In the greene chammbber one bedsteed a fether bed & a flock bed, valians & curtens with other appurtenances, a little tableboard a hanging presse, a chest, a side cupboard and cupboard cloth & 2 stools appraised at... £5*

*Item. in the Cocklofts a table board 2 bedsteeds, one flock bed, coverlids & 2 coffers appraised ..... £4*

*Item. In the Chamber over the Kitchin one bedsteed, curtens & vallens one fetherbed 1 bolster 1 coverlid one chaire 2 stooles & 5 trunks ..... £4*

*Item 20 pare of sheeetes, 6 dozen of table napkins, 8 tablecloths and other linen: ..... £2*

*Item. In the parlor one table board 4 chaires 8 stooles, a carpett, a cupboard cloth & 2 cushions appraised: ..... £2 10s*

*Item. In the haule one table board, one side cupboard, 3 chaires 6 stooles and 6 cushions, one carpett one cupboard cloth, a clock:..... £2 10s*

*Item. In the kitchin 2 small table boards 3 chaires, 4 brass potts 4 brass kettles a brass pan 2 skillets 2 warming pans, a pare of andirons a pare of racks, 4 spitts, 2 pare of tongs 2 firehovels, a bar & cheekes, a Jack 20 large pewter dishes 2 flaggons 5 candlesticks 2 pewter plates and other small pewter & tinn ware & old iron: ..... £10*

*Item. In the Cellar 10 barrells bigger & lesser 2 trams a table board a safe shelves & other trumpery:..... £1 10s*

*Item. for 32 wey of malt appraised: ..... £213 6s. 8d  
Item 24 tunn of wood & 1 peece of timber:..... £9 12s.*

*Item. one haire cloth on skreene, a bushell maltseenes & shovells appraised : ..... £1*

*Item. 4 cisternes, one furnace, a malt mill:..... £3 10s*

*Item. 2 cowles 4 skeeles 2 breufats payle, & other coppery ware: ..... 16s*

*Item. in the garden & backside a table board & benches, cole & other lumber: £1*

*Item. one silver boule: ..... £2 10s*

*Item. in debts owing: ..... £150*

*Item. a lease of the howse for 12 yeares: ..... £50*

*Item. for a deade yeare in the copyhold at Oxenton: ..... £20*

*Appraised the yeare and day above written by us Conway Whithorne, Robert Morris, Thomas Clarke.*

Elizabeth's husband John Higgins was born in about 1615 and married Elizabeth in about 1640. His father was probably the John Higgins who was buried in Tewkesbury Abbey on the 9th May 1625.

John was a Freeman and Maltster with a house in the High Street with six rooms and six hearths. Downstairs were the kitchen, parlour and hall, and upstairs a great chamber over the hall, a green chamber where all the furnishings in the room were green, and a chamber over the kitchen. John also owned the New Inn at Oxenton which was run by a tenant innkeeper.

John made a Will in 1661 and probate was granted on the 23rd June 1662. He left property and money to his wife's nieces and nephews, Susanna, Anne, and Richard. Nicholas Smithsend of Walton, his wife's brother, and Edward Jennings of Tewkesbury were his overseers.

John died on the 1st May 1662 and was buried with his wife in Tewkesbury Abbey.

*Hic facet corpus Johnis Higgins  
Generosi qui obit 9o fie Mai*

Anno Domini. 1625  
Johannes Higgins, Generosus  
Veracitatus ex animo cultor in  
Sepulchro paterno mortalitatis  
exuvicus hic deposuit  
Maii vicesimo primo, Anno Domini  
1662, Aetatis su aet 52

Will of John Higgins - 1661

*In the name of God Amen the twentieth day of March one thousand six hundred sixty and one. I John Higgins of Tewkesbury gent. in the County of Gloster being sick and weake in body but god be blessed in good and perfect memory doe make and ordayne this my last will and testament in manner and forme following.*

*First and principally I yelde my soule unto Almighty god my maker and creator and unto Jesus Christ my savioure and redeemer and my body to the earth from whence it came.*

*Item. I doe give and bequeath unto Elizabeth my now Wiffe dureing her life and twelve yeares my house that I doe now live in with all the gardens and oute houses thereunto belonging and lying in the high streete in Tewkesbury and afterwards unto Israell Shaw during his life and afterwards unto John Shaw and George Shaw and and theyre heyers: and for want of such heyers then unto John Manlie for ever.*

*Item. I doe give & bequeath unto Elizabeth my now wiffe during her life & twelve yeares my half acre liing in the Ouldburry & my two tenniments liing in Howells Lane with the gardens thereto unto belonging and afterwards I doe give unto Susanna Smithsend the daughter of John Smithsend the half acre lying in the Ouldburry for ever.*

*Item. I doe give unto An Smithsend the daughter of Thomas Smithsend the tenement with the garden that lieth next to the streete being in the occupacon of George Quinit for ever.*

*Alsoe I doe give unto Richard Smithsend the sone of Richard Smithsend the lower tenement with the garden liing next to Avon now in the Occupacon of John Cooke for ever.*

*Item. I doe give unto Elizabeth my loving Wiffe all my all Free land liing in Oxenton to her and her heyers for ever except two two tenements now in the occupation of John Yeates and otghers which I doe give unto my wiffe but only during her life and twelve yeares: and afterwards I doe give them unto Thomas New my kinsman and his heyers for ever.*

*Item I doe give unto John Beale of Tewkesbury and An Bignell his daughter fifty shillings apeece.*

*Item. I give unto Mary Boone my kinswoman the sume of twenty shillings to by her a ring.*

*Item. I give unto the minister that shall preach my funerall sermon the sume of forty shillings.*

*Item I give unto the pore of Tewkesbury the sume of five poundes to bee distributed according to the discesion of my Overseers within one moneth after my decease and I doe appoint my trusty and well beloved friends Mr Edward Jennings of Tewkesbury and Nicholas Smithsend of Walton my overseers of this my last will and Testament to see it performed and for theayer paynes therein I doe give them Twentie shillings apeece.*

*Item. for all the rest of my goods chattels not before bequeathed I doe give and bequeath unto Elizabeth my nowe wiffe whome I doe make my whole and sole executrix of this my last will and testament wheare unto I have put my hand & seale the date and yeare above written.*

*Published sealed and delivered in the presence of: John Hardinge, Richard Whittonne, Richard Morris his mark.*

*John Higgins*

**Joseph Smithsend (1623-c.1626)**. The son of Nicholas and Elizabeth. He was baptised on the 23rd November 1623 in Tewkesbury.<sup>61 62</sup>

Joseph was mentioned in his father's Will of 1624.

Joseph may have died as an infant as another Joseph was born in 1626/1627.

**Richard Smithsend (1625-1697)**. The son of Nicholas and Elizabeth. He was christened in Tewkesbury on the 3rd April 1625.<sup>63 64 65</sup>

Richard was mentioned in his father's Will of 1624.

In 1644 Richard signed the accounts of the Giles Geast charity in Tewkesbury as an overseer; he also signed as a Petty constable in 1651 and as Bayliff in 1665.<sup>66</sup>

Richard married Anne Whithorne (1629-1697) in about 1653. The marriage was recorded in the Herald's Visitation of Gloucestershire in 1680.<sup>67</sup> Richard's wife Anne Whithorne was born in 1629. Her father was Conway Whithorne who was born in 1588 and her mother was Elizabeth Man

Richard was elected as the Junior Bayliff on the 13th October 1665.<sup>68</sup>

*This day Mr Conway Whittorne and Mr Richard Smithsend are elected to serve the office of Bayliffs for the Burrough for the yeare ensueing.*

*Order that Mr Conway Whittorne be Lette att Liberty to pay 10 L for his fyne as high Bayliff or to keepe a feast.*

*It is also ordered that Mr Richard Smithsend be likewise lett att Liberty to pay a sum of 10 L as his fyne as Junior Bayliff or to keep a Banquet.*

They were sworn in on the 26th October.

*It is ordered that Mr Conway Whittorne and Mr Richard Smithsend being formerly elected be sworne accordingly as Bayliffs of this Burrough for the yeare ensueing.*

The following year Richard became a Justice of the Peace, this seems to have been a common custom in Tewkesbury.

#### 25 Oct 1666

*Edward Jennings and Phillip Hilly, Conway Whittorne and Richard Smithsend were elected Justices of the Peace for the ensueing year.*

#### Giles Geast Accounts - 1665

*The account of Phillip Hills Receiver of the rents and fees and profits of 22 houses and 22 gardines lying and being within the Towne of Tewkesbury and [ --- ] that in the year Anno Dom. 1558 were given and bequeathed by our worthy benefactor Gyles Geast sometime Bayliff of this town of Tewkesbury to the benefit of the poor of this town for ever. Account was made the last day November 1665 before Conway Whithorne and Richard Smithsend Gentlemen and now Bayliffs of the said Burrough and is noe year ending the 29th of September last.*

Richard was twice Bayliff of Tewkesbury in 1665 and 1677.

Tewkesbury traditionally had two Bayliffs rather than a Mayor so the position of Town Bayliff carried a lot of prestige. There was quite a celebration in 1665 when the bailiffs were appointed as the town records report.<sup>69</sup>

*The common council ordered, that the bailiffs and bailiffs elect, with chamberlain and town clerk, should repair to Clifford Chambers, on the 1st Nov. "and then and there lay claim to and make use of the privileges of hawking, hunting, fishing, fowling &c. within the manor of Clifford Chambers aforesaid,*

*appertaining to the bailiffs, burgesses, and commonality of the corporation;" and the expense thereof should be defrayed out of the public stock, provided it did not exceed £3.*

Anne's brother Conway Whithorne (also a Bayliff of Tewkesbury) often appears with Nicholas Smithsend (Richard's brother) on various documents and deeds.

Richard was elected senior Bayliff in 1677.

*Minutes of Common Council, 1677-82 (October? 1677)*

*Mr Richard Smithsend is elected Senior Bayliff for the yeare ensueing and is ordered to be sworne the day aforesaid. (Junior Bailiff was Mr Samuell Hawling).*

*The former Election of Mr Richard Smithsend and Mr Samll Hawling to be Bayliffs for the yeare ensueing is now confirmed. The said Mr Hawling doth hereby promise to pay unto the Chamberlayne of the Burrough for the time being the summe of Tenn pounds (in Lieu of a Banquett) within one month next ensueing. In witness whereof he hath hereto sett his hand.*

*Samll Hawling.*

*It is ordered by the motion of the Bayliffs elect that Edward Burroughs be Senior Sergeant and Edward Jeynes Junior Sergeant att Mace for the Burrough the yeare ensueing.*

On the 24th October 1678 Richard was elected as a Junior Justice.

*Mr Richard Smithsend and Mr Samuell Hawling elected Junior Justices for the ensueing year (Conway Whittorne and Mr Edward Phelps were to be Senior Justices).*

Richard was mentioned in the Tewkesbury burial registers in 1678 where several affidavits that people had been buried only in sheeps' wool were sworn before *Mr Richard Smithsend* who was described as a bailiff in 1678 and in 1679 as a *Justice of the Peace*.

At some point Richard 'disclaimed arms', that is, his claim was not proved or was allowed to lapse.<sup>70</sup>

In 1684 Richard's son Richard was apparently in debt and a John Wine bought a civil case against him, his father and Conway Whithorne (probably the brother of Richard's wife, Ann Whithorne) and others in the court of the Lord Chancellor in the court of equity.<sup>71</sup>

Richard Junior owned a half share in a ship called the *Thomas and Richard* and the other other half was left to John Wine in a Will - but John Wine claimed that this had been rendered worthless because most of the moveable items and rigging etc. of the ship had been sold by Richard Junior, or taken by others, to settle Richard's debts.

Richard died in 1697, aged 73, and was buried in Tewkesbury Abbey. He apparently died in Worcester and the exact date is not clear, possibly on the 21st September.<sup>72</sup>

*Here lyeth the Body of  
Anne, the Wife of Richard  
Smithsend, Gent. who deceased  
June 6, 1697, aged 68.  
And also here lyet h the Body of  
Richard Smithsend, Gent.  
Twice Bayliff of this Corporation,  
who died Oct. 18, 1697, aged 73*

Anne died on the 6th June 1697, aged 68, and was buried at Tewkesbury on the 8th June 1697.<sup>73</sup>

Richard and Anne had several children, several of whom, settled in London and the Smithsends living in London in the 18th and 19th centuries are descended from Richard and Anne. The Whithorne family had a house in London so perhaps this explains the London connection.

The descendants of Richard and Anne are described in a separate document.

**Joseph Smithsend (b.1627).** The son of Nicholas and Elizabeth. He was baptised on the 28th January 1626/27 in Tewkesbury.<sup>74</sup>

Joseph witnessed the Will of Jane Cant of Tewkesbury on 26th December 1675.<sup>75</sup>

**Nicholas Smithsend (1615-1697).** The son of Nicholas and Elizabeth. He was born in Tewkesbury on the 4th June 1615.<sup>76 77</sup>

Nicholas is mentioned in a document of 1635.<sup>78</sup>

*Thomas Beale may alienate 3 messuages in Stoke Orchard, Glos. to Thomas Surman, John Roberts and Nicholas Smithsend.*

Nicholas appeared on a document in 1638; a grant of general livery between Richard Guy, Escheator, and Nicholas Smithsend son of Nicholas Smithsend of Walton Cardiff deceased, dated 6th September 1638.<sup>79</sup>

Nicholas married Alice Holland (1625-1697) of Bricklehampton (a village a few miles from Tewkesbury) on the 10th of June 1642.<sup>80</sup>

Nicholas was mentioned on a document of 1643; an agreement between Nicholas, Francis Holland, and John Roberts dated the 10th October 1643.<sup>81</sup>

From about 1649 Nicholas was involved with a long running dispute between Tewkesbury and Walton Cardiff about whether Walton Cardiff was separate from Tewkesbury and whether Walton Cardiff residents were liable to the town taxes.<sup>82</sup> A Royal charter of 1610 had originally added Walton Cardiff to the town borough but local government had since been disrupted by the Civil War. In 1649 Nicholas acting as a Magistrate or Justice signed a legal paper which contained statements by those involved in the dispute who were not able to travel to London where an inquiry was underway. This may have been part of the general re-negotiation of the town charter which began in 1649. The dispute was still going on in 1661. The Victoria County history says that:<sup>83</sup>

*For 11 years without prejudice to legal action thereafter the inhabitants of Walton were to maintain their own poor and not pay rates to Tewkesbury and Fulke Reed and Nicholas Smithsend were to be reimbursed by a levy on Walton for what they had spent on the poor there in the preceeding year.*

*An agreement between the Bayliffs, Burgesses and Commonwealth of Tewkesbury and Fulke Reed of Walton Cardiff for himself and the inhabitants of the same place. To end inconclusive law suits it is agreed that for 11 years the inhabitants of Walton Cardiff shall find their own relief for the poor and repair their own highways. 18th August 1651.*

A document of 1653 mentioned Nicholas; a receipt from: *Henry Mason, cousin, to Nicholas Smithsend for money paid to him. 14th Day of November 1653. Sum: £13-6s.* This described how Henry Mason arranged for four of Nicholas's horses to be sent home when they escaped.<sup>84</sup> Henry was possibly a grandson of Nicholas' Aunt Elinor who married Henry Mason.

Nicholas was listed on a court exchequer order of 1653.<sup>85</sup>

Nicholas was mentioned on a licence in 1661.<sup>86</sup>

*The right honourable Francis Lord Cottington (master of his Highness court of wards and livery), and Sir Benjamin Rudierd (surveyor), to Nicholas Smithsend (son and heir of Nicholas Smithsend, deceased). Grant of livery and lands formerley of Richard Smithsend his father in Walton Cardiff, Fiddington, Northway and Tewkesbury, with value and extent attached 28th 13 Charles (1661).*

The court of Wards & Liveries administered money received by the monarch in respect of wardship, that is, the right to hold the estates of heirs of tenants in chief who were under 21. So this probably

related to the Inquisition post mortem of Nicholas' father in 1627. The court was abolished in 1660 so perhaps the licence was linked to this.

Nicholas was the overseer of the Will of John Higgins in 1662.<sup>87</sup> John Higgins was the husband of his sister Elizabeth.

Nicholas witnessed the Will of Abraham Griffin yeoman in 1663 and was also one of the overseers.<sup>88</sup>

Nicholas appeared on a document of 1665; a bond between Edward Hatch of Tewkesbury, yeoman and Nicholas Smithsend, Walton Cardiff, gentleman dated the 8th September 1665.<sup>89</sup>

Alice and Nicholas bought and sold some land in Defford and Croome in about 1669/70; they appeared in a list of Worcestershire 'Fines' .<sup>90</sup>

*1669/70 - Inter Willelmum Ganderton querentem et Willelmum Sheapard, Smithend Ayles, et alios defendentes in Defford et alliis.*

*1669/70 - Inter Nicholaum Smithsend qenerosum et alios querentes et Edwardum Mason et alios defendentes in Crome et alliis.*

Nicholas was listed on a document of 1675; a list of poor rate taxes. This was signed by Nicholas as a Churchwarden<sup>91</sup>

Poor rate for Walton Cardiff - 1675

1st May 1675

*The overseers books for the poore for the township of Walton Cardiff by the quarter for the year 1675*

Nicholas Newman .....	3s 0d
Mr Brent.....	1s 6d
Robert Marnsworth.....	3s 0d
Mr Dobbins for the woods .....	1s 10d
Nicholas Leyt.....	2s 8d
Mr Dobbins for MrAtkyns mead.....	0s 5d
Nicholas Smithsend.....	6s 0d
Nicholas Smithsend for Edwardes .....	1s 6d
Henry Lane?.....	1s 6d
Nicholas Smithsend.....	1s 6d
Mr Mee .....	1s 4d
Francis Gurnall for Lyles Meadow.....	0s 6d
Mr Dobbins .....	1s 8d
Thomas Berrow for [ --- ] and Gastons.....	3s 8d
Thomas Surman.....	1s 4d
Widow Jeenes.....	6s 0d
Francis Gurnall.....	0s 11d
William Humphrey .....	1s 7d
William Mayd .....	0s 1d
Robert Marnsworth.....	0s 1d
Ralph Jeenes .....	0s 1d
Joseph Layt.....	0s 1d
Widdow Jeenes for Mr Downings 's land .....	1s 3d
Clerk Parish?.....	2s 5d
Mrs Anne Brent .....	0s 1d
Francis Gurnall for Mr Anthony's closes.....	0s 1d

*Nicholas Smithsend - Churchwarden*

*Robert Marnsworth - Overseer*

*William Stratford, Richard Bayliss*

Nicholas appeared on a document of 1678; an agreement between Henry Moore of West Coker, Somerset, gentleman and Nicholas Smithsend of Walton Cardiff, dated in 1678.<sup>92</sup>

*A capital messuage and farm in Fiddington lately occupied by John Clutterbuck, gentleman, deceased and in the possession of John Lane of Fiddington, yeoman. With a close of pasture called Home Downs or Hammonds Downs (approx 11a). Sum: £1,150. Witnesses: Nicholas Smithsend Junior, Thomas Rawlings, Thomas Webb.*

The following documents also mentioned Nicholas:-

- Receipt naming Nicholas and his son of Walton Cardiff dated the 22nd March 1679.
- Receipt from John Daragavell and John Cary to Nicholas Smithsend dated the 20th October 1679.

Nicholas was involved in a dispute about land rights in 1680.<sup>93 94</sup>

*In September 1680 Nicholas Smithsend, a gentleman, gave evidence in a dispute between Robert Wriggan, curate of Walton Cardiff, and Thomas Jeynes, a gentleman of Tewkesbury. Smithsend based his discussion of rights in the fields of Walton Cardiff of his knowledge of 'a grant and settlement' made by his former neighbour Fulke Read, also described as a gentleman, to the College of All Souls, Oxford. The experience of landscape and its ownership was for Alston and Smithsend, inseparable from their experience as gentlemen sharing with other gentlemen a social world shaped by literacy and the language of the law.*

Nicholas appeared in two court cases; against John Millington for trespass and in an action against John Gostell John Driver and others.<sup>95</sup> The Millington family were merchants in Tewkesbury. A John Millington mercer left some money to an Anne Smithsend in his Will of 1681. *'I give to my cousin Anne Smithsend widow, twenty shillings to buy her a ringe'*.<sup>96</sup> Anne may be the wife of Thomas Smithsend (Nicholas' brother).

A 17th century land valuation for Walton Cardiff showed that a Nicholas Smithin owned land to the value of £60.00.<sup>97</sup>

The Tewkesbury Borough records in 1682 mention a suit described as: *for redeeming the Hamlett of Walton*. This may be something to do with the earlier suit (from 1649) about the status of Walton Cardiff.

Nicholas was listed on a receipt from Thomas Payton to Nicholas Smithsend for 15 shillings possibly for hire of a horse and carriage dated the 24th March 1692.<sup>98</sup>

Nicholas was recorded as an overseer of the Will of his Nephew Nicholas made in 1693/94. In the Will he was referred to as Nicholas Smithsend of Fiddington.

Nicholas made a Will in 1697 and died aged 82 on the 8th June 1697 and was buried on the 11th June 1697 *'in linen'*. His memorial is in St. Nicholas Ashchurch.<sup>99</sup>

*Here lyeth interred the Body of  
Nicholas Smithsend  
of Fiddington, Gent. who departed this  
Life the 8 Day of June, 1697, aged 82,  
who lived comfortable and happy with  
Alice his Wife, 54 Years and upwards.*

*Alice his Wife departed this Life  
the 16 day of June, 1697, aged 82*

Alice's father may be Francis Holland. A Theophilus Holland was mentioned on a bond with Anne Smithsend in about 1676 and a Samuel Holland was made a freeman of Tewkesbury in 1656 and was a prosperous merchant.<sup>100</sup>

Nicholas and Alice had several children.

**Thomas Smithsend (1616/17-1665).** The son of Nicholas and Elizabeth. He was baptised at Tewkesbury in February 1616/17.<sup>101 102</sup>

Thomas married Anne in about 1650. We do not know Anne's surname but she might be Anne Millington the cousin of John Millington, mercer mentioned in his Will of 1681/2. *'I give to my cousin Anne Smithsend widow, twenty shillings to buy her a ringe'*<sup>103</sup>

In 1644 Thomas was referred to as the second son of Nicholas Smithsend when he became a freeman of Tewkesbury.<sup>104</sup>

Thomas was a witness for the Will of John Wood, Mercer, of Tewkesbury in 1661.<sup>105</sup>

In 1662 Thomas was appointed to the common council of Tewkesbury after the current members were dismissed after an inquiry.

*1662 - On the 14th of August Lord Herbert, the Lord Lieutenant of the county, by virtue of an act of Parliament for regulating corporations came to this town and set aside ten of the common council and chose others in their stead.*<sup>106</sup>

#### Assembly of Common Council, 25 Aug 1662

*Order of Lord Herbert and others. The court appointed for regulating of Corporations deemed it "expedient for public safety" to order that Phillipp Surman, John Carver, William Neast, William Croft, John Batch, Thomas Clarke, William Hatton, Thomas Jeenes, Robert Biggin, John Croft, Bartholomew Reade, Henry Symonds and Richard Yarrow were removed from all office of Magistrary or places of Trust or other employment relating to or concerning the government of Tewkesbury and its borough. To be replaced by Conway Whithorne, Thomas Nanfan, Thomas Jeyne, John Mann, George Jeyne, Nicholas Steight, Richard Smithsend, Thomas Kings and Thomas Smithsend, Gent.*<sup>107</sup>

In this period, after the Civil War, there were several occasions when a council with Royalist sympathies was dismissed to be replaced by those who supported Parliament, and vice versa. In this case just after the restoration of Charles II several royalist members were reinstated late in 1660 and the declaration sees several parliamentary supporters dismissed about 1 year later. Thomas Smithsend seems to be a royalist supporter.

A colleague of Thomas and Richard was Conway Whithorne who was a well known Royalist (or Restoration) supporter.<sup>108 109 110 111</sup>

*Conway Whithorne had supported the royalist cause in its various forms in the 1640s and 1650s. He circulated the petition in favour of episcopacy in 1642 and fought beside his father at the Battle of Worcester in 1651. Whithorne was related by marriage to the restored families of Man, Smithsend, and Jeynes.*

*On the other hand several of the families 'restored' to the council in 1662 had virtually no prior qualification for office save their position on political developments in the 1650s. The Smithsends and Steights, installed on the council in 1662, should not be differentiated from the Collets and Surmans, installed in 1687, as the 'natural' leaders in Tewkesbury.*

William Hatton, a merchant was town bailiff in 1656 and died in 1667/8. Thomas Jeynes was a glover and was made freeman in 1639 and was a Bailiff in 1657 and 1658 and town mayor from 1689-1691. Thomas Nanfan may be the Major Nanfan who lived in the Old Baptist chapel, in 1671, and was a prosperous local resident. Nicholas Staight was an apothecary (chemist) who was town Bailiff in 1674 and 1685.

Thomas Smithsend signed the accounts of the Giles Geast charity in Tewkesbury, as Churchwarden in 1662 and 1663.<sup>112</sup>



Thomas died on 18th April 1665, aged 48, and was buried in Tewkesbury Abbey, in the North Aisle.

*Here lyeth the Body of  
Nich. Smithsend, of Walton Cardiff  
who died Dec. 25 1627  
Elizabeth, his Wife,  
died April 2nd. 1643  
Thomas, their son, died  
April 18, 1665, Aged 48  
Mary, Wife of John Lyes  
and Daughter of Thomas and  
Ann Smithsend, died Sept. 9th, 1719  
Aged 58*

It was probably Anne who died in Tewkesbury on the 8th August 1684.<sup>113</sup>

Thomas and Anne had several children.

**John Smithsend (1621-1666).** The son of Nicholas and Elizabeth. He was born at Tewkesbury on the 8th April 1621.<sup>114</sup>

John was mentioned in his father's Will in 1624.

John was a member of the Tewkesbury 'Trayned band' and appeared in a list dated the 4th November 1642; he was responsible for a caliver (a large pistol or blunderbuss) which was provided by a Mr Packer (or Parker). John was apprenticed to a Mr Packer and became a Freeman of Tewkesbury in 1647.<sup>115</sup>

In 1648 John signed the accounts book of the Giles Geast charity in Tewkesbury as possibly a Petty constable of Tewkesbury. Constables' batons of this period can still be seen in the Tewkesbury museum.<sup>116</sup>

John married Susanna in about 1650.

John was appointed with his brother Richard as the executor of his sister Elizabeth's Will, in 1665.

John was mentioned in the Will of his sister Elizabeth in 1665 and in the Will of her husband John Higgins in 1661.

It is possibly John who died in 1666 and was buried in Tewkesbury on the 13th October.<sup>117</sup>

John and Susanna had several children.

## **6. Children of Nicholas Smithsend (c.1615) & Alice Holland**

**Thomas Smithsend (1648-1724).** Of Fiddington. The son of Nicholas and Alice. He was baptised in Tewkesbury on the 4th October 1648.<sup>118</sup>

Thomas and his sister Elizabeth were involved in a legal dispute, in 1716, with John Roberts (possibly a cousin) over buildings and land at Woolstone near Tewkesbury.

John Roberts had mortgaged the premises to their father Nicholas Smithsend in 1687 for £100. As executors of their father's Will Thomas and his sister were claiming that either the money and interest be fully paid or the premises should come to them. This was contested by Richard and Timothy Roberts the sons of John Roberts.<sup>119</sup>

*Thomas Smithsend and Elizabeth Smithsend vs John Roberts - 1716*

*[9th day May 1716] [Bridge]*

*To The Right Honourable William Lord Cowper Baron of [ --- ] Lord High Chancellor of Great Britain.*

*Humbly complaining hereunto your Lordshipp your Orator and Oratrix Thomas Smithsend of Fiddington in the parish of Ashchurch in the County of Gloucester, Gentleman, and Elizabeth Smithsend of the same, spinster. Executors of the last will and testament of Nicholas Smithsend of Fiddington aforesaid, Gentleman, their late father, deceased.*

*That John Roberts the Elder late of Woolston in the County of Gloucester, Yeoman, deceased having in his life time (viz) about the beginning of May One thousand six hundred and eighty and seven occasion for the summe of one hundred pounds he applied himselfe to the said Nicholas Smithsend to lend him the same on security of the moiety of certain lands and tenements in Woolston aforesaid and in Gotherington in the said County.*

*Of which he assured the said Nicholas Smithsend that he was seized in fee and that the same were free from Incumbrances and of sufficient value for that purpose. Upon which assurances the said Nicholas Smithsend was prevailed on to lend and did lend him the same accordingly.*

*And for security thereof by Indenture made the fourth day of May One thousand six hundred and eighty and seven between the sayd John Roberts of the one part and the said Nicholas Smithsend of the other part.*

*The said John Roberts in consideration of the said summe of one hundred pounds payd him by the said Nicholas Smithsend did demise and grant to the said Nicholas Smithsend his Executors heirs and assignes all that full moiety or one halfe part of all those two messuages or tenements sytuat lying and being in Woolston aforesaid heretofore in the possession or occupation of one John Roberts deceased father of the said John Roberts party thereto...*

Thomas was a witness to the Will of John Lyes in 1717.

Thomas made a Will dated the 2nd November 1724 and died shortly afterwards on the 5th of November 1724 aged 73. Probate was granted on the 3rd August 1725.

#### Will of Thomas Smithsend 1724

*In the name of God Amen. I Thomas Smithsend of Fiddington in the Parish of Ashchurch in the County of Gloucester being Sick and weake of body but of sound & perfect mind & memory thanks be to God for the same Doe make and declare this my last Will and Testament in manner and forme following.*

*Imprimis. I give my soul into the hands of Almighty God who gave it and my Body to the earth to be decently Buryed at the discretion of my Executrix hereinafter named.*

*And as to such worldly Estate whatsoever it hath pleased God to bless me I give and dispose thereof as followeth.*

*Imprimis. I give and devise to my loving Kinsman Nicholas Smithsend [the Younger] of Walton Cardiffe, his heirs and assignes for ever, in the County aforesaid, Gent. my Moyety or one halfe part of the house wherein I now live and my Moyety or halfe part of the outhouses Courts Yards Gardens Orchards [three yard] Lands and [three] Grounds called the Homedowns als Hammonds downs and of a certain Green lane leading thereunto and of the [Tyth hay] thereunto belonging and all other hereditaments appurtances thereunto belonging being the one halfe part of the Estate formerly purchased of one John [Clutterbuck] Gent. deceased.*

*Item. I give and bequeath unto my loving Brother Nicholas Smithsend, Gent. twenty shilings.*

*Item. I give unto my niece Elizabeth Smithsend the sume of Tenn pounds.*

*Item. All the residure of my Goods, Chattles, and Personal estate I doe give and bequeath unto my loving sister Elizabeth Smithsend, whome I do [hereto] make the sole Executrix of this my last Will and Testament hereby revoking and making void all former or [xxx] Wills by me made.*

*In Witness whereof I have hereunto put my hand this [second] day of November Anno Domini One thousand seven hundred and twenty four.*

Thomas Smithsend

*Signed sealed published and delyvered by the Testator as his last Will and Testament in the presence of us who in his presence on his request are Witnesses hereunto (the Words for his heirs and assignes for ever being first [inserted]).*

John Haynes  
Charles Browne  
John [White]

Thomas was buried on the 9th November at Ashchurch where there is a memorial inside the church.<sup>120</sup>

*Her lyeth the Body of Thomas  
Smithsend, of Fiddington, Gent.  
Son of Nicholas and Alice his  
Wife, who departed this Life the  
5 day of Nov, 1724, aged 73*

**Richard Smithsend (1648-1656/57).** The son of Nicholas and Alice. He was baptised in Tewkesbury on the 1st April 1648.<sup>121</sup>

He may be the Richard who died in 1656/57 and was buried in Tewkesbury on the 10th February.<sup>122</sup>

**Elizabeth Smithsend (1643-1728).** The daughter of Nicholas and Alice. She was christened in Tewkesbury on the 2nd July 1643.<sup>123</sup>

In 1716 Elizabeth was involved with her brother Thomas in a legal dispute with John Roberts over some buildings and land (see above).

Elizabeth was mentioned in the Will of her Aunt Elizabeth Aston in 1720.

Elizabeth was mentioned as the executor of her brother Thomas' Will in 1724.

Elizabeth was left a small bequest in the Will of her brother Nicholas, of 1726.

*I give to my sister Elizabeth Smithsend a guinea*

Elizabeth made a Will in 1724.<sup>124</sup>

*Will of Elizabeth Smithsend (1724)*

*In the name of God Amen. I Elizabeth Smithsend of Fiddington in the Parish of Ashchurch in the County of Gloucester, spinster being weak in body but of good sound perfect and well disposing mind memory and understanding, thanks be to God for the same. Doe make this my last Will and Testament in manner following (viz).*

*Principally I commend my soul to the hands of Almighty God who gave me it in hope of [xxx] and salvation through the merits of my Redeemer Jesus Christ.*

*And my body I commit to the earth to be decently buried at the discretion of my Executor hereinafter named.*

*And as to such Worldly estate wherewith it hath pleased God to bless me I give and devise thereof as followeth.*

*Imprimis. I give and bequeath to my loving brother Nicholas Smithsend of Walton Cardiffe, Gent. Three guyneas.*

*Item. I give and bequeath to my niece Elizabeth Smithsend, spinster, two hundred pounds to be paid to her within six months after my decease.*

*Item. I give to my cousin Hannah Rusel of Broadway, widow, one guinea.*  
*Item. I give to my cousin Alice wife of Mr Thomas Cubberley of Birlingham one guinea.*  
*Item. I give to my cousin Alice Merril, widow, one guinea.*  
*Item. I give to my cousin Susannah Sextie of Gloucester, widow, one guinea.*  
*Item. I give to my cousin Paulina Smithsend, one guinea.*  
*Item. I give to Isaac Purse the younger, one guinea.*  
*Item. I give to Mary Purse Halfe a guinea.*

*Item. I further give to my said Niece Elizabeth Smithsend, the one half parte of my LInnen*

*Item. All the rest and residue of my Goods, Chattels, [Chattels] Real moneys and Personal estate whatsoever or wheresoever being I Give Devise and Bequeath to my Nephew Nicholas Smithsend the younger of Walton Cardiffe aforesaid. Gent. who I doe make constitute and appoint all and sole Executor of this my last Will and Testament hereby revoking and making void all former Wills by me at any time heretofore made.*

*In Witness whereof I have hereunto set my hand and seal the fifteenth day of December Anno Domini one thousand seven hundred twenty four.*

*Elizabeth Smithsend (her mark)*

*Sealed Published Declared by the Testatrix to be her last Will and Testament in the presence of us.*

*John White*  
*Charles Browne*  
*William [Darter] (his mark)*

*Probate to Nicholas Smithsend 22 March 1728*

Elizabeth died on the 2nd February 1728/29 aged 83 and was buried on the 4th February at Ashchurch where there is a memorial.<sup>125 126</sup>

*Also the Body of Elizabeth  
Smithsend daughter of the above-  
named Nicholas Smithsend, who  
departed this Life, Feb 2, 1728, aged  
83 Years and Seven Months*

**Nicholas Smithsend (1645-1727).** The son of Nicholas and Alice. He was baptised in Tewkesbury on the 26th July 1645.<sup>127</sup>

Nicholas was a Churchwarden at Tewkesbury in 1675.<sup>128</sup>

Nicholas was listed, with his father, on a receipt dated the 22nd March 1679.<sup>129</sup>

Nicholas married Anne Vobe at Bromsberrow on the 28th February 1681/82. His father stood as bondsman for the marriage licence.<sup>130</sup>

*Nicholas Smithsend Get & Ms Ann Vobe were married with Licence from the Court Eccla Glouc*

It may be Nicholas who was mentioned in the Will of Elizabeth Barnes possibly in 1695.<sup>131</sup>

Nicholas signed a list of poor rate taxes for Walton Cardiff in 1699.<sup>132</sup>

Poor rate for Walton Cardiff - 1699

April 12th 1699

Acct. made by the inhabitants of the Parish of Walton Cardiff for the relief of the poore for one whole year.

Issac Haynes.....	13s 4d
Nicholas Smithsend.....	17s 8d
John Chanler.....	2s 4d
Elinor Jeenes.....	13s 4d
Joseph Lankett.....	3s 0d
William Jeenes.....	6s 8d
Richard Davison.....	3s 0d
Thomas Berrow.....	3s 4d
Thomas Berrow for Hill's Wood.....	6s 8d
Thomas Berrow for Mr Lane's.....	3s 4d
John Chanler for Barnes.....	3s
William Jeenes.....	1s
John Jeenes.....	5s 8d
William Roberts.....	3s 4d
Mr Dowdeswell or tenants.....	3s 10d
William Humphrey.....	3s 4d
Ralph Jeenes.....	3d
James Page.....	3d
Mr Stock.....	8d
Mr Francis Laight.....	3d
Mr Mayd.....	2d
Mr Wriggins.....	10d
Total.....	£5 3s

Nicholas Smithsend

William Jeenes

Isaac Haynes

James Berrow

Signed by Justices of the Peace

John Davison

Charles Dowdeswell

It was probably Nicholas who appeared in a list of 'fines' (land transactions) for Worcestershire. This involved land in Croome in 1702/03.

*1702/03 - Inter Nicholaum Smythsend et alios querentes et Ricardum Mason, Marriott Armes, Tayler Ganderton et uxorem defendentes in Crombe et aliis.*<sup>133</sup>

As an Overseer for the poor Nicholas drew up, on the 12th April 1706, the poor rate list for Walton Cardiff; this included himself, his son, and a Thomas Smithsend (probably his brother).<sup>134</sup>

Poor Rate for Walton Cardiff - 1706

April 12th 1706

A rate made by the Inhabitants of the Parish of Walton Cardiff for the relief of their poore for one whole year.

Isaac Haynes.....	3s 3d
John Jeenes.....	7s 4d
Nicholas Smithsend.....	12s 6d
Mr Pittman.....	2s 3d
Edward Purser.....	2s 3d
Mr Wilson.....	5s 3d
Richard Davison.....	2s
Thomas Smithsend.....	2s 1d
Mr Farrin.....	5s 6d
Francis Toms.....	5s 1d
John Haynes.....	2s 7d
Nicholas Smithsend.....	1s 10d
Mr Pittman.....	9d
John Jeenes.....	4s 3d
Mr Charles Bick.....	2s 3d
Mr Dowdeswell or Tenants.....	3s
William Humphrey.....	2s
John Jeenes.....	2d
James Page.....	2d
Mr Stock.....	2d
Mrs Laight.....	2d
Mrs Mayo.....	2d
Mr Matthews.....	7d
Richard Darked.....	2s 7d

Nicholas Smithsend

Isaac Haynes

John Jeenes

Allowed by:

Stephen Batonyn

In about 1706 Nicholas received a letter of receipt and release relating to the estates of the deceased Anthony Vobe and James Vobe; these were his wife's brothers and he acted as the executor of their Wills.

There is a letter from him to his son Nicholas at Mr Lye's attorney office. His son was about 21.

Letter from Nicholas Smithsend to his son - 1709

Walton Cardiff. 14th January 1709

Son, If you have not bought or bespoken a Wigg already I would have you make a journey? over to my house and see a wigg that Mr Mathison hath now by him, made for a person of qualitie and his mind now changed ...

Your loving father

Nicholas Smithsend.

The 'Mr Lyes' may be a relation of Nicholas' cousin Mary who married a John Lyes in about 1695. There was another letter on the same day.

Letter from Nicholas Smithsend to his son - 1709

Walton Cardiff 14 January 1709

Son,

Your mother has sent you two sheets, two [ --- ], two pairs of shoes, one [ --- ], two pairs of stockings by Shifferd?

Neither of our Attorneys at Tewkesbury has yet got the Sherriff's Seale. You stated in your last that old Mr Hyatt's clerk told you that Mr Charles Hyatt had a seale. I desire you to go this day to Mr Charles Hyatt and know certainly if he has a Seale or not.

Send me a line by Monday afternoon and not later.

Your loving father  
Nicholas Smithsend

Robert Atkyns mentions Nicholas Smithsend in his History of Gloucestershire.<sup>135</sup>

Walton Cardiff

The church is in the Deanry of Winchcombe; it is an Impropriation and of a very small value to the Curate, who enjoys only the small Tithes. Mr Matthews is the present Incumbent and was presented by All Souls College in Oxford and by Mr Symmonds and Mr Smithsend.

The church is small, like a chapel, with a little Turret at the West End. The parishoners bury some at Tewkesbury and some at Ashchurch

The parish is 5 miles in compass. It consists of rich meadow and pasture, a small brook, called Tirlle brook, riseth at Oxenton Hill and runs by the Parish. Mr Symmonds and Mr Smithsend have good houses and good estates in this place.

In April 1705 a Richard Butler junior of Colwall, Hereford (near Malvern) brought a case in the High Court of Chancery (Court of Equity) against Nicholas Smithsend, Anne (Vobe) his wife, and John Vobe (her brother). Richard was seeking compensation for being evicted by Nicholas and Anne from his tenancy in 1702.

Richard had been the tenant of a farm called Cowle Barne in Colwall Hereford, owned by Anne's brothers John and Anthony Vobe. When Anthony Vobe died in May 1702 Nicholas and Anne administered the estate and apparently assumed that John Vobe was dead as he was out of the country at the time.

In settling accounts it was found that Richard Butler owed rent arrears of about £80 and a debt on a Bond that was overdue of £40 (a good annual wage was probably less than £100).

Originally Richard had seemed to agree the debts but clearly did not pay them as later he was evicted from Cowle Barne by the Bayliffs under a suite from Nicholas and Anne. Some of the stock was sold to cover the rent arrears. The Bond was not paid either and there was then a Court case brought by Nicholas and Anne at Worcester Assizes in the Summer of 1703 over the debt on the Bond; which they won.

At the Worcester trial Richard claimed that his father Richard had paid the bond a few years before and produced a burnt piece of paper (supposedly part of the bond) to prove that the debt was paid. This was taken to be a forgery at the trial.

In the current case in the High Court it is still claimed that the Bond had been paid and also that the rent due was not as much as claimed and that the eviction was too forceful and the stock sold at a low price.

We do not know the outcome of the case.<sup>136</sup>

An important part of the case seemed to hinge on Candlemas day (2nd February) when Anthony Vobe was supposed to have signed acquittances (releases) in return for being paid some or all of the debts by Richard Butler. But according to the witnesses Anthony Vobe was clearly in no state to do so on that day.

*To the Twenty ninth and Thirtieth Interrogatorys this deponent saith that she this deponent was att the house of Mr Anthony Vobe called the Frith upon Candlemas day One thousand Seven hundred and one being the Candlemas day after Mr James Vobe was buried. And when she came there that day which was about Tenn of the Clock in the morning Mr Anthony Vobe was [then] locked or bolted up in his chamber done by himselfe as shee believes and had not as shee believes been out of his chamber that morning. But who lay with him the night before shee cannot remember. But sayes he was very ill and much out of order all that day after and refused to speak and would not eat. And was much watched and his attentions more strictly than commonly observed all that day.*

*And after Mr Vobe came out of his chamber which shee remember was about Twelve of the Clock on Candlemas day One thousand Seven hundred and one. And shee stayed there all the remainder of the day and observed Mr Vobe was very melancholy and was not from about his own house all that day; this deponent staying there till night. And verily believes the Compt Richard Butler did not see Mr Anthony Vobe from his rising from his bed in that day until the night following; this deponent being all that time in his house att the Frith. And therefore does verily believe the said Anthony Vobe did not signe any acquittance to the said Compt from the time of such his coming out of his chamber before the night next after.*

The witnesses made some very fine character statements for Nicholas.

*To the Sixth Interrogatory this deponent saith that he hath been very well acquainted with the Def Nicholas Smithsend in that Interrogatory named for twenty years past and upwards. And during all this deponents remembrance of him he hath had the carracter of a very honest man. And this deponent believes in his conscience that he never was concerned in or privy to the forgeing of a bond or any such thing or in setting up or makeing up of a false or forged bond. And he takes and believes him to be a man of very great integrity and that for gain would not do an ill thing.*

*To the Sixth Interrogatory this deponent said that all the time he has been acquainted with the Def<sup>s</sup> Mr. Smythsend and his wife and Mr. Anthony Vobe as aforesaid they were esteemed persons of a very unspotted and just reputation and character and of very good circumstances as to Estates. And looked on and believed by this deponent to be before hand in the world and did not want money. And does verily believe neither of them would be guilty of any sort of forgery either of a bond or otherwise. Or of giving their consent to any forgery to be committed though they might advantage themselves ever so much by it.*

Nicholas was mentioned on a document of 1711 which looks to be related to the case in 1705.

Quitclaim Richard Butler and Nicholas Smithsend 1711

(1) Richard Butler of Colwall in the county of Hereford

(2) Nicholas Smithsend of Walton Cardiff, gentleman Anne Smithsend his wife. Administration of Anthony Vobe gentleman deceased and John Vobe of Wellington in the county of Hereford, gentleman.

A Quitclaim is a legal document in property law where one person gives up or denies any interest in piece of property.

John Vobe was not dead but living in Bermuda where he had several investments. He returned to Ledbury around 1703.

*Bermuda: I, John Vobe of said place, Gent., now bound to England, have appointed Capt. Thomas Brooke and Charles Minor, Gent., both of these islands, my attorneys, to receive and take possession of all my Ina,d shares of land, buildings, slaves, chattels, sums of money, rents and profits, both real and personal, belonging to me from any person in S. C. or "Elsewhere in American either by Sea or*



land Be ye Same of what Nature Kind Quality Quantity or Condition Soever” . . . Signed: “in Vobe.”  
Wit: Wm. Semour, Will. Tucker, Senr. D: 10 Aug 1702. R: in Sec. Office in Bermuda.

Nicholas is listed on a list of ecclesiastical rents (modases) due for Ledbury of about this time.

*Ledbury - Modases payable annually at Michelmas to the Upper Q ...*

<u>Places</u>	<u>Landlord</u>	<u>Occupier</u>	<u>Due</u>
...			
Frith	Mr. Smithsend	Richard Bennett	6d
...			

In 1712 Nicholas was involved in a dispute (at the Chancery court) about a mortgage with Thomas James of Staunton. In 1700 Nicholas had lent Thomas £400 at interest secured with a mortgage against some premises owned by Thomas. Nicholas had apparently not received some of the interest and either wanted to reposses the premises or be paid the principal and accumulated interest.<sup>137</sup>

On the 20th February 1717 a bond was drawn up between Nicholas and a Mr Lyes for £102 10s.<sup>138</sup>

Nicholas was mentioned in the Will, of his brother Thomas, of 1725 and he made his own Will on the 26th April 1726.<sup>139</sup>

Nicholas was mentioned in the Will of his Aunt Elizabeth Aston in 1720.

#### Will of Nicholas Smithsend - 1726

*In the name of God Amen. I Nicholas Smithsend of Walton Cardiff in the County of Gloucester being in good health and memory praised be God for it. Do make and ordain this my last Will and Testament in manner and for following. First and principally I humbly commend my soul into the hands of Almighty God my maker and creator and unto Jesus Christ my Saviour and Redeemer hoping to be saved by the infinite and only merits of Jesus Christ my dear Lord and my body to the Earth to be decently buried at the discretion of my Executor hereafter named.*

*And for all my worldly Estate which it pleased God to bestow upon me I give and bequeath as followeth.*

*First I give and bequeath unto my daughter Elizabeth Smithsend fifteen hundred pounds twelve hundred pounds to be paid to her within the space of six months next after my decease and the other three hundred pounds to be paid to her within the space of six months next after the expiration of the first six months.*

*I give to my sister Elizabeth Smithsend a guinea.  
I give to the poor of the parish of Tewkesbury five pounds.  
I give to the poor of the parish of Ashchurch three pounds.*

*I give to John Haines or his children ten shillings as being of our parish of Walton Cardiffe and I give to Sarah Hall of our parish of Walton Cardiffe or to her children ten shillings.*

*And for all the rest and residue of my goods and chattels and personal estate undisposed my debts and funeral expenses being discharged I do give to my son Nicholas Smithsend who I do make my whole and sole excutr of this ny Will revoking all other former wills heretofore made by me.*

*In witness wherof I have hereunto set y hand and Seal this twenty sixth day of April in the year of our Lord God one thousand seven hundred and twenty six.*

*Nicholas Smithsend sealed and declared in the presence of Will Haynes and Joseph Wells*

Nicholas died on the 16th September 1727 and was buried on the 19th September at Ashchurch.<sup>140</sup>

*Here lyeth the Body of Nicholas  
Smithsend, of Walton Cardiffe,*

*Gent. who died Sept. 16, 1727, aged 82  
Also here lyeth the Body of Thomas  
Smithsend, Grandson of the above-  
said Nicholas Smithsend, who departed  
this Life the 27 of Sept. 1741, aged 1 Year  
11 Months*

Nicholas' wife Anne Vobe (1656-1723) came from Ledbury where the Vobe family held quite extensive estates. Anne had four brothers, John, Anthony, James and Thomas. There is a document setting up Anne Vobe's dowry in January 1681 and there is a bond between Mrs Elizabeth Vobe, James Vobe, and Anthony Vobe to indemnify Nicholas Smithsend and intended wife Anne Vobe dated the 23rd of February 1681.<sup>141</sup>

In 1702 Anne handled the administration of her brother Anthony's affairs after his decease.<sup>142</sup>

Anne died on the 26th December 1723 and was buried at Ashchurch on the 28th December.<sup>143</sup>

*Anne, the Wife of Nicholas  
Smithsend, of Walton Cardiffe,  
Gent. departed this Life 26 Dec  
1723, aged 70*

*Vobe family* - The Vobe family lived at Mathon, Worcestershire for many generations and appear to have originally come from somewhere near Tewkesbury in Gloucestershire. They owned a large number of farms around Mathon and in the Ledbury area. Anne's father Anthony Vobe was christened on the 27th August 1615 in Ledbury and died on the 1st June 1668 in Ledbury,. Her mother was Elizabeth Strowd (b.1633) daughter of Richard Strowd and Eleanor they were married in 1650 in Cradley. Her grandfather was Anthony Vobe.<sup>144</sup>

## **7. Children of Thomas Smithsend (b.1616) & Anne**

**Richard Smithsend (c.1652-1690).** The son of Thomas and Anne. He was born in about 1652.

Richard was mentioned in the Will of his Aunt Elizabeth in 1665.

*Alsoe I give and bequeath to Richard Smythsend sonne of my brother Thomas Smythsend and his heires and assignes for ever All that one third parte in three partes to be divided of all those my three messuages or tenements pigeon house gardens orchards backsides howse and outhowse buildings barnes and stables with their & every of their appurtenances together with one yard land thereunto belonging scytuate lying and being in Oxendon in the said County of Gloucester now in the several tennencies or occupacons of Elizabeth Portlogg widow, John Yeates William Brittainne and Isaack Barker or some or one of them commonly called or knowen by the severall names of Oxendon Inn, Yeates tenement, and Brittainne Tenement or by what other name or names the same or any or other of them now are or have been called distinguished of knowen and the revercon and revercons remainder and remainders of the said third parte of the said premisses.*

Richard married Martha Heilin of Oxenton (a small village a few miles East of Tewkesbury) on the 3rd October 1681 in Tewkesbury.<sup>145 146</sup>

Richard was described as a 'Crickler' when he died in 1690. Hewas buried in Tewkesbury on the 8th August.<sup>147</sup>

Richard and Martha had several children.

**Martha Smithsend (bd.1682).** The daughter of Richard and Martha. She was baptised in Tewkesbury on the 8th November 1682.<sup>148</sup>

Martha died as an infant in the same year and was buried in Tewkesbury on the 18th December 1682.<sup>149</sup>

**Unknown Smithsend (bd.1684).** A son of Richard and Martha. He died as an infant on the 19th February 1684.<sup>150</sup>

**Elizabeth Smithsend (b.1684).** The daughter of Richard and Martha. She was baptised in Tewkesbury on the 4th December 1684.<sup>151</sup>

**Thomas Smithsend (b.1686).** The son of Richard and Martha. He was baptised in Tewkesbury on the 3rd October 1686.<sup>152</sup>

**Richard Smithsend (b.1688/89).** The son of Richard and Martha. He was baptised in Tewkesbury on the 19th March 1688/89.<sup>153</sup>

**Unknown Smithsend (b.1690/91).** A son of Richard and Martha. He died as an infant and was buried in Tewkesbury on the 14th January 1690/91.<sup>154</sup>

**Mary Smithsend (1653-1657).** The daughter of Thomas and Anne. She was christened in Tewkesbury on the 12th September 1653.<sup>155</sup>

She may be the Mary who died in 1657 and was buried in Tewkesbury on the 22nd June.<sup>156</sup>

Another Mary was christened in 1661.

**Anne Smithsend (c.1654).** The daughter of Thomas and Anne. She was mentioned in the Will of her Aunt Elizabeth Higgins of 1665.<sup>157</sup>

*Alsoe I give and bequeath unto Anne Smythsend and Mary Smythsend daughters of my brother Thomas Smythsend Fifty pounds apeece of current English money to be paid unto them as they shall accomplish their severall and respective adges of One and twenty yeares or be married which shall first happen together with the interest and encrease thereof from and after my decease.*

*Alsoe I give and bequeath all the rest of my lynnyn wollen brasse pewter and all other my howsehold stufte whatsoever not formerly disposed of unto the daughters of my brother Thomas Smythsend my brother John Smythsend and my brother Richard Smythsend to be equally devided betweene them.*

*Alsoe I give and bequeath to Anne Smythsend daughter of my said brother Thomas Smythsend All that tenement with thappurtenances lying in Tewkesbury aforesaid in a Lane there called Howell Lane in occupacon of one George Wyniall and all my estate right title interest tearme of yeares clayme and demand whatsoever in and to the said Anne To have and to hold the said Tenement with thappurtenances unto the said Anne Smythsend her Executors and assignes from & immediately after my decease unto thend & tearme of Twelve yeares then next following.*

**Nicholas Smithsend (1657-1693/94).** The son of Thomas and Anne. He was christened in Tewkesbury on the 29th July 1657.<sup>158</sup>

Nicholas was mentioned in the Will of his Aunt in 1665.<sup>159</sup>

*And if it shall happen that both of them the said Anne and Mary shall dye before their said legacyes shall respectively become due then my will and meaning is that the legacyes or porcons of the said Anne and Mary amounting in the whole to One hundred pounds shall be paid to Nicholas Smythsend brother of the said Anne and Mary together with the interest benefitt and encrease thereof att such tyme as hee shall attain the adge of one and twenty yeares or be married.*

Nicholas made a Will in 1693 in this he mentions his sister Mary Smithsend, Executor Mary Smithsend, and Overseers, Anthony Aston and Nicholas Smithsend of Fiddington his Uncles.<sup>160</sup>

Will of Nicholas Smithsend of Tewkesbury - 1693

*In the Name of God Amen. I Nicholas Smithsend of Tewkesbury in the County of Gloucestershire, Yeoman, being weake in body but of a disposing mind and memory (thanks be given to Almighty God) do here make my last will and testament this one and twentyeth day of February in the sixth year of the reigne of our Soveraine Lord and Lady King William and Queene Mary over England, yr, Anno Domini, 1693. In manner and forme following.*

*Ffirst and principally I comitt and Comend my Soule to Almighty God who gave itt hoping to attain the resurrection of the [ --- ] in and by and through the faith and passion meretts and mediation of my only Lord and Saviour, Jesus Christ. And my body to be decently buried att the discretion of my friends. And for the temporall parte it hath pleased God to send me I dispose of itt as followeth.*

*Item. I give devise and bequeath unto my sister Mary Smithsend and her heirs forever all that my moiety or third part of the estates in Oxenton now in the occupation of Giles Barnard an Michaell Hobbs.*

*Item. I give devise and bequeath unto my said sister Mary Smithsend my tenement with thappurtenances in Tewkesbury aforesaid in a place called Howells Lane and now in the occupation of Betheridge Merry as tenant unto mee, to hold to her and her heires forever.*

*Item. All the rest of my goods Cattle and chattels whatsoever I give and bequeath unto my said sister Mary Smithsend whom I make and ordaine my whole and sole Executrix of this my last will and testament she paying my debts and funerall expenses and I do hereby renounce all former wills of mee made. And I do request my loving Uncles Mr Nicholas Smithsend of Fiddington and Mr Anthony Aston of Tewkesbury to be Overseers of this will for the good of my said sister.*

*In Witness whereof I have hereunto put my hand and seale the day and yeare ffirst above written.*

*Nicholas Smithsend*

*Signed Sealed and published  
in the presence of  
Joseph Jeynes  
Issak Richardes  
John White?*

Nicholas died in 1693/94 and was buried in Tewkesbury on the 13th February 1693/94.<sup>161</sup>

**Mary Smithsend (1661-1719).** The daughter of Thomas and Anne. She was mentioned in the Will of her Aunt Elizabeth Higgins in 1665.<sup>162</sup>

*Alsoe I give and bequeath unto Anne Smythsend and Mary Smythsend daughters of my brother Thomas Smythsend Fifty pounds apeece of current English money to be paid unto them as they shall accomplish their severall and respective adges of One and twenty yeares or be married which shall first happen together with the interest and encrease thereof from and after my decease.*

Mary received a bequest in the Will of her brother Nicholas in 1693.

Mary married John Lyes, bachelor, aged 25, in Tewkesbury on the 6th June 1695. Mary's was described as a Singlewoman, age 26.<sup>163 164</sup>

Mary was mentioned in the Will of her cousin Anthony Aston in 1695.<sup>165</sup>

*And to my cosen Mary Smithens within three month after my decease the sum of five pounds.*

Mary was mentioned in the Will of a cousin Thomas Smithsend of 1717.

*To Mary Lyes widow the sume of One Hundred and tenn pounds and interest.*

This was for the repayment of a debt.<sup>166</sup>

John Lyes died in 1717. In his Will he left most of his estate to his wife Mary. The Will was witnessed by: *T Smithsend*; probably Mary's Uncle Thomas (b.1648).

Mary died on the 9th Septemeber 1719 aged 58.

Mary's Will was made in 1719.<sup>167</sup>

*Will of Mary Lyes (1719)*

*In the name of God Amen. I Mary Lyes of Tewkesbury in the County of Gloucester Widdow. Being weake in body but of a sound and disposing mind and memory praised be God. Doe make this my last Will and Testament the Third day of September Anno domini One thousand seven hundred and Nineteen in manner following. (That is to say).*

*Firste. I committ my soul into the hands of Almighty God hoping through the meritts of Jesus Christ my blessed Saviour to receive free pardon and forgiveness for all my sins. And my body I committ to the earth to be decently buryed according to the discretion of my Executrix hereinafter named.*

*And for my wordly estate I dyspose thereof as follows.*

*Item. I give and bequeath unto my cousin Ann [Bridges] and to her sister Elizabeth Lea the summe of ten pounds apiece of Lawful money if they or either of them shall be living at the time of my decease.*

*Item. I give and bequeath unto my cousin Mary [Easher] the summe of ten pounds. And I give to my Cousin Mary [Canner] the like summe of ten pounds if they or either of them shall be living at the time of my decease.*

*But my will is that neither of the four legacies before mentioned shall be payd to either of them till three months next after the decease of my Aunt Elizabeth Aston.*

*Item. I give to Ann the daughter of the William [Shepherd] the sume of five pounds which my will is shall be payd out and disposed of by my Executrix hereinafter named which to her shall seeme best for the benefit of the said Ann [Shepherd]. That William [Shepherd] her father may never be concerned nor have to doe therewith.*

*Item. I give to my unto my Cousin Elizabeth Smithsend of Fiddington the summe of five pounds and to my Cousin Elizabeth Smithsend of Walton the summe of five pounds. And to Mary the wife of John [Trotman] of Tewkesbury the summe of ten pounds. Which last mentioned legacies my will is shall not be payed to either of them until three months next after the decease of my said Executrix.*

*Item. I give and bequeath unto my dear and loving Aunt the said Elizabeth Aston all that my messuage or tenement [wherein] I now live in Tewkesbury aforesaid and all houses outhouses gardens and appurtenances and all other my messuages and lands whatsoever to hold to my said Aunt Elizabeth Aston her executors and assigns forever And to and for no other [wye] or [wyse] [whatsoever].*

*Item. All the rest of my goods chattels and money whatsoever I give devise and bequeath unto my deare and loving Aunt Elizabeth Aston upon condition she shall pay my debts and legacies and funeral charges and make her sole Executrix of this my last will and testament hereby and making void all former wills by me heretofore made.*

*In Witness whereof I have hereunto sett my hand and seal the day and yeare first above written.*

Mary Lyes

*Signed published and declared in the presence of.*

Robert Slyser  
William Terrett  
Thomas Watts

Mary appears on a memorial in Tewkesbury Abbey.

*Here lyeth the Body of  
Nich. Smithsend, of Walton Cardiff  
who died Dec. 25 1627.  
Elizabeth, his Wife,  
died April 2nd. 1643.  
Thomas, their son, died  
April 18, 1665, Aged 48  
Mary, Wife of John Lyes.  
and Daughter of Thomas and  
Ann Smithsend, died Sept. 9th, 1719  
Aged 58*

A lease dated 28th and 29th of July 1735 transferred land where a messuage formerly stood from James Lyes (possibly Mary's brother in law) to Nicholas Smithsend for £9.<sup>168</sup>

Elizabeth Aston was the wife of Anthony Aston and was possibly the sister of Mary's mother Anne (possibly Millington).

*Will of Elizabeth Aston (1720)*

*First I give and devise unto Nicholas Smithsend the younger of Walton Cardiff in the County of Gloucester, Gent. his heirs and assignes for ever all that messuage or tenement with [th'appurtenances] situate and being the Barton Streete in Tewkesbury aforesaid wherein I now dwell and inhabite charged and [chargeable] with the sune of Twenty pounds to my four [severall legatees] next hereinafter named, that is to say,*

*I give and bequeath unto unto Mary the wife of John Pittman of Tewkesbury aforesaid [xxx] Nicholas Smithsend of Tewkesbury aforesaid, [xxx], Elizabeth Smithsend, [xxx], of Fiddington in the said County of Gloucester, spinster, Elizabeth Smithsend, [xxx], of Walton Cardiff, aforesaid, spinster the sune of five pounds apiece to be paid them within the space of three months next after my death.*

*Also I give and bequeath unto my kinswoman Mary Millington of Tewkesbury aforesaid, widow, her heirs and assigns, ny Estate with th'appurtenances situate and being in [Guest Lane] in Tewkesbury aforesaid.*

*Also I give and bequeath unto my cousin Mary Bryan of the City of Gloucester Elizabeth Millington of Tewkesbury aforesaid [xxx] and to Joseph Jones of Tewkesbury aforesaid [xxx] five pounds apiece to be paid them by my Executors with the like space of three months next after my death.*

*Also I give and bequeath unto the said John Pittman one of my Gold rings and twenty shillings in silver.*

*Alsoe I give and bequeath unto my Kinswoman Mary [Tucker] living in or nigh London and to her heirs and assignes for ever all my meadow with th'appurtenances at the bottom of Oldbury field charged with the payment of fifty pounds to her Children to whom I give the same to be equally divided amongst them.*

*Alsoe I give and bequeath unto my first named four legateeys viz. Mary Pittman Nicholas Smithsend Elizabeth Smithsend the elder Elizabeth Smithsend the younger all my Lynen Plate and Rings not herein before disposed of to be equally divided amongst them.*

*Alsoe I give to the poore of Tewkesbury aforesaid five pounds to be paid out with bread and unto [xxx].*

*I give Twenty shillings to [prepare] my Funerall sermon.*

*Alsoe I give and bequeath unto Anne Shepherd the daughter of William Shepherd shoemaker the sume of five pounds to be paid her at her attaining the age of one and twenty years or day of Marriage which shall first happen.*

*Alsoe I give and bequeath unto Katherine Jenkins of Tewkesbury aforesaid Widow twenty shillings.*

*All the resdiue of my Goods Chattels and personall Estate whatsoever I give and bequeath unto Nicholas Smithsend the Elder of Walton Cardiff aforesaid, Gent. whom I make constitute and appoint sole Executor of this my last Will and Testament hereby revoking all former Wills by me at any time made. In Testimony whereof I have hereunto put my seal the One and Twentieth day of September Anno Domini 1719.*

Elizabeth Aston

## **8. Children of John Smithsend (b.1621) & Susanna**

**John Smithsend (b.1657-c.1659).** The son of John and Susanna. He was baptised in Tewkesbury on the 3rd of April 1657.<sup>169</sup> He may have died by 1659 as another John was born then.

**John Smithsend (1659-1681).** The son of John and Susanna. He was baptised in Tewkesbury on the 14th October 1659. The second son christened as John.<sup>170</sup>

John was mentioned in the Will of his Aunt Elizabeth in 1665.<sup>171</sup>

*Alsoe I give and devise to my Nephew John Smythsend sonne of my brother John Smythsend and his heires and assinges for ever One other thirde parte in the three partes to be devised of all and singular the said Messuages of tenements pigeon howse edifices buildings barnes stables gardens orchard courts yards backsides yard and premisses with thappurtenances and the revercon and revercons remainder and remainders of the said last mentioned thirde parte. To have and to hold the said last menconed third parte in three partes to be devided of the said messuages or tenements Pigeon howse howses edifices buildings courtes yarges backsides gardens orchard yard land and premisses with thappurtenances unto my said Nephew John Smythsend his heires and assinges for ever. To and for the only use and behoof of my said Nephew John Smythsend and of his heires and assignes for ever.*

John may have been a draper by trade.

He may be the John who died in 1681 and was buried at Tewkesbury in May 1681. Probate for his Will was granted on the 24th September 1681.<sup>172 173</sup>

### Inventory of John Smithsend - 1681

*An Inventory of all and any of the Goods and Chattels and Debts of John Smithsend late of Tewkesbury in the County of Gloucestershire, batchelor deceased. Taken and appraised this twelfth day of September in the yere of our Lord God 1681 by Thomas Jeynes, Thomas ?Portlugg, John Jeynes as followeth viz:-*

*[ --- ] Wearing Apparrell and money in purse - iii*

*Item. Two Bonds that were taken for the use of John Smithsends debts - xxiiij*

*Item Twe case of [ --- ] one silver spoon - xvij*

*Summa Totalis - xxvij vvij*

**Elizabeth Smithsend (b.1654).** Also spelt Smithins. The daughter of John and Susanna. She was christened on the 14th January 1654 in Tewkesbury.<sup>174</sup> She was not mentioned in her Aunt's Will of 1665.

**Susanna Smithsend (c.1655).** Also spelt Smithins. The daughter of John and Susanna. She was mentioned in the Will of her uncle John Higgins of 1662.<sup>175</sup>

*I doe give unto Susanna Smithsend the daughter of John Smithsend the half acre lying in the Ouldburry, forever*

Susanna was also mentioned in the Will of her aunt Elizabeth Higgins of 1665.<sup>176</sup>

*Also I give and bequeath to Susanna the daughter of my brother John Smythsend Fower score pounds of current English mony.*

*Alsoe I give and bequeath to Susanna daughter of my said brother John Smythsend the bedd and beddstead in the great Chamber and the purple Curtaines and valaines and all other thinges thereunto belonging. Alsoe I give and bequeath to the said Susanna three paire of my largest flaxen sheets one dusson of dyaper Napkins one dyaper table cloth six redd leather chaires and two purple stooles.*

*Alsoe I give and bequeath unto the said Susanna daughter of my said brother John Smythsend her Executors and assignes all my estate right title interest tearme of yeares clayme or demand whatsoever in or to one half acre of pasture grounde lying in the Oldbury field in Tewkesbury aforesaid To have and to hold the said parcell of pasture ground with thappurenances unto the said Susanna Smythsend her Executors and assignes from and immediately after my decease unto thend & terme of Twelve yeares next ensueing to be compleat & ended.*

Susanna married John Sextie a cheesemonger from Gloucester on the 25th March 1676.<sup>177</sup>

John Sextie died in 1718.<sup>178</sup>

Susanna is mentioned in the Will of her cousin Elizabeth Smithsend in 1728.

*To my cousin Susannah Sextie of Gloucester, widow, one guinea.*

John and Susannah had two children, Sarah (b.1689) and Samuel (b.1690) both born in Gloucester.<sup>179</sup>

<sup>180</sup>

**Sarah Smithsend (c.1657).** The daughter of John and Susanna. She was mentioned in the Will of her Aunt Elizabeth Higgins in 1665.<sup>181</sup>

*I give and bequeath to Sarah daughter of my said brother John Smythsend Twenty pounds of current mony to be paid to them within six months next after my decease.*

Sarah married Edward Jones on the 19th April 1693 at Deerhurst.<sup>182 183 184</sup>

## **9. Children of Nicholas Smithsend (b.1645) & Anne Vobe**

**Thomas Smithsend (1689-1717).** The son of Nicholas and Anne. He was born in 1689.

Thomas was listed as taking the Oath of Allegiance in 1715 at Tewkesbury.<sup>185</sup>

Thomas married Pauline Wynde (1694-1735) on the 20th May 1716 in Tewkesbury.<sup>186</sup>

Thomas made a Will (possibly in 1712) in which he left several properties to his wife Paulina and some to his brother Nicholas. He also mentioned his uncle Thomas and his aunt Elizabeth.

There are also several quite extensive debts to be settled owing to Mary Lyes (probably the Mary Smithsend who married John Lyes), Elizabeth Aston, Mrs Anne Holland, the widow Baldwyne, and Thomas Hall. In all amounting to £235.

### Will of Thomas Smithsend 1717

*In the name of God Amen. I Thomas Smithsend of Tewkesbury in the county of Gloucester, being sick in body but of sound and perfect mind and memory thanks be given to Almighty God for the same and not knowing how it will please God to dispose of me either for life or death but wholly submitting my selfe to his blessed will doe make this my last will and testament in manner and form following.*

*Imprimis. I give and bequeath my soul into the hands of Almighty God my creator hoping for salvation through the alone merrits of Jesus Christ my blessed Saviour and redeemer and my body to the earth*



to be decently buried according to the discretion of my Executrix herein after named and as to that worldly estate wherewith it hath pleased God to bless me I give and devise to my dearly beloved wife Paulina Smithsend and her heirs for ever all those my two closes or inclosed pieces of Greensward or pasture ground called Pages Tirles which I lately purchased of the Honourable Henry Stafford Esquire, lyeing and being in the Parish of Ashchurch in the county of Gloucester.

Item. I give and devise unto my said wife Paulina all those my two grounds of inclosed Greensward called Fletchers Grounds als Fletchers Ridgeways with the meadow thereunto adjoining and belonging which I lately purchased of one John Mills of London, Gentleman, lyeing and being in Walton Cardiffe in the said County of Gloucester. To hold to her heirs and assigns for ever provided nevertheless that my wife shall immediately upon my death surrender and yield up her settlement or jointure as to the other Lands called Veysey? Lands als Newton fields therein mentioned and confirmed which are herein after otherwise disposed of, to my brother his Heirs and assignes my will and meaning is that the two lands before mentioned seized to her and her heirs of the said Pages Tirles and Fletchers grounds als Fletchers Ridgeways and the meadow thereunto adjoining called Fletchers meadow shall be void frustrate and of none effect to all intents and purposes my devise word sentence herein before contained to the contrary notwithstanding.

Item. I give and devise to beloved brother Nicholas Smithsend his Heirs forever all that my piece of Greensward or pasture called Vesey? lands lyeing and being situate in the Parish of Ashchurch aforesaid in the said Countie of Gloucester.

Item. I give and devise unto my said brother Nicholas Smithsend to his heirs forever all that the moyety of the Estate at Fiddington now in possession of my Uncle and Aunt which I hold in Revercon after the death of my said Aunt by vertue of the last will and testament of my late grandfather deceased.

Item. I will and direct shall be paid unto my said Brother the sume of One Hundred Pounds now remaining in the hands of my said Uncle and Aunt being a legacy left me by the last will and testament of my said late Grandfather deceased, condition nevertheless and upon this special provision that he my said brother shall with the utmost expedition next after my decease either by sale of the lands or otherwise and application of the one hundred pounds shall pay and discharge the severall Bonds and Notes herein after mentioned.

To Mary Lyes widow the sume of One Hundred and tenn pounds and interest.  
To Mrs Elizabeth Aston Sixty pounds and interest  
To Mrs Anne Holland Forty pounds and interest  
To the widow Baldwyne Twenty pounds and interest  
To Thomas Hall fifteen pounds and interest

After such payment the remaining to be and remane to him the said Nicholas Smithsend his heirs and assignes for ever.

Item. And my particular will and desire is that none of my friends will be prying or inquisitive how these several sumes have been employed it being a matter I am willing shall bye a secrett in my owne brest but I hope that all my friends will as far as in them lyes agree to secure my reputation.

Item. I give unto my said dear Brother all the Law books in my studdy and my violins and music books of all [ --- ] and my sword and Guns.

Item. I give and bequeath unto my loving sister Elizabeth Smithsend Tenn pounds to buy her mourning which I order to be paid to her one yeare after my decease by my wife.

Item. All the reste of my Goods Chattels and personal estate whatsoever I give dispose and bequeath unto my said wife Paulina Smithsend who I hereby make my sole executrix of this my last will and testament desiring t be buried in the Parish Church of Ashchurch in a grave separate from any other.

In witness whereof I have to this my last will and testament containing four sheets all my owne handwriting each sheet signed with my owne hand sett my hand and seale hereby declaring all former

*wills and codicils by me at any time before void and this to be my last will and testament the eleventh day of May in the third year of the reign of our Sovereign Lord King George over Great Britaine.*

*Witnesses*

*Thomas Watts*

*Robert Lewis*

*The mark of Sarah Smith*

Thomas died, aged 26, on the 17th May 1717 and was buried in Ashchurch on the 21st May.<sup>187</sup>

*Here lyes interred the Body of  
Thomas Smithsend,  
late of Tewkesbury, in the  
County of Gloucester, Gent. who  
departed this Life, in hopes  
of a joyful Resurrection, the 17 of  
May 1717, aged 26 Years.  
This Stone is fixed here by his  
Widow, in respect to his Memory*

*Also Paulina, the Wife of  
Thomas Smithsend died  
October 28, 1735, aged 54*

The Wyndes were a titled family and a crest based on the Wynde crest appears on the memorial for Thomas and Paulina in St Nicholas, Ashchurch. The Gloucestershire antiquarian Samuel Rudder saw it in 1779 and described it as follows.<sup>188</sup>

*On a flat stone of white marble, in the chancel.  
Part per pale. 1. A bend wavy 2. A chevron between three griffons heads erased. No colours expressed in the Sculpture. Under the Scutcheon a memorial for Thomas Smithsend of Tewkesbury, who died in 1717, and for Paulina his wife who died in 1735*

Paulina was left twenty pounds by her husband's Uncle, John Vobe in 1730.<sup>189</sup>

*Item. I give and bequeath unto my cousin Paulina Smithsend of Tewkesbury the sume of Twenty pounds of lawful money of Great Britain to be paid to her by my Executor hereinafter named within a year and a day after my decease in case she shall be then living and not otherwise.*

Paulina made a Will on the 25th October 1734.

Paulina died, aged 54, in 1735 on the 25th October and was buried at Ashchurch on the 31st October.<sup>190</sup>

Prrobate was granted to her brother James Wynde on the 24th November 1735.

In the Will Paulina left some land in Ashchurch to her nephew John Wynde (son of her brother James Wynde). She also made bequests to Arthur and William Wynde, James' other sons. There were also bequests to Elizabeth Jones, Paulina Wheeler, and Rachell Wynde daughters of her brother Charles Wynde and bequests to Deborah Duruford and Paulina Wynde daughters of her brother John and to Paulina Wynde the daughter of her brother James.

Paulina also gave a '*stone table standing in the parlour to Ash Church for a Communion table and desire it may be writt upon it the Gift of Paulina Smithsend*' this might be the communion table that is still in the church today and described as 'a good communion table from the 15th century'.

Paulina's father was Charles Wynde

**Elizabeth Smithsend (1694-1734).** The daughter of Nicholas and Anne. She was born in November 1694.

Elizabeth was mentioned in the Will of her brother Thomas in 1717, in the Will of her older brother Nicholas in 1727, and in the Will of her cousin Mary Lyes in 1719.

*Item. I give to my unto my Cousin Elizabeth Smithsend of Fiddington the summe of five pounds and to my Cousin Elizabeth Smithsend of Walton the summe of five pounds.*

Elizabeth was mentioned in the Will of her cousin Elizabeth Aston in 1720.

Elizabeth was left a substantial legacy by her Uncle, John Vobe, in 1730.<sup>191</sup>

*Item. I give and bequeath unto my cousin Elizabeth Smithsend only daughter of Nicholas Smithsend of Walton Cardiff in the County of Gloucester, four hundred pounds of lawful mony of Great Britain to be paid unto her by my Executor hereinafter named within one year and a day after my decease in case she shall be then living and not otherwise.*

Elizabeth died, aged 39, on the 23rd April 1734 and was buried on the 25th April at Ashchurch.<sup>192</sup>

*Elizabeth, Daughter of Nicholas and Anne Smithsend, died the 23 of April, 1734, aged 39 Years and 6 Months*

Her brother Nicholas dealt with the Administration as she died intestate and Administration was granted on the 20th May 1734.<sup>193</sup>

**Nicholas Smithsend (1688-1746).** Of Walton Cardiff. The son of Nicholas and Anne. He was born in 1688.

From several letters between Nicholas and his father it looks as though he was articled to a Mr Lyes, attorney, in Gloucester in about 1706 at the age of 18.

Nicholas (or perhaps his father) witnessed the Will of Petronella Fisher of Tewkesbury dated 23rd February 1712.

He is probably the Nicholas who was listed in a poll book in 1714.<sup>194</sup>

*1714 Smithsend Nich, Walton Cardiff*

Nicholas appears on several bonds between 1716 and 1719 which look as though they are part of his legal work.

There was a bond for £102 10s between a Mr Smithsend and Mr Lyes dated the 20th February 1717.

Nicholas was mentioned in the Will of his great Aunt Elizabeth Aston in 1720.

It was probably Nicholas who was listed in an Act of Parliament in 1726 for the upkeep of Tewkesbury roads.

**An Act for repairing the several roads leading from Tewkesbury, 1726**

*Whereas the several Highways and Roads; leading from the Town and Borough of Tewkesbury in the said County of Gloucester, to a Place called Coscomb Gate, on the Top of Stanway Hill in the Parish of Stanway in the said County of Gloucester, in the great Road to London, being Ten Miles or thereabouts; and to a Place called the Hands at Combs Hill, in the Parish of Elmestone Hardwick in the said County of Gloucester, in the Highway leading to Gloucester, called :the Upper Way, being Four Miles or thereabouts, and to a Place called Wainloads Bridge, in the Highway leading to Gloucester, called the Lower Way, being Four Miles or thereabouts, and to the Parish of Swindon, in the Highway to Cheltenham in the said County of Gloucester, being Five Miles or thereabouts; by reason of the Deepness of the Soil of the said respective Roads, and the heavy Carriages passing through the said Roads, are become ruinous and almost impassable, and cannot, by the ordinary Course appointed by the Laws and Statutes of this Realm, be effectually Repaired and Amended. Wherefore and to the End of several Highways and Roads aforesaid, may with convenient Speed be effectually Amended and hereafter kept in good and sufficient Repair; so that all Persons may travel through the same with Safety;*

May it Please Your Majesty

That it may be enacted; and be it Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled and by the Authority of the same; That, for the better Surveying, Ordering, Amending, Enlarging, Repairing and keeping in Repair, the Highways and Roads aforesaid, it shall be in the Power of the Right Honourable Thomas Lord Viscount Tracy in the Kingdom of Ireland, the Right Honourable Thomas Lord Viscount Gage in the Kingdom of Ireland, the Honourable Henry Berkley, the Honourable George Carpenter, Esqs, Sir Richard Cox, Sir John Guise, Sir John Dutton, Sir John Rushout, Baronets; Kinard Delabere, John Snell, Charles Hyett, Benjamin Bathurst, George Reade, Thomas Masters, John Tracey of Stanaway, Richard Tracey, William Higford, Edward Popham, William Surman, Ambrose Baldwin, William Bromley, William Baggott, Christopher Capell, James Higford, John Bruges, Edward Michell, John Parsons, William Rogers, John Prinn, William Chapman, Benjamin Collett, Fleetwood Dormer, Reginald Bray, John Howe, Richard Dowdeswell, William Dowdeswell, Daniel Kemble, William Lane of Apperley, Earily Washborn, Edmond Lechmere, Thomas Coote, Francis Dowdeswell, Charles Parsons, Esquires; Thomas Norwood, Francis Wells, Lionel Kirkham, Henry Izzard, James Uvedale, John Badger, Charles Badger, Clerks; Thomas Kemble, Doctor George Peyton, Nathaniel Jeynes, John Laight, Thomas Mann, William Mann, John Dark, Robert Gale, Giles Cox, Tobias Sturmeay, John Cox, **Nicholas Smithsend**, Jamen Reade, George Taylor, William Wilson, Thomas Hayward, George Moore, John Hawlin, Thomas Kemmett, Ambrose Pittman, and John Martin, Gentlemen; the Bailiffs, Recorder, Town-Clerk, and Chamberlain of the Borough of Tewkesbury for the Time being; who are hereby nominated and appointed Trustees, for putting this Act in Execution, and the Survivors of them, and that they, or any nine or more of them, or such Person or Persons, as they or any nine or more of them, shall authorize and appoint, shall and may erect, or cause to be erected a Gate or Gates, Turnpike or Turnpikes, in or cross any Part or Parts of the said, Highways, Roads or Streets, or on the Side of the said Highways, Roads or Streets, in or across any Lane or Way, leading out of the said Highways, Roads or Streets, and shall there receive and take the Tolls and Duties following, before any Coach, Berlin, Chariot, Chaise, Chair or Calash, Waggon, Wain, Carr, Cart or other Carriage, Horse or Cattle whatsoever, shall be permitted to pass through the same, viz. For every Coach, Berlin, Chariot, Chaise, Chair or Calash, drawn by two Horses or more, the Sum of One Shilling, For every Chaise, drawn by one Horse, the Sum. of Six pence, for every Waggon, Wain, Carr, Cart or Carriage, drawn by two or more Horses or Oxen, the Sum of One Shilling, for every Wain, Carr, or Carriage drawn by one Horse, the Sum of Six-pence; for every Horse, Ass or Mule laden or unladen and not drawing, the Sum , of One Penny; for every Drove of Oxen, Cows or neat Cattle, the Sum of Ten pence per Score, and so in proportion for any greater or lesser Number; for every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five pence per Score, and so in proportion for any greater or lesser Numbers; which said respective Sum and Sums of Money, shall be demanded and taken in the Name of, or as a Toll or Duty, and the Money so to be raised, is, and by Virtue of this Act, shall be vested in the said Trustees, and the same and every Part thereof shall be paid, applied, disposed of or assigned to and for the several Uses; Intents and Purposes, and in such Manner as is hereinafter mentioned and declared (the reasonable Charges expended, or to be expended, in or about, or by reason of passing this Act of Parliament, and the erecting of the several Turnpikes necessary, being first deducted) and they, the said Trustees, or any nine or more of them are hereby empowered by themselves (or any Person or Persons by them, or any nine or more of them, under their Hands and Seals thereunto authorized) to levy a Toll or Duty, hereby granted and required to be paid, upon any such Person or Persons who shall (after demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattels of such Person or Persons who ought to pay the same, and may detain and keep the same, until such Toll or Duty, with the reasonable Charges of such distraining and keeping shall be paid. And it shall and may be lawful, to and for such Person or Persons so distraining after the Space of four Days after such Distress made and taken, to sell the Goods so distrained and taken, returning the Overplus (if any there be) upon demand, to the Owner thereof, after such Toll, Duty and reasonable Charges for distraining , keeping and selling the same shall be deducted and paid.

In 1730 Nicholas was the Executor of the Will of his Uncle, John Vobe (1663-1730) and was left property in Colwall.<sup>195</sup> John Vobe had business interests in Bermuda and America and was quite wealthy.

*And lastly I give devise and bequeath unto my cousin Nicholas Smithsend all my freehold messuages lands tenements hereditaments and premises with their and every of their appurtenances situate lying and being in the parish of Ledbury in the County of Hereford and all other my lands tenements hereditaments and premises whatsoever or wheresoever with the appurtenances to have and to hold unto the said Nicholas Smithsend (only son of Nicholas Smithsend of Walton Cardiff in the County of Gloucester, Gent.) his heires and assignes forever.*

*And all the rest and residue of my personal estate I give and bequeath unto my said cousin Nicholas Smithsend whom I do hereby make and appoint full and sole Executor of this my last Will and Testament. And I do hereby revoke disannull and make void all former Wills by me heretofore made.*

In 1736 Nicholas was a subscriber to some printed music: *Two cantata's, and six songs, set to musick*, By B. Gunn.<sup>196</sup> Barnabas Gunn (c.1680-1753) was the Organist at Gloucester Cathedral. There were several hundred subscribers including Handel.

Nicholas married Sarah Merrett (1708-1782) in September 1738; they had two children, Nicholas and Thomas.<sup>197</sup>

The following documents were listed in a summary of titles to land on the estate drawn up in 1749. Most of the actual documents probably no longer exist.<sup>198</sup>

- Lease from Thomas Tucker his wife and others to Nicholas Smithsend for £102 10s dated 3rd/4th February 1728.
- Mortgage dated 20th July 1739 from Charles Parrett to Nicholas Smithsend for £10 for tenements in St Mary Street Tewkesbury.
- Assignment of land in Nether Slaughter from Robert Harmon and others to Mrs Elizabeth Smithsend for £800 dated 12 November 1732.
- Mortgage from Joseph Lawrence and his mother to Nicholas Smithsend for £100 dated 19th November 1734.
- Assignment of Washbourne Place, Nether Slaughter from Nicholas Smithsend and others to John Parsons esquire dated 1st February 1736.
- Release document and articles of agreement from Joseph Lawrence and others to Nicholas Smithsend and Gabriel Johnston for the use of Mr Smithsend for £1200 dated 5th February 1736
- Bond from John Keek to Nicholas Smithsend dated 15th January 1738.
- Receipt from Joseph Lawrence to Nicholas Smithsend for a gift dated 23rd February 1738.
- Release by Mrs Elizabeth Lawrence to Nicholas Smithsend for £25 dated 21 May 1739.
- Mortgage from Richard Roberts to Nicholas Smithsend gentleman for land at Woolstone for £186 5s dated 6th August 1739.
- Mortgage and bond from Richard Roberts to Nicholas Smithsend for £300 for lands in Little Comberton, Worcestershire dated 5th November 1739
- Assignment of the Fryth from Gilbert Knowles gentleman to John Parsons esquire in trust for Nicholas Smithsend for £630 dated 29th April 1732.
- Admittance of Nicholas Smithsend to customary messuages etc from his uncles John, Anthony and James Vobe and grandfather Anthony Vobe, dated 29 July 1735.

The mortgages with Richard Roberts in 1739 probably refer to the same land that was in dispute in 1716 and suggest the case was settled in favour of the Smithsend family.

There was a Bond between Nicholas Smithsend, Hester Phelps and Edward Phelps, dated 29 Sep 1744. This was the assignment of a mortgage to Edward Phelps. The mortgage was originally made to secure a legacy of £50 to Hester Phelps left to her by her Uncle Nicholas Smithsend, Maltster (died 1730) which was to be hers when she was 21 or when she was married. The mortgage was on a messuage in High Street Tewkesbury between the properties of William Lilly, gentleman (and now in the possession of William Spilman) and Joseph Mangell (now in the possession of Daniel Hatton). The security for payment was made by Hester's brother Nicholas Smithsend of the City of London to Nicholas Smithsend (the elder) on the 13th September 1731.

Summary of some Smithsend lands in about 1738

A messuage in Walton Cardiff of closes called, Kent's field (7a), Woodfield (6a), New Leesow (2a), Latchmore Hades (3a), Little Latchmore (1a), the Woodside (6a).

A messuage in Walton Cardiff called Wilks House and closes called the Leys (3.5a?), Baal's field (11a) and enclosure to the south of Baal's field (5a). Kent's field (3.5a) and another enclosure (0.5a).

A close in Turle Furlong (4a)

The Close called Turle meadow or Turle mead and another pasture within Turle meadow sometimes called Edwards acre and half (1.5a). Another close in Turle meadow called Foxes acre.

Nicholas made a Will dated the 25th October 1742 in which he made bequests to his two sons and to a cousin Edward Smithsend. He also mentioned Sarah his wife who was the executor of the Will.

Will of Nicholas Smithsend - 1741

*In the name of God Amen. I Nicholas Smithsend of Walton Cardiffe in the diocese of Gloucester, Gentleman being of sound and well disposing mind and understanding Doe make and ordain this my last will and testament in manner and form following.*

*First I commend my soul to God who gave it and my body to the Earth to be buried in the Parish church of Ashchurch 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 a Guinea.*

*I give to my cousin Alice Cubberley a Guinea.*

*I give to my cousin Sarah Tuberville a guinea.*

*I give to my son Nicholas Smithsend all my real estate to hold to him and his heirs for ever the Houses at Tewkesbury after the death of his mother and likewise I give to him my son Nicholas Smithsend all the rest of my Goods Chattels and personal estate my debts legacies and funeral expenses excepted.*

*And I give to the poor of Tewkesbury ten pounds.*

*To the poor of Ashchurch Five pounds.*

*To Sarah Haynes, Elizabeth Mason and Richard Tucker one pound each.*

*And I make my said loving wife sole Executrix and I do appoint John Parson of Kemmerton, Esq. and Packer Sermon of Treddington, Gentleman, trustees of my Will and give them each Five pounds a year for their trouble. But my will and meaning is if my said wife be with child at my decease that my whole estate real and personal shall be chargeable with the payment of Eighteen hundred pounds to such after child.*

*In witness whereof I have hereunto put my hand and seal this one and twentieth day of December 1742. Nicholas Smithsend. Signed sealed published and declared by the testator in the presence of Thomas Mearany, Thomas Bick and Mary Steight*

Nicholas died on the 10th August 1746, aged 58, and was buried in Ashchurch on the 12th August.<sup>199</sup>

*Nicholas Smithsend Gent*

*died 10 Aug. 1746, aged 58*

*Also here lies the Body of Sarah Smithsend,*

*Wife of the said Nicholas Smithsend*

*She died the 13 Day of March, 1782,*

*Aged 74 Years*

The entry in the Parish register is.<sup>200</sup>

*Nicholas Smithsend. Gent. 12 August 1746.*

Nicholas' wife was Sarah Merrett (1708-1782). She was about 20 years younger than Nicholas.

Sarah was mentioned in the Will of Hester Mann of Tewkesbury of 1746.<sup>201</sup>

*I give and bequeath to my said daughter Fitz-Edwards, to Mrs. Sarah Smithsend of Walton Cardiff, widow, to the reverend Mr. Perry Jones and to Mr. Henry -----, both of Tewkesbury, each a diamond ring of five guineas value with my name and my late husband Mr. William Manns inscribed on each ring*

Sarah was mentioned on a lease dated the 10th March 1752 and was referred to as 'Sarah Smithsend widow of Nicholas Smithsend'. She was also mentioned on a bond of 1759.

Sarah died on the 13th March 1782, aged 74, and was buried at Ashchurch with her husband.

Sarah died intestate and in 1819 a dispute arose about part of Nicholas' Will.<sup>202</sup>

#### Administration of Nicholas Smithsend / Sarah Smithsend 1819

*On the 22nd Day of April 1819 Administration of the Goods Chattels and [Credits] of Nicholas Smithsend late of Walton Cardiff in the County of Gloucester deceased left [xxx] by Sarah Smithsend Widow deceased whilst being the [xxx] and sole Executrix named in this said [Will] was granted Thomas Phillips White of Tewkesbury in the County of Gloucester Gentleman as a person for that purpose named by and on the part and behalf of John Baldwin of Great Washbourne John Dobbins Clifton of Ashchurch both in the County of Gloucester Executors of the Will of Bernard Baldwin Esquire deceased and William White of Ashton Underhill in the Parish of Beckford in this County of Gloucester Yeoman [xxx] so far as concerns all the Right Title and Interest of him the said deceased in and to [a] certain messuage or Tenement Closes or enclosed grounds allotments or Parcels of Land Hereditaments and Premises in Ashton Underhill in the County of Gloucester with their appurtenances and the Residue and Remainder of a certain Term of five hundred years therein granted and assigned to the said Nicholas Smithsend in and by a certain Indenture of Assignment of three parts bearing date the twenty fifth Day of April 1743 and now to come and unexpired and all benefit and advantage to be had received and taken therefrom but no further or otherwise or in any other manner whatsoever having been first sworn (by Common duty to [xxx] (the said Executrix) died intestate.*

### **10. Children of Nicholas Smithsend (b.1688) & Sarah Merrett**

**Thomas Smithsend (1740-1741).** The son of Nicholas and Sarah. He was born in 1740.

Thomas died on the 27th September 1741 aged 1 year 11 months and was buried with his grandfather in Ashchurch on the 29th September. There is a memorial at Ashchurch.<sup>203</sup>

**Nicholas Smithsend (c.1739-1790).** The son of Nicholas and Sarah. He was born in about 1739.

Nicholas was apprenticed as an attorney in Worcester in 1756. His father and possibly his grandfather had also been solicitors.<sup>204</sup>

#### An Indenture of Apprenticeship for Nicholas Smithsend

*Between Sarah Smithsend of Tewkesbury, Widow and her son Nicholas Smithsend and John Karver of the City of Worcester, Gent, Attorney of the High Court of Common Pleas*

*The conditions were that Nicholas was to be given training after which he would be admitted to Court of Kings Bench and Common Pleas. The term was 5 years and the payment £200 plus £10 duty.*

*Witnesses: William Merry, Benjamin Karver, William Sextie Junior*

Nicholas was admitted to the Middle temple on the 19th May 1760.<sup>205</sup>

Nicholas married Mary Romney in January 1765 at Croxhall in Derbyshire.

Nicholas was sometimes referred to as *Nicholas Smithsend of Worcester* and he may have lived in Worcester for some time after his marriage as all the children were baptised at St. Nicholas, Worcester.<sup>206</sup>

Nicholas was mentioned in a bond dated 6th November 1773.<sup>207</sup>

As a freeholder of Walton Cardiff Nicholas was recorded as a Voter in the election of 1776.<sup>208</sup>

Nicholas was mentioned in a history of Gloucestershire as the trustee of a benefaction left by Thomas Haynes for the Parish of Ashchurch.<sup>209</sup>

*Thomas Haynes, citizen of London, gave by Will to be distributed to such poor widows and housekeepers as are not upon the parish book, the interest of fifty pounds, vested in Nicholas Smithsend of Worcester, Esq. the annual produce of which is two pounds ten shillings.*

Nicholas and some properties were listed in poll books in 1774 and 1776.<sup>210</sup>

*1774 Smithsend, Nich, Colwall (abode), Ledbury (freehold)*

*1776 Smithsend Nicholas, Walton Cardiff, abode Worcester, Tenure (John Bullock)*

Nicholas made a Will in 1775. It mentioned his wife Mary, his wife's brother and his daughters Mary Ann, Sarah, Elizabeth, and Harriet. The bulk of the estate was left to his daughters.<sup>211</sup>

#### Will of Nicholas Smithsend - 1775

*The last will and Testament of me Nicholas Smithsend of Worcester Esquire in the Manner following. That is to say.*

*In case I shall dye without issue male I give and devise all my lands, tenements and Hereditaments (the Estates which I settled on my marriage with my present wife to be subject to the uses in such settlement contained) unto my wife's brother William Romney of Droitwich in the County of Worcester and James Oliver of the City of Worcester aforesaid, Grocer, and their Heirs. In Trust for my four daughters Mary-Ann, Sarah, Elizabeth and Harriet and all and every other daughter and daughters which I may happen hereafter to have and of the several and respective heirs of the body and bodies of all and every such Daughter and Daughters lawfully [living]. Said Daughters to take as tenants in common and not as joint tenants.*

*And in case of the Death and failure of issue of my said Daughter or Daughters then as with the original share of such Daugther so dying and of whom there shall be a failure of issue as aforesaid and also such share and shares as shall survive or accrue to her or them or her or their issue on the Death and failure of issue of any other or others of said Daughters shall from time to time go accure and remain to the survivor or survivors of such daughter and the respective Heirs of the body and bodies of such surviving Daughters if more than one to take as Tenants in Common and not as joint tenants and for and of such --- issue to the use of my own right Heirs forever.*

*And I give and bequeath unto my said four above named Daughters (In case I shall leave no more) the sum of one thousand pounds apiece of lawfull Money of Great Britain to be paid to them respectively at the age of Twenty one years or day or days of Marriage.*

*But if I shall leave more than four Daughters then the sum of Four thousand pounds to be equally divided between and to be paid to them respectively as aforesaid (provided such times of payment happen after my decease) but if within my lifetime then within three months next after my decease.*

*And if any of my said Daughters shall dye before she or they shall attain the age of Twenty one years without having been married Then the share or shares of her or them so dying shall from time to time go accrue and be paid to the survivors or survivor of the others or other of them and be vested in her or them if more than one equally share and share alike at such time or times and in such manner and under such restrictions to such surviving or other Daughter or Daughters then in being as herein before declared and expressed touching her and their original share and shares.*

*Also so I give and bequeath unto my Mother Sarah Smithsend the full sum of Five hundred pounds to be paid her within Six months after my Decease.*



*And all the rest and residue of my personal Estate I give and bequeath unto my said wife who I constitute and appoint sole Executrix of this my Will hereby revoking all former wills by me at any time made and declaring this to be my last.*

*I commit the Guardianship of my children during their [respective] minorities to my said Wife and to her brother Mr William Romney of Droitwich in Worcestershire and James Oliver of the City of Worcester and the survivor of them.*

*In Witness whereof I have to this my said will contained in two sheets of paper of my Hand and Seal this fifth day of may in the Year of our Lord One thousand seven hundred and seventy five.*

*Signed Sealed and Published and declared by the said Testator as and for his last will and Testament in the presence of use whose names are hereunto and of who in his presence and at his request have submitted or hands as Witnesses the day and year above written.*

*Nicholas Smithsend*

*John Delabere  
John Delabere Junior  
Thomas Markham*

In 1778 and 1779 Nicholas was involved in a dispute with John Wynde the nephew of his Aunt Paulina Smithsend. John Wynde claimed that Nicholas had agreed to buy some land from him but then backed out of the deal. Here is an extract from John Wynde's case. The land 'Page's Turles' had originally been brought by Nicholas' uncle Thomas Smithsend and then left to his wife Paulina in his Will of 1717 and then by her Will to her brother James Wynde and to his son John Wynde.<sup>212</sup>

*John Wynde vs. Nicholas Smithsend - 1779*

*To the Right Honourable Edward Lord Thurlow Baron Thurlow of Ashfield in the County of Suffolk Lord High Chanellor of Great Britain*

*25th November 1779*

*Humbly complaining herewith unto your Lordship your Orator John Wynde of Warwick Court Holborne London Apothecary that your Orator being seized in fee simple of certain closes of pasture ground sometimes called Page's Turles situate lying and being in the parish of Ashchurch in the County of Gloucester.*

*And being inclined to dispose of the same sometime in or about the month of June or July One Thousand Seven Hundred and Seventy eight employed his attorney Mr John Humphreys to sell the said closes who thereupon for and on behalf of your Orator entered into a Trade with Nicholas Smithsend of the City of Worcester Esquire who wanted the said closes of your Orator and had expressed a desire of purchasing them and to whom your Orator had directed the said John Humphreys to give preference in the disposal of them for the absolute purchase of the freehold and fee simple of the said closes ...*

*And your Orator further sheweth that the said John Humphreys had no sooner tendered the said Articles of Agreement to the said Nicholas Smithsend for him to Execute than he refused to do it and began to raise doubts and objections tending to temporize and trifle with your Orator and show an inclination to end his Agreement and with that view employed his brother in law one Mr Romney an Attorney and applied to the said John Humphreys to send the said Mr Romney an Abstract of all your Orator's Title deeds of the above mentioned Closes notwithstanding the said Nicholas Smithsend (who was bred to the profession of the Law) had several times declared that he was fully satisfied with your Orator's title the same being clearly derived from his the said Nicholas Smithsends late uncle Thomas Smithsend, Gentelman, deceased and his late widow and devisee Paulina Smithsend deceased under whom your Orator claims the said premises and by them and your Orator the same have been peaceably held and enjoyed for upwards of sixty years without interruption...*

There is a letter from Nicholas to a Mr W White of Ashton Underhill in 1781

Letter from Nicholas Smithsend in 1781

*To Mr W White of Ashton Underhill to be left at the Swan in Tewkesbury, August 15th 1781*

*You faithfully promised when you were with me last that you would bring the remainder of the Interest due to me in three months at furthest. I must now tell you I think you use me very ill and I am determined not to be trifled with any longer and expect you to pay me all the interest within one half year by next Saturday sevenight. You may depend upon it I shall give you notice immediately for the payement of both Principale and Interest.*

*From  
Your humble servant  
Nicholas Smithsend*

This may relate to the Administration which was attached to Nicholas' Will in 1819 (see above) which involved a Thomas Phillips White. There was also a bond of £20 for Thomas White to make an inventory, etc, of the effects of Nicholas Smithsend, late of Walton Cardiff, gent, deceased.

Administration - Nicholas Smithsend 1818

*Know all my be these presents that: We Thomas White gentleman, Robert Holland Victualler and John Doe all of Tewkesbury in the County of Gloucster are held and firmly bound unto ...*

The poor rate for Tewkesbury for 1785 showed that a Charles Chandler rented a garden from Nicholas Smithsend and that Samuel Jeynes, Gentleman rented Oldburry meadow from Nicholas Smithsend of Worcester.<sup>213</sup>

An indenture of 1789 records a transaction between Nicholas and a Mr Penrice, concerning land near Droitwich.<sup>214</sup>

*Indenture between Nicholas Smithsend of the City of Worcester and Edward Penrice of Droitwich*

*Mr Smithsend gives to Mr Penrice a piece of pasture called Broad Meadow in Exchange for a piece of pasture ground called the Sling and a Close called Little Pitchcroft plus £16.*

*Dated 19th September 1789*

Nicholas was a shareholder in the Droitwich Canal Company and was one of the proposers of a special shareholders meeting to consider a proposal from the Worcester and Birmingham Canal Company; the latter began construction in 1791.<sup>215</sup>

*To the Proprietors of Shares in the Droitwich Canal Navigation, and to each and every of them.*

*WE whose names are under-written, being seven or more of the Proprietors of Shares in the said undertaking, DO hereby give NOTICE, that a special Meeting of the aforesaid Company will be held at the George Inn, in Droitwich, on Monday the 8th day of February next, at the hour of twelve in the morning of such day, for the purpose of receiving, and taking into consideration, the proposals made to the said Company by the Managers of the intended Worcester Canal, from Birmingham to Diglis, near Worcester, and to assent to, or dissent from such proposals, and all and every of the Proprietors of Shares in the Droitwich Navigation as aforesaid, are desired to attend, either in person, or by proxy. - Witness our hands, this 26th day of January, 1790.*

*Joseph Beesley, John Collins  
Robert Foster, Richard Phillips  
Richard Harrison, D. Roberts  
Henry Beesley, S. Roberts  
John Browne, Nicholas Smithsend*

An undated document (possibly early 19th Century) shows: *Nch. Smithsand* as a Landlord in Ledbury.<sup>216</sup>

Nicholas died on the 15th September 1790 and was buried in Ashchurch.<sup>217</sup>

Nicholas' wife Mary Romney dealt with his Will and was granted probate on the 14th October 1790.

Mary died on the 28th September 1806 and was buried in Ashchurch.<sup>218</sup>

There was a brief obituary for Mary in the Gentleman's Magazine.<sup>219</sup>

*At Walton House near Tewkesbury, co. Gloucester  
Mrs Smithsend, widow of Nicholas S. Esq. of that place*

Mary's brother was William Romney of Droitwich and her father was probably another William Romney of Droitwich (1702-1766). The Romneys were a titled family in Worcestershire. A memorial in St. Andrew's Droitwich gives some details about the Romneys.

*In memory of James Watts, Gent. Mary his wife and Ann their daughter. Also William Romney Gent. who died June 30 1766 aged 64. His example was worthy of imitation as a good husband and parent, a hospitable neighbour and an honest man.*

*And likewise of William his son who died on Dec 1st 1777 aged 43. He was a dutiful son and affectionate brother and a sincere friend. For his many private virtues both Religious and Social he lived respected and died lamented.*

*They are all buried in a vault near this place.*

*All is all. Mary Romney relict of Wm Romney Snr and only surviving daughter of James Watts who died Jan 26th 1783 aged 88?. She was a most affectionate wife, a prudent and tender mother of her children by whom her loss will ever be regretted.*

*Also of Anne youngest daughter of William and Elizabeth Romney who died sincerely regretted by her family and friends Feb 10th 1799 aged 53.*

*In the same vault are deposited the body of James Romney son of William and Mary Romney. Maria Smithsend and William Romney their grandchildren. Also Ann daughter of James Watts and Elizabeth Romney who all died in infancy.*

Maria Smithsend was the daughter of Nicholas and Mary; she died in 1768.

### **Walton House**

Nicholas built Walton House, in Ashchurch, shortly before his death. The following description appeared in the *Bulletin of the Tewkesbury Historical Society*.<sup>220</sup>

#### *Walton House, Tewkesbury, by Lucy Hodges*

*Walton House stands a mile from Tewkesbury and a similar distance from Ashchurch. Originally a small eighteenth century manor house, it has been adapted to several different uses during its history. The house was built in spacious grounds in 1790 by Nicholas Smithsend in the style of Robert Adam. This gave Walton House listed building status in 1995 and saved it from demolition. It is believed that the architect of Walton House was George Byfield, who also designed Webber House. There are striking similarities between the two buildings. Both have Flemish bond brickwork, the same ashlar dressings, slate roofs and brick stacks.*

*Walton House is a compact symmetrical double-depth block with central staircase hall to the rear, two chimney breasts to each gable wall, with a lower range which was added to the south side in the late nineteenth century, together with a conservatory. The entrance was originally on the east side, but is now on the west. The North gable wall of the main block is plain, with some blocked windows, while the south wall has four plain sashes at the second floor. The large stacks have stone modelled cappings, and the curved gable ends continue between the stacks in a straight parapet, and so conceal the central valley roof.*

*The west front of the house has three storeys with a basement, three-windowed, all to segmental brick heads and stone sills. The second floor has nine pane sashes, and there are large tripartite sashes as the first and second floors. There is an added stone bay to the right of the house, with a panelled door with a radial fanlight, which has stone engravings with small single lights either side.*

The architect was possibly George Byfield 1757-1813 a London based architect who also designed the Worcester Workhouse in 1794 and Hurlingham House in London (now the Hurlingham Club).

It is not clear if there was any building on the site before Walton House. In 1662 Nicholas Smithsend lived in a house with 5 hearths in Walton Cardiff this was probably further to the South where the medieval village and later chapel once stood.<sup>221 222</sup>

The further history of the house is as follows.

The House passed to Nicholas' wife Mary (Romney) in 1790 and to their daughters when Mary died in 1806.

When Elizabeth, the youngest daughter, died in 1833 the house land and other estates went to her mother's relatives (the Romney family) and Walton House went to Francis Henry Romney who was Elizabeth's great-nephew and the Vicar of St. Nicholas, Ashchurch.

The house went from Francis Henry Romney to Churchill Romney who offered it for sale in 1879; but from 1833 to 1863 the house was actually occupied by a George Ruddle.

A Lieutenant-Colonel Henry Gillum Webb (1842-1904) bought the house in 1879 and it was probably Webb who made many of the later modifications.

In 1911 the house was bought by a Colonel Scobell (the maternal grandfather of the Novelist Barbara Cartland) and the house passed to his wife Edith and then his son John Stanford Scobell in 1929 (including the Lodge and 1 and 2 the Poplars on the main road).

From 1937 to about 1945 the house was owned by a Vet - Mr Maguire.

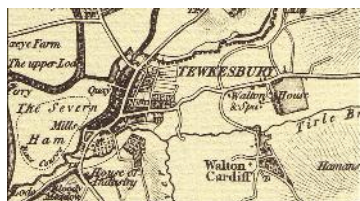
The house was bought (or granted to) Gloucestershire County Council in 1946 from a John Carradine Allen and used as a Children's home.

At some point (possibly 1965) it changed use to a home for the mentally ill.

In 1994 the house was sold to David Deacon Ltd who converted the house into flats.

## Walton Spa near Tewkesbury

In about 1785 Nicholas attempted to promote a Spa for Tewkesbury on the Smithsend estate. It is known as 'Walton Spa'.



*Tewkesbury in about 1800*

There seems to have been interest in the waters on the Smithsend estate from about 1750.

The antiquarian Samuel Rudder reported that in about 1750 a well was sunk on or near the future site of Walton house 'to enable the people of Tewkesbury to enjoy the benefits of its purging water'.<sup>223</sup> This well apparently fell into disuse.

From the 1780's onwards the spa at Cheltenham became very popular and Nicholas attempted to attract visitors to Tewkesbury by building a small spa on his Walton estate, calling it Walton Spa. In 1790 W Dyde published a booklet on Tewkesbury and appended a description of the water and spa.<sup>224</sup>

This was described in Bennett's History of Tewkesbury.<sup>225 226</sup>

*Mineral waters, possessing the same qualities as some of the wells at the far-famed springs of Cheltenham, are found in the immediate neighbourhood of Tewkesbury but here, as it has been aptly observed, 'No Naiad will be worshipped, 'till temples have been likewise erected to pleasure, convenience, and dissipation.'*

A footnote gave more detail.

*At Walton Cardiff, a small village about a mile to the eastward of Tewkesbury, are some excellent springs of mineral waters, nearly resembling those of Cheltenham. In the year 1746 some idea was entertained of endeavouring to make it a place of general resort: the properties of the waters were however but little known until 1787, when Dr. James Johnstone, one of the physicians to the Worcester infirmary, published an interesting account of them, accompanied by many chemical experiments. These were made from waters obtained at the well near the mansion, to which the public cannot now of course expect to be indiscriminately admitted, owing to the constant residence of the proprietor; but Mr. Witts, the occupier of part of the estate, freely allows respectable visitors the unrestricted use of a pump in his court-yard, which yields water of a quality similar to that at the original spa, and in the summer time it is much frequented.*

*The Well is situated near Walton a village about a mile from Tewkesbury, upon an estate belonging to Nicholas Smithsend.*

Of the water Dyde wrote:

*Its resemblance in taste, and other appearances to the Cheltenham Water, strikes everyone who makes the comparison. Its operation on the Body, also, is exactly the same, a Pint or more, acts as a gentle Laxative and Diuretic: And it occasions a slight giddiness in some persons, in others a sort of a heavy pain in the head.*

Nicholas may have sponsored W Dyde's book (second edition) and paid for the report by Dr James Johnstone and so attempted to promote the spa. The waters were apparently attracting attention as early as 1746.<sup>227</sup>

*In the hamlet of Northway and Newton there is a spring of mineral water, of much the same quality as that at Cheltenham. About forty years ago a pump was erected over it and endeavours were used by the inhabitants of Tewkesbury to make it a place of resort; but from its vicinity to Cheltenham they did not succeed. Many people however having lately found benefit from this water in scorfbutic complaints, the plan revived; and, it is said, a subscription has been proposed for building a pump room &c.*

The pump in the house yard was reported as 'much frequented' and the estate was marked as 'Walton House and Spa' on the first ordnance survey. This was on the South side of Ashchurch Road.

There was some suggestion that Walton House itself was built as an intended Hotel for the spa.<sup>228</sup>

Bennett described 'Walton Waters' in more detail in the Yearly register.<sup>229</sup>

### **Walton Waters**

*THESE springs appear to have first attracted notice about the year 1746, though little was known of them beyond the immediate neighbourhood until the publication, forty years afterwards, of a pamphlet on the subject, entitled " Some Account of the Medicinal Water near Tewkesbury; with Thoughts on the Use and Diseases of the Lymphatic Glands. By James Johnstone, M.D. Physician to the General Infirmary, Worcester; Fellow of the Royal Medical Society, Edinburgh; of the Philosophical Societies of Manchester and Bath; and Corresponding Member of the Medical Society, London."*

*Soon after the appearance of this work, (two editions of which were printed,) the following advertisement was extensively circulated:*

*Walton Spa, near Tewkesbury, having been found by analysis, to contain the salts, iron, sulphureous gas, and other medicinal ingredients, to which the waters of Cheltenham owe their salutary qualities, and being found by experience to be a gentle purgative which may be continued for any length of time, not only without diminishing (but on the contrary with increase to) strength, spirits, and appetite. This water is an effectual remedy for carrying off bilious and other morbid matter, contained in the intestinal canal; for removing obstructions of the liver and other viscera, more especially such as have taken place during a residence in hot climates, and in curing old ulcers, ophthalmias, obstinate cutaneous foulness, and all kinds of obstructions of the glands and lymphatic system, with the many diseases arising from such obstructions.*

*The town of Tewkesbury, to which this spring is adjacent, (being a short mile from the place,) is beautifully situated on the finest plain in the world, at the conflux of the river Avon into the Severn, Provisions and even delicacies of all- kinds are plentiful. The roads good, and the prospects delightful. The principal inhabitants of this place have agreed to accommodate ladies and gentlemen-, who come for the use of the Walton Spa, with lodging and other conveniences, on the most reasonable terms ; and new buildings ave to be ereeted this summer, on the spot, for that purpose."*

*About the same period, "Walton House, in the parish of Ashchurch, was built by Richard Smithsend, Esq. who was at that time proprietor of the estate. It was at first called "Walton Spa," and is now the residence of George Ruddle, Esq. A few years since, a new building was erected near a good saline spring, on the north side of the turnpike road leading to Ashchurch, nearly opposite Walton House, by Mr. John Packer, of Tewkesbury, which was said to have been designed for a pump room, though it has never been used for that purpose.*

*Professor Daubeney, in his Report on Mineral and Thermal Waters, published in 1837, alluding to "the discovery of the two new principles, iodine and bromine" observes,, that " both principles exist in the springs issuing from lias,, at Leamington, Gloucester, Tewkesbury and Cheltenham; whilst in the*

*aperient saline waters of Melksham, Epsom and London, all of which are connected with newer rocks, iodine appeared to be altogether wanting, though traces of bromine were detected.*

In the early 1840's John Palmer sunk a well and built a pump room across the road and almost opposite Walton Spa. This small pump room and spa was apparently never used and it was bought by some Cheltenham businessmen and was demolished in 1961.

There is some evidence that there were related attempts to provide a promenade for this later spa as there are three houses with regency style verandas in Barton Street leading into Tewkesbury.<sup>230</sup>

Robert Phelps (a cousin of Elizabeth Smithsend) inherited part of the Walton Estate and may have been involved with John Palmer and probably owned the land where the well was sunk. Robert Phelps' bankruptcy in the 1840's perhaps indicates that John Palmer's scheme never prospered.

An 1843 map of Tewkesbury shows, on the North side of Ashchurch road, a building and fields with the following names.

*Watering place  
Spa long garden  
Little pump ground  
Wynds or Pump ground  
Walton spa ground.*

The Victoria County history gives the following account.<sup>231</sup>

*The mineral waters that occur in the limestone bed under the west end of the parish first attracted notice c.1746 but no serious attempt was made to exploit them until after the publication of Dr James Johnstone's analysis of 1787. In the early 19th century it was said that attempts to exploit the waters a few years earlier had failed though afterwards it was recorded that the Walton Wells were 'at one time much resorted to'. A spa at Ashchurch offered for sale in 1823 may have been on the site of Walton spa, on the North side of the main road, where a spa house was built c.1835. The spa house was never used for its intended purpose for the promoters were paid by people interested in the Cheltenham Spas to abandon their plans. The small brick building, with a stone front of four columned Roman Doric pillars supporting the eaves of a slate roof, survived in an orchard until 1961 when it was removed to make way for houses.*

## **11. Children of Nicholas Smithsend (c.1739) & Mary Romney**

**Mary Smithsend (1765-1820).** Mary Ann. The daughter of Nicholas and Mary. She was born in July 1765 and baptised at St Nicholas, Worcester.

Mary died on the 4th May 1820, age 51, and was buried at Ashchurch on the 11th May 1820.<sup>232 233</sup>

There was a brief obituary in the Monthly Magazine.<sup>234</sup>

*Obituary. June 1 1820, p.484  
At Walton Spa, 50, Miss Smithsend, esteemed for her general benevolence.*

**Maria Smithsend (c.1766-1768).** The daughter of Nicholas and Mary. She was born in about 1766 and died as an infant about 2 years old.

Maria died in 1768 and was buried on the 22nd June. It is not quite clear whether she was buried at St. Nicholas, Worcester or at St Andrew, Droitwich. It might be that the stone in Droitwich refers to her as part of the family but she was not buried there.<sup>235 236</sup>

**Sarah Smithsend (1771-1825).** The daughter of Nicholas and Mary. She was born in 1771 and was baptised at St Nicholas, Worcester.

Sarah died, age 55, on the 1st October 1825 and was buried at Ashchurch on the 7th October 1825.<sup>237</sup>

<sup>238</sup>

**Harriet Smithsend (1774-1791).** The daughter of Nicholas and Mary. She was born in about 1774.

Harriet died, aged 17, on the 8th July 1791. There was a notice in Berrow's Worcester Journal.<sup>239</sup>

*On Friday last died, at Clifton, near Bristol, Miss Harriet Smithsend, youngest daughter to the late Nicholas Smithsend, Esq. of this city.*

**Elizabeth Smithsend (1772-1833).** The daughter of Nicholas and Mary. She was born in about 1772.

Elizabeth was the last of the daughters and still managed a very extensive estate with land in Walton Cardiff, Fiddington, Ledbury, and Droitwich.

In about 1796 Elizabeth received a letter from her solicitor saying that two men from the London area had been making enquiries about the estate.<sup>240</sup>

*To Elizabeth Smithsend  
Madam*

*Yesterday two men of the name of Smithsend from Newington Butts in the County of Surrey called on me to search the Register of Tewkesbury for all the Births and Burials of the Smithsends intimating that they had an undoubted right to the Walton Estate. If this information is of any service to you it gives great pleasure to Madam.*

*Your Obedient Servant  
H Minks*

These were Edward Smithsend and possibly his brother Nicholas. Edward was the great grandson of Richard (b.1625) and the basis of his claim was that Richard's father Nicholas (1587-1627) had left the state in 'fee entail' such that it must pass down through the closest male line and so could not be left to daughters. The strength of the case was summed up by his own solicitors as related by Elizabeth's solicitor.<sup>241</sup>

*To Elizabeth Smithsend*

*In Mr Miller's absence who was obliged to leave town on an Audit I beg to inform you that in this cause [The complaint of Edward Smithsend] the plea which has been pleaded herein must be got rid of either by argument or by consent of the solicitor of the opposite party as it cannot be withdrawn.*

*I applied to them who said for Answer you need think nothing more of the cause for the defendant had totally given up all thought of prosecuting the suit any further, they have advised him of the inutility and impracticability of ever succeeding and in consequence of which he returned to his Business.*

*The solicitors inform me they were all tired of it and finding that they would not interfere any further he had determined to let the matter rest.*

*P Tilby*

An extract from Edward's claim shows that it was quite confused.<sup>242</sup>

*Complaint of Edward Smithsend (extract)*

*And that the said Mary Smithsend widow Mary Ann Smithsend Sarah Smithsend and Elizabeth Smithsend may set forth and declare whether the said Nicholas Smithsend the elder did not afterwards depart this life without altering changing or revoking the aforesaid last will and testament leaving the said Nicholas Thomas and John Smithsend his three eldest sons and one other son by the said Elizabeth his wife namely Richard Smithsend his fourth son.*

*And whether the said Richard Smithsend was not your Orators Great great grandfather or how otherwise related to your Orator. And whether after the death of Testator Nicholas Smithsend the elder the said Thomas Smithsend and John Smithsend his second and third sons did not die without issue*



male. And whether the said Nicholas Smithsend his eldest son did not become seized and possessed under the said will of one half or moiety of all the said Testators Estates in Tail male and of the other half thereof as tenant for life with the Remainders over hereinbefore and in the said will mentioned.

And whether he did not continue to receive the lands issues and profits of all the said Estates and premises until the time of his death And whether the said Nicholas Smithsend the younger son of the Testator did not die in or about the year one thousand six hundred and ninety seven leaving Nicholas Smithsend his son and Heir in Tail Male who died on or about the year one thousand seven hundred and twenty seven leaving Nicholas Smithsend his eldest son and heir in Tail male who died in or about the year one thousand seven hundred and forty six leaving Nicholas Smithsend late of the City of Worcester Esquire deceased his only son and heir at Law.

And whether the said Nicholas Smithsend the Testator late of the City of Worcester did not immediately after the death of his said father enter into the possession and receipt of the rents issues and profits of all the said Estates lands and premises comprized or intended to be comprized or contained in the said will of the said Nicholas Smithsend the testator late of Walton Cardiff.

And that the said Mary Smithsend the widow Mary Ann Smithsend Sarah Smithsend and Elizabeth Smithsend may set forth and declare whether the said Nicholas Smithsend late of the City of Worcester did not continue in possession thereof until the time of his death and whether the same did not happen in or about the year one thousand seven hundred and ninety. And whether he did not then leave [ ] the said Mary Smithsend his widow and them the said Mary Ann Smithsend Sarah Smithsend and Elizabeth Smithsend his three daughters and co-heiresses at Law and no other issue.

And that they may set forth and declare whether thereupon you Orator did not then become the only surviving heir male of the said Nicholas Smithsend the elder and as such also became entitled to the whole of all the Estates Lands and Premises comprized or intended to be comprized in the said will of the said Nicholas Smithsend of Walton Cardiff.

Edward referred to Richard (1625-1697) as his 'great great grandfather' but in other documents he said 'great grandfather' and the latter seems to be correct.

It is probably Elizabeth who made a donation to a charity for the Scilly Islands in 1819.<sup>243</sup>

Elizabeth died on the 3rd June 1833 and was buried at Ashchurch on the 10th June 1833. A report of Elizabeth's death appeared in the Tewkesbury borough Register in 1833.<sup>244 245</sup>

#### June 3 1833 Death of Mrs Elizabeth Smithsend

At Walton House, Ashchurch, in the 62nd year of her age, Mrs Elizabeth Smithsend. She bequeathed 100l. [pounds] to each of the following institutions: Tewkesbury Dispensary, Gloucester Infirmary, Worcester Infirmary, Hereford Infirmary, Society for Promoting Christian Knowledge and Society for Propagating the Gospel in foreign parts; also 400l. upon trust to pay seven guineas a year for the use of the Sunday School at Ashchurch and to expend the residue of the interest in the provision of blankets, to be distributed on the first day of November among such poor inhabitants of Ashchurch as the Minister and churchwardens shall think most deserving.

She has also directed that the interest of 50l. shall be laid out in blankets to be distributed in like manner among the poor inhabitants of Walton Cardiff. and that the interest of 50l. shall be distributed as bread among the poor inhabitants of St Nicholas & St Andrew in Droitwich.

By a deed executed eighteen months before her death, reciting; "that whereas the stipend of the incumbent of the church or perpetual curacy of Ashchurch was of very inconsiderable amount, by reason whereof the incumbent of the said church was generally a clergyman having other preferment and therefore unable to reside in the said parish of Ashchurch; and that the said Elizabeth Smithsend considered it would be highly advantageous to the said parish, and be conducive to the interests of true religion, and to the promotion of piety and works of charity if the incumbent of the said living were resident;" she voluntarily and absolutely gave and conveyed a tithe free farm, situate at Fiddington in Ashchurch and containing 120 acres, to the present Bishop of Gloucester, Archdeacon Timbrill, and the other trustees, for the augmentation of the living, but upon strict conditions requiring the residence of the incumbent, and imposing a forfeiture to a charity on default. A few months afterward she then

*incumbent (the Rev William Hopton of Kemerton) met this magnificent grant by generously resigning the living in favour of a clergyman who enjoys no other preferment and now resident in the Parish.*

#### Will of Elizabeth Smithsend - 1833

Elizabeth made a Will on the 16th January 1832 which was proved in the Perogative Court at Cantebury on the 2nd August 1833. The Will was a very long document of 26 pages and dealt with the disposal of the Smithsend estate to various cousins, bequests to servants and institutions, and set up some charitable trusts in Ashchurch and Walton Cardiff. The range and extent of bequests shows that Elizabeth was very wealthy.<sup>246</sup>

The main people mentioned in the Will were as follows.

*William Romney of Worcester* - Elizabeth's mother was Mary Romney (1730-1806) and William Romney of Worcester (c.1765) was the son of Mary's brother William (1734-1777) and was therefore Elizabeth's second cousin and was about 67 at the time the will was made.

*Francis Henry Romney* was probably the grandson of James Watts Romney another brother of Elizabeth's mother Mary Romney. He married Elizabeth West, and they had at least one child, a daughter, Mary Anne Romney.

*William Romney of Suckley* was probably the elder brother of Francis Henry Romney he was born in 1803 and married Harriet in about 1830. They had three children all born after Elizabeth died, William (b.1835), Francis (b.1836) and James Churchill (b.1834).

*Nicholas Smithsend of Worcester* was the only surviving person with the Smithsend surname in 1832. He was a distant cousin of Elizabeth. She was the great great granddaughter of Nicholas Smithsend (1614-1697) and he was the great grandson of Nicholas' brother Richard Smithsend (1625-1697). He was 70 in 1832.

*Robert Phelps of Ledbury* - was a distant cousin of Elizabeth and was the great great grandson of Richard Smithsend (1625-1697).

*Coningsby Norbury* - was the other Executor of the will along with William Romney of Worcester. He does not seem to be a relative of Elizabeth. Coningsby is an unusual first name but not unknown in Worcestershire.

The bequests were as follows:-

#### Walton house and Rectory farm

Walton house, which was Elizabeth's home, with about 40 acres in Ashchurch and a farm at Fiddington (near Ashchurch) of 120 acres (sometimes known as Rectory farm) and about 40 acres near Droitwich were left in trust to the Bishop of Gloucester and other trustees to provide an income for the incumbent of St. Nicholas Ashchurch. Ashchurch at that time did not have a resident clergyman as there was only a very small income attached to the 'living' so that the post was usually held by a clergyman who was also assigned to other parishes and consequently did not live in Ashchurch.

The details were set up in a deed executed 18 months before the will so they are not completely clear from the will itself but a newspaper report about the gift quoted the reason for the deed as follows:-

*"... that whereas the stipend of the incumbent of the church or perpetual curacy of Ashchurch was of very inconsiderable amount, by reason whereof the incumbent of the said church was generally a clergyman having other preferment and therefore unable to reside in the said parish of Ashchurch; and that the said Elizabeth Smithsend considered it would be highly advantageous to the said parish, and be conducive to the interests of true religion, and to the promotion of piety and works of charity if the incumbent of the said living were resident..."*

The Will confirms this deed and it appears that the clergyman currently holding the post at Ashchurch voluntarily gave up his interest in the post and the Reverend Francis Henry Romney, a cousin of Elizabeth's, was appointed to the living. This was probably all concluded a few months before Elizabeth died.

Rectory farm was left to Francis Henry Romney himself and his heirs so he was entitled to the rent from it. The farm's tenant in 1833 was Thomas Hobbs. This might have been the original Fiddington Manor which was owned by a John Clutterbuck in 1672 and which a Henry Moore sold to Nicholas Smithsend, Elizabeth's great grandfather in 1678.

#### Charitable gifts

The will gave £100 pounds each to the following local hospitals. The Gloucestershire Infirmary, The Worcestershire Infirmary, The Herefordshire Infirmary and the Tewkesbury Infirmary. The will also gave £100 pounds each to the Society for Propagating the Gospel in Foreign parts and to the Society for Promoting Christian Knowledge. The latter is better known today as SPCK and has christian bookshops in many UK towns.

#### Trust funds for charity

The will left a sum of £400 pounds to be invested and for the annual income to provide 5 guineas to the master of the Sunday School at Ashchurch and 2 guineas for the purchase of books for the Sunday School (the books to be chosen by the incumbent of Ashchurch). Any remainder from the Annual income was to be spent to provide blankets for the poor inhabitants of Ashchurch. The initial trustees were Francis Henry Romney, John Jobbins Clifton, and John Row all of Ashchurch.

The will left a sum of £50 to be invested and for the annual income to be distributed amongst the poor inhabitants of Walton Cardiff. The original trustees were the Reverend William Prosser the incumbent at Walton Cardiff chapel and John Bullock of Walton Cardiff.

The will left a sum of £50 to be invested and for the annual income to be used to buy bread on the first of January each year to be distributed to the poor inhabitants of the parish of St Nicholas, Ashchurch and St Andrew, Droitwich.. The original trustees were; Reverend John Topham, Coningsby Norbury, Mr Ricketts, Edward Smith and John Lunns all from Droitwich.

#### Gifts to Coningsby Norbury and William Romney of Worcester

The executors of the will were Coningsby Norbury of Droitwich and William Romney of Worcester, a surgeon. They were also the main trustees of the parts of the estate left in trust to other relatives. Coningsby was left £200 pounds in the will and William Romney was left 'Chawson' a cottage in which he was currently living, presumably as Elizabeth's tenant, and also some land called 'The Rough' near the village of Chawson near Droitwich. William was also left some other land near Droitwich currently occupied by a Mr Ireland. William was also left seven shares in the Droitwich canal.

#### The Frith Estate (Ledbury)

This was an estate of about 200 acres, a large house, several cottages, and several other pieces of land near Ledbury, Herefordshire about 20 miles North West of Tewkesbury. This estate probably came into the family from the marriage of Elizabeth's great grandfather Nicholas to Anne Vobe in 1681. The Vobes were a wealthy Ledbury family. It was the most complex bequest in the will but the reason for the complexity is not completely clear.

The estate was split into two equal halves and one half was left in trust to Francis Henry Romney and the other half to William Romney of Suckley (in Worcestershire). The trustees were Coningsby Norbury and William Romney of Worcester. The current tenant was John Edy.

William Romney of Suckley and his wife Harriet were currently living at an estate called Lower Dunbridge in Suckley and in effect their half of the Frith estate was to be used to pay off the mortgage debts on Lower Dunbridge which amounted to £2,600. Lower Dunbridge had probably been settled on William by Elizabeth when he married Harriet.

There was also provision for a separate income for Harriet and for the future provision for the children of William Romney of Suckley.

William Romney of Suckley was also left about 30 acres of land in Droitwich and Salwarpe in trust; the current occupier was Richard Smith. The trust provisions prevent 'the destruction' of the land and this

was probably meant to prevent their use for the extraction of salt. The trustees were again Coningsby Norbury and William Romney of Worcester.

#### Walton Cardiff farm and other land in Walton Cardiff

This part of the estate contained the original holdings of the Smithsend family in Walton Cardiff stretching back to 1390 and earlier including the original meadows around the Tirl brook.

This was left in trust to a cousin Nicholas Smithsend of Worcester and after his death to another cousin Robert Phelps of Ledbury a solicitor. The original trustees were Coningsby Norbury and William Romney of Worcester. In effect Nicholas had a lifetime interest in the rents of the estate and the estate then passed at his death to Robert Phelps.

*I give and devise unto the said Coningsby Norbury and William Romney of Worcester and their heirs all that my capital messuage or tenement and farm called Walton Cardiff situate in the parish or hamlet of Walton otherwise Walton Cardiff in the county of Gloucester with the several closes pieces or parcels of arable meadows and pastures around thereabouts belonging called or known by the respective names following, that is to say, The Four Holme downs otherwise Holmedowns, The Leys, The Balls fields, a pasture, The Routs field, a meadow, The Upper Turle Meadow, the Lower End meadow, The [ --- ] field, The Great pitt, the Little park Pitt, The New Field, The sheep ground, The [ --- ] close, The Sheppards Close, The Butts, The Turl field, The Turl Meadow, The [ --- ], The New Orchard, The New [ --- ], The Woodfield, and the Woodacre formerly called Edwards House, situate and being in the said parish or hamlet of Walton Cardiff aforesaid with the [ --- ] and appurtenances thereto belonging which said Hereditaments and premises are now in the occupation of the Widow Witts and also all and singular the tithes or fourths yearly arising [ --- ] or happening within the said parish or hamlet of Walton Cardiff [ --- ] and payments in respect of thereof together with the rights [ --- ] and appurtenances to the mentioned farm lands tithes and hereditaments and premises respectively belonging. And all other hereditaments and premises situate and being in the said parish or hamlet of Walton Cardiff, subject nevertheless to and charged with the payment of several annuities or yearly rent charges hereinafter levied and charged upon the same hereditaments and premises, to hold the same unto the said Coningsby Norbury and William Romney of Worcester and their heirs subject as aforesaid to the uses following, that is to say, to the use of the said Coningsby Norbury and William Romney of Worcester their executors administrators and assigns for and during the term of the natural life of Nicholas Smithsend of Worcester son of Nicholas Smithsend late of the city of London, saddler deceased. And from and immediately after the decease of the said Nicholas Smithsend to the use of Robert Phelps of Ledbury aforesaid Attorney at Law his heirs and assigns for ever.*

*And I do hereby declare that the said Coningsby Norbury and William Romney of Worcester their executors administrators and assigns shall during the life of the said Nicholas Smithsend stand and be possessed of the said messuage lands tithes hereditaments and premises lastly hereby devised upon trust that the said Coningsby Norbury and William Romney of Worcester and the survivor of them and the executors administrators and assigns of such survivor do and shall by and out of the [ --- ] and profits of the said capital messuage farm lands and hereditaments keep the said messuage and the tenements and buildings thereto belonging or adjoining in good and [ --- ] able repair and insure the same from and against loss of damage by fire to the amount of the full value thereof and subject thereto do and shall pay all and singular the rents issues and profits and the said tithes and all hereby devised messuage lands hereditaments and premises and the said tithes and all compositions in respect thereof of so much thereof as shall remain after answering and satisfying the trusts and purposes aforesaid unto the said Nicholas Smithsend and his assigns for his and their own absolute benefit.*

#### Gifts to servants

Each indoor servant was left money for clothes for mourning and a sum equivalent to one year's wages each. It was not clear how many indoor servants there were.

The will left an annuity of £50 per annum to Elizabeth's housekeeper Esther Warder and after Esther's death to her children Ann Collins Warder and Mary Warder.

Ann Collins Warder married William Birt in 1835 and they named their son Frederick in memory of the Smithsend name.

*Frederick William Smithsend Birt (b. 1857)*. The son of William Birt and Ann. Friederick married Wilhelmina Albertina Burchard on the 15th Feb 1905 in Pialba, Hervey Bay, Queensland, Australia. They had four children.<sup>247</sup>

The will left a weekly sum of eight shillings to William Davis (a former servant) and four shillings a week to Elizabeth's maidservant Sarah Jones.

#### Codicil

A brief codicil was made on 4th April 1833 where it was explained that Francis Henry Romney was given a gift of £1,000 and that this was not to be considered as part of the estate. The Codicil also affirmed the contents of the will. The Witnesses were HJ Hayes, William Price Lewis and Richard Barnes.

#### **Contents of Walton House in 1833**

The remaining household contents of Walton House were sold at Auction on the 16th and 17th September 1833. The list of rooms was as follows:-

Kitchen, Hall and Staircase, Dining room, Chamber over kitchen, Chamber over drawing room. Dressing room, Man's room, Garden and Outbuildings, Garden, Cellar, Dairy, Store room, Pantry, Housekeeper's room, Drawing room, Small drawing room, Chamber over Housekeeper's room. Upper back chamber, Upper front chamber, Laundry, Back Kitchen and Yard.

The most opulent were the Dining room and the Drawing room.

#### Dining room

*Turkey floor carpet 12ft x 15ft*  
*Hearth rug*  
*Set of Mahogany Cumberland dining tables*  
*Mahogany card table*  
*Mahogany tray-top table*  
*10 Mahogany chairs satin hair seats*  
*2 Mahogany framed dining chairs satin hair seats and backs*  
*Three pair of scarlet moreen window curtains with cornices, drapery heads, pins etc.*  
*Two green table covers, two bell pulls and hearth brush*  
*Mahogany pole fire screen*  
*Japan coal box and cover*  
*Polished steel fender*  
*Set of polished irons*  
*Ebony inkstands with 3 glasses and 3 spur ornaments*  
*Pair of paper coasters and waiter*  
*Wool door rug, decanter rug and small bellows.*

#### Drawing room

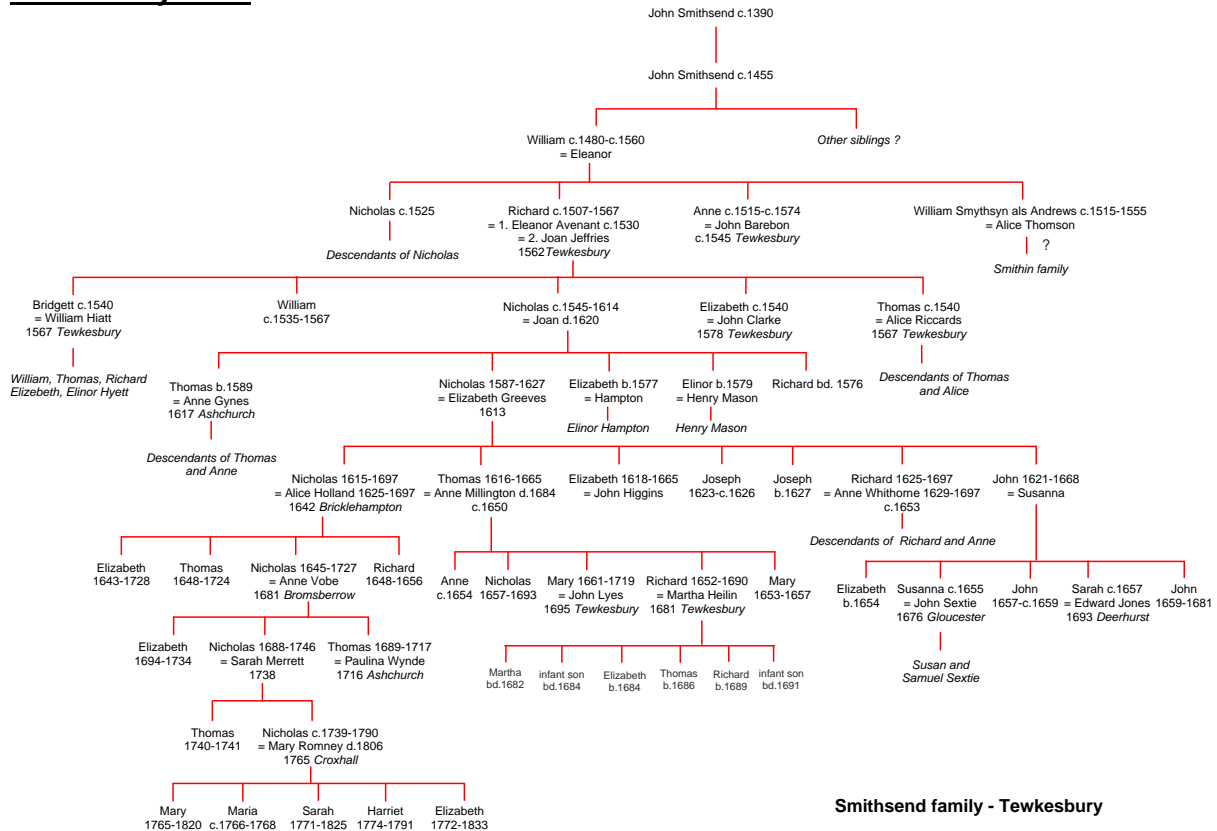
*Brussels floor carpet 15ft x 15ft*  
*Hearth rug*  
*Set of handsome chintz curtains for two Windows with gilt ornamental drapery, lined with pink, silk fringe, gilt pins etc.*  
*Mahogany centre table*  
*Mahogany pier table*  
*Mahogany sofa table*  
*Square piano forte*  
*Grecian sofa with squab, two pillows, chintz cover and brown holland cover*  
*Eight painted chairs with cushions chintz and holland covers and two elbow cushions to match*  
*Pier glass in gold frame 41 x 26*  
*Pair of pole fire screens*  
*Wire fender*  
*Set of fire irons*  
*Quantity of chimney ornaments*

The total amount raised by the sale was £326 19s 11d.

Robert Phelps and the continuation of the Smithsend name is covered in another document.

When Elizabeth died this brought to an end the involvement of Smithsends with Tewkesbury and Walton Cardiff where they had lived for over 600 years.

## 12. Family Tree



Smithsend family - Tewkesbury

<sup>1</sup> GLRO: D6755/1/1/21 Particular of the Manor of Walton Cardiff, 1419

<sup>2</sup> Walton Cardiff, Victoria County History, Vol 8

<sup>3</sup> Gloucestershire Military Tax Roll 1522

<sup>4</sup> BGAS Transactions Vol 25, p 187-188

<sup>5</sup> Documents about Walton Cardiff, GLRO D322/T2

<sup>6</sup> The Bristol and Gloucestershire Lay Subsidy of 1523-1527. MA Faraday Ed. BGAS 2009.

<sup>7</sup> BGAS, Vol 32, 1909, pp165-176

<sup>8</sup> GLRO: Freemen of Tewkesbury

<sup>9</sup> List of apprentices. They Lived in Tewkesbury: Tewkesbury Churchwarden's Accounts

<sup>10</sup> GLRO: D184/M14. Roll 20 1532-3

<sup>11</sup> Tewkesbury Wills 1543-1600: GDR Vol 9: GLRO D322/T2

<sup>12</sup> GLRO: B4/3/1170. 1556, Wm Cole, Rbt Malten and Rich Smythsende, tithe (1 document)

<sup>13</sup> GLRO. Wills. 1558/255

<sup>14</sup> GLRO: GDR Vol 15, p.192

<sup>15</sup> GLRO: GDR Vol 9

<sup>16</sup> Tewkesbury Wills 1543-1600

<sup>17</sup> TWPR: May 1562, Richard Smythsen and Jone Jeferies. P329 IN 1/1

<sup>18</sup> GDR Vol. 11, p.239,240,243 GDR Vol. 12, p.21,26,32,40

<sup>19</sup> Tewkesbury Wills 1500-1600: Tewkesbury Churchwarden Accounts

<sup>20</sup> Tewkesbury Wills 1543-1600

<sup>21</sup> TWPR: 7 Aug 1567, Wm Hiatt and Brigit Smithsende. P329 IN 1/1

<sup>22</sup> Tewkesbury Churchwarden Accounts 1563-1624 p.54

<sup>23</sup> GLRO. Wills. William Hyett 1605/200

<sup>24</sup> GLRO: P329/1 MI 3 - date: 1579-1716

<sup>25</sup> Tewkesbury Churchwardens Accounts 1563-1624, GRO: D322/T2

<sup>26</sup> Tewkesbury Wills 1543-1600, Tewkesbury Churchwardens Accounts 1563-1624, GRO: D322/T2

<sup>27</sup> GRO: D6755 - Lease of land to Nicholas Smithsend 1567

<sup>28</sup> 30 Henry 8 - 1538/9

<sup>29</sup> GRO: D6755, BGAS Vol. 32. 1909

<sup>30</sup> GRO: D322/T2, WR No.23 Cat. 30

<sup>31</sup> Tewkesbury Churchwarden Accounts 1563-1624

<sup>32</sup> GRO: Gyles Geast Charity Book

<sup>33</sup> GRO: D2957/3/302 (184) - Sale of land involving Nicholas Smithsend 1583

<sup>34</sup> Parish Communities and Religious Conflict in the Vale of Gloucester 1590-1690, Daniel C Beaver, 1998, p1563

<sup>35</sup> GRO: Wills. John Hampton, Deerhurst 1612/107.

<sup>36</sup> Tewkesbury Wills 1543-1600

<sup>37</sup> GIRO: Gloucestershire Inquisitiones Post Mortem 1-11 Charles 1 Vol 1 1625-1635

<sup>38</sup> Tewkesbury Wills 1543-1600  
<sup>39</sup> TWPR: 4 Mar 1576/7, Richard, s. of Nicholas Smithson. P329 IN 1/1  
<sup>40</sup> TWPR: 4 Feb 1577/8, Elizabeth, d. of Nicholas Smithson. P329 IN 1/1  
<sup>41</sup> IGI: Christening. Elizabeth Smethensen, 4 Feb 1577, Tewkesbury  
<sup>42</sup> TWPR: 8 Feb 1579/80, Elinor, d. of Nicholas Smithson. P329 IN 1/1  
<sup>43</sup> TWPR: 26 Dec 1587, Nicholas, s. of Nicholas Smythsend. P329 IN 1/1  
<sup>44</sup> GRO: D3112/2  
<sup>45</sup> GRO: D2957/3/302 (188) Quitclaim involving Nicholas Smithsend 1615  
<sup>46</sup> PRO: E134, 16 James 1, King's Remembrancer, Depositions. 1618  
<sup>47</sup> GRO: D3112 (2), GRO: D1727  
<sup>48</sup> GRO: GDR 1625  
<sup>49</sup> Parish Communities and Religious Conflict in the Vale of Gloucester 1590-1690, Daniel C Beaver, 1998, p150.  
<sup>50</sup> GRO: GDR B4/3/1178. Tewkesbury 1627 (tithe), William Hitches v. Nicholas Smithsend  
<sup>51</sup> GLRO: Gloucester Diocesan Records, B4/3/1178  
<sup>52</sup> GLRO: Gloucester Diocesan Records, B4/3/1178  
<sup>53</sup> PRO: PCC Will of Nicholas Smithsend 1624  
<sup>54</sup> Inquisition Post Mortems Gloucestershire 1625-1635  
<sup>55</sup> Inquisition Post Mortems Gloucestershire 1625-1635  
<sup>56</sup> GRO: D3112 (2)  
<sup>57</sup> Tewkesbury Wills 1601 -1700  
<sup>58</sup> Royce: Bapt. Elizabeth Smithsend, 28 July 1618, Tewkesbury  
<sup>59</sup> TWPR: 28 Feb 1618/19, Elizabeth, d. of Nicolas Smissens. P329 IN 1/3  
<sup>60</sup> Tewkesbury Wills 1601-1700  
<sup>61</sup> Royce: Bapt. Joseph Smithsend, 23 Nov 1623, Tewkesbury.  
<sup>62</sup> TWPR: 23 Nov 1623, Joseph, s. of Nicolas Smissens of Walton .P329 IN 1/3  
<sup>63</sup> Royce: Bapt. Richard Smithsend, 2 Apr 1625, Tewkesbury  
<sup>64</sup> TWPR: 23 Nov 1623, Joseph, s. of Nicolas Smissens of Walton .P329 IN 1/3  
<sup>65</sup> TWPR: 3 Apr 1625, Richard, s. of Nicholas Smissens of Walton. P329 IN 1/3  
<sup>66</sup> GRO: Giles Geast Charity Book  
<sup>67</sup> GRO: Herald's Visitation of Gloucestershire 1680; Harlean Society.  
<sup>68</sup> TBR A 1/4  
<sup>69</sup> Bennett:1830  
<sup>70</sup> Heraldry Reocords. Smithsend Richard of Tewkesbury, 1682. Gloucestershire. Disclaimed arms  
<sup>71</sup> PRO: Hine versus Smithsend and Whitthorne. C9 87/80-001  
<sup>72</sup> TWPR: 21 Sep 1697, Richard Smithsend, Gent, he dyed at Worcester. P329 IN 1/7  
<sup>73</sup> TWPR: 8 June 1697, Anne, wife of Richard Smithsend, Gent. P329 IN 1/7  
<sup>74</sup> TWPR: 28 Jan 1626/7, Joseph, s. of Nicolas Smithsend of Walton. P329 IN 1/3  
<sup>75</sup> Tewkesbury Wills 1601 -1701  
<sup>76</sup> GRO: Inquisitiones Post Mortem. Vol 1 1625-1635  
<sup>77</sup> TWPR: 4 June 1615, Nicholas, s, of Nicholas Smissens. P329 IN 1/3  
<sup>78</sup> PRO?: 9/10/1635 597244/2988  
<sup>79</sup> GRO: D3112 (2) - 1638  
<sup>80</sup> Royce: Nicholas Smithsend=Alice Holland, 10 June 1642  
<sup>81</sup> GRO: D3112 (2) - 1643  
<sup>82</sup> GRO: D3112 (2)  
<sup>83</sup> Victoria County History - Gloucestershire. Page 241 Vol. 3 (1651)  
<sup>84</sup> GRO: D3112 (3) Receipt to Nicholas Smithsend - 1653  
<sup>85</sup> GRO: D3112 (3) - 1653  
<sup>86</sup> GRO: D3112 (3) - 1661  
<sup>87</sup> Tewkesbury Wills 1601-1700  
<sup>88</sup> Tewkesbury Wills 1601-1700  
<sup>89</sup> GRO: D3112 (3)  
<sup>90</sup> Worcestershire Fines  
<sup>91</sup> GRO: D3112 (3) Poor Rate for Walton Cardiff 1675  
<sup>92</sup> GRO: D3112 (3) Sale of land to Nicholas Smithsend 1679  
<sup>93</sup> Parish Communities and Religious Conflict in the Vale of Gloucester 1590-1690, Daniel C Beaver, 1998. p36.  
<sup>94</sup> GRO. GDR 232 Depositions 1678-1684. Case of Wriggan v. Jeynes. Deposition of Nicholas Smithsend.  
<sup>95</sup> GRO: D1727  
<sup>96</sup> Tewkesbury Wills 1601-1700  
<sup>97</sup> GRO: D3112 (3)  
<sup>98</sup> GRO: D3112 (3)  
<sup>99</sup> ASPR: 11 June 1697, Mr Nicolas Smeethens of Fiddington, in linen. P19 IN 1/4  
<sup>100</sup> ASPR: 18 June 1697, Alice Smeethens, widow, linen. P19 IN 1/4  
<sup>101</sup> Royce: Bapt. Thomas Smithsend, 2 Jul 1616, Tewkesbury  
<sup>102</sup> TWPR: ? Feb 1616/17, ?, s. of Nichlas Smissens. P329 IN 1/3  
<sup>103</sup> GRO: Will of John Millington 1681/82  
<sup>104</sup> GRO: They lived in Tewkesbury.  
<sup>105</sup> Tewkesbury Wills 1601 - 1700  
<sup>106</sup> Dyde, 1790  
<sup>107</sup> Minutes of Common Council, 1660-77. Gloucestershire Archives ref. TBR A1/3  
<sup>108</sup> Bennett, 1830  
<sup>109</sup> Parish Communities and Religious Conflict in the Vale of Gloucester 1590-1690, Daniel C Beaver, 1998. p.251  
<sup>110</sup> Visitation of the County of Gloucester, 1682-1683 pp.124-125, 200.  
<sup>111</sup> Parish Communities and Religious Conflict in the Vale of Gloucester 1590-1690, Daniel C Beaver, 1998. p.316



112 GRO: Giles Geast Charity Book  
113 TWPR: 8 Aug 1684, Anne Smithsend, widow. P329 IN 1/6  
114 Royce: Bapt. John Smithsend, 8 Apr 1621, Tewkesbury.  
115 GRO: They lived in Tewkesbury.  
116 GRO: Giles Geast Charity Book:  
117 TWPR: 13 Oct 1666, John Smithsend. P329 IN 1/6  
118 TWPR: 4 Oct 1648, Thomas Smithsend, s. of Nicholas Smithsend of Walton Cardiff. P329 IN 1/4  
119 PRO: C 11 /2286/64 - 1716  
120 ASPR: 9 Nov 1724, Mr Thomas Smithsends (Fiddington). P19 IN 1/5  
121 TWPR: 1 Apr 1648, Richard Smithsend, s. of Nicholas Smithsend of Walton Cardiff. P329 IN 1/4  
122 TWPR: 10 Feb 1656/7, Richard Smithsend. P329 IN 1/5  
123 TWPR: 2 July 1643, Elizabeth, d. of Nicholas Smithsend of Walton Cardiff. P329 IN 1/4  
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125 TWPR: 4 Feb 1728/9, Mrs Elizabeth Smithsend of Fiddington, in woollen. P19 IN 1/5  
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127 TWPR: 26 July 1645, Nicholas Smithsend, s. of Nicholas Smithsend of Walton Cardiff. P329 IN 1/3  
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143 ASPR: 28 Dec 1723, Ann, wife of Mr Nicholas Smithsends, of Walton, woollen. P19 IN 1/5  
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146 TWPR: Mar. 3 Oct 1681, Richard Smithsend to Martha Heilin of Oxenton. P329 IN 1/7  
147 TWPR: Burial. 8 Aug 1690, Richard Smithsend. P329 IN 1/5  
148 TWPR: Ch. 8 Nov 1682, Martha, d. of Richard and Martha Smithsend. P329 IN 1/5  
149 TWPR: Burial. 18 Dec 1682, Martha, d. of Richard Smithsend. P329 IN 1/5  
150 TWPR: Burial. 19 Feb 1684, an infant son of Richard Smithsends. P329 IN 1/6  
151 TWPR: ch. 4 Dec 1684, Elizabeth, d. of Richard and Martha Smithsend. P329 IN 1/5  
152 TWPR: ch. 3 Oct 1686, Thomas, s. of Richard and Martha Smithsend. P329 IN 1/5  
153 TWPR: ch. 19 Mar 1688/9, Richard, s. of Richard and Martha Smithsend. P329 IN 1/5  
154 TWPR: Burial. 14 Jan 1690/1, An infant son of Martha Smithsend, widow. P329 IN 1/5  
155 TWPR: ch. 12 Sep 1653, Mary, d. of Thomas and Anne Smithends. P329 IN 1/5  
156 TWPR: bur. 22 June 1657, Mary Smithsend. P329 IN 1/5  
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158 TWPR. ch. 29 July 1657, Nicholas, s. of Thomas and Ann Smithsend. P329 IN 1/3  
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164 TWPR: Mar. 6 June 1695, John Lyes, Bachelor and Mary Smithend, Singlewoman, both of this parish, Licence. P329 IN 1/7  
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167 GRO: Wills  
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