



Bodleian Libraries

UNIVERSITY OF OXFORD

This book is part of the collection held by the Bodleian Libraries and scanned by Google, Inc. for the Google Books Library Project.

For more information see:

<http://www.bodleian.ox.ac.uk/dbooks>



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 2.0 UK: England & Wales (CC BY-NC-SA 2.0) licence.

T H E
D E C R E E,
D E E D O F U S E S,
A N D
W I L L,
O F

HENRY SMITH, Esq;

BY WHICH

DIVERS ESTATES are settled to
CHARITABLE USES.

PRINTED BY ORDER OF THE TRUSTEES.

1781.



Martis *Vicesimo Die Junii,*
Anno Regni Caroli Regis,
primo, inter Henricum
Smith, Arm' Quer' præno-
bilem Robertum Com' Es-
sex, & Ricardum Lumley,
mil' & al. Defendentes.

WHEREAS the said Plaintiff being ^{Convey-}charitably minded and disposed, did, ^{ance from} in *October, decimo septimo Jacobi Regis,* by ^{Henry} Deed convey and assure to the said Earl of ^{Smith, Esq;} *Essex, Richard* late Earl of *Dorset,* deceased, Sir ^{to Trustees,} *Edward Francis,* now also deceased, Mr. *Robert Amburst, John Middleton, William Wingfield,* and ^{October} *George Whitmore,* and their Heirs, the Manors ^{20, 1620.} of *Warbleton,* and the Farms of *South-Woodland, Iwood,* with the Lands thereunto belonging, in the County of *Suffex,* and divers other Lands, Tenements, and Hereditaments of a good yearly Value; and by another Deed of the same Date, did also grant to the said Mr. *Robert Amburst,* ^{Same Date} *George Whitmore, John Middleton,* and *William* ^{Assignment} *Wingfield* all his the said Plaintiff's ready Money, ^{of personal} *except One Hundred Pounds,* and all his personal Estate, Goods and Chattles whatsoever. But in each of the said Deeds did contain a Power of Revocation at his Will and Plea- ^{Power of} *sure at any Time after during his natural Life;* ^{Revocation} and by another Deed of the same Date, did ^{Same Date} declare,

declare, that the said several Deeds and Con-
 veyances of the said Manors and personal E-
 state were made upon this special Trust and
 Confidence, That the said Plaintiff *Henry Smith*
 should receive out of the Profits of the said
 Premises yearly, the Sum of Five Hundred
 Pounds, for, and towards, his Maintenance;
 and that the said Parties trusted should dispose
 of the Residue of the Profits of the said Pre-
 mises, and of the said personal Estate, in such
 Sort, and to such charitable Uses, as the said
 Plaintiff by his last Will and Testament in
 Writing, to be by him sealed at any Time
 during his natural Life, should nominate,
 limit, and appoint, and in Default of such
 Nomination, Limitation, or Appointment,
 then to such charitable Uses as the said Earls
 of *Essex* and *Dorset*, *Sir Edward Francis*, *George*
Whitmore, *Robert Amburst*, *John Middleton*, and
William Wingfield, their Heirs or Assigns should
 think fit. And whereas the said *Sir Edward*
Francis was at the Time of the making and
 sealing of the said several Deeds indebted to
 the Plaintiff in the Sum of Three Thousand
 Pounds: And the said *John Middleton* was also
 indebted to the said Plaintiff in the Sum of
 Four Thousand Pounds, or thereabouts, to be
 forthwith cleared and perfected by Account:
 And the said *Sir Richard Lumley* was then also
 indebted to the said Plaintiff in the Sum of
 One Thousand Pounds: And the said *Mr. Ro-*
bert Amburst was also indebted to the said Plain-
 tiff in the Sum of One Thousand Pounds,
 most of which Debts were in Strictness of Law,
 contrary to the true Intent and Meaning of
 all the said Parties released and discharged by
 the

Declara-
 tion of the
 Trusts.

Some of the
 Trustees
 indebted to
 Mr. Smith

the said Deeds, and a Deed hereafter mention-
 ed. And whereas also the said Plaintiff con-
 tinuing his charitable Intention in the Month ^{Release of}
 of *June, vicesimo secundo Jacobi Regis*, for some ^{Power of}
 Reasons and Persuasions him moving, by other ^{Revoca-}
 Deeds of the same Date, did release the said ^{tion}
 several Powers of Revocation in the former ^{12 June 22}
 Conveyances mentioned: And by another ^{James I.}
 Deed of the same Date made between the ^{Another}
 Plaintiff of the one Part, and the said Earl of ^{Deed of the}
Essex and Mr. Justice *Crook*, Sir *Richard Nevill*, ^{same Date.}
 the said Sir *Richard Lumley*, Mr. *Robert Am-*
hurst, *John Middleton*, *William Wingfield*,
 Sir *Edward Francis*, deceased, and *George*
Lowe, *William Blake*, *William Rolfe*, and *Rich-*
ard Garnet, Defendants in this Suit, of the
 other Part, did declare his Intention and
 Meaning to be, That the Rents, Issues, and
 Profits of the said Manors and Premises, to-
 gether with the said personal Estate should
 be employed and bestowed by them the said
 Earl, and other the Defendants last named,
 and their Heirs for and towards the Relief ^{Charitable}
 of poor Prisoners, hurt and maimed Soldiers, ^{Uses to}
 poor Maids Marriages, Setting up of poor ^{which his}
 Apprentices, amending the High Ways, Losses ^{Estate was}
 sustained by Fire, or Shipwreck, or other- ^{to be ap-}
 wise, to or for such charitable Uses as they ^{plied.}
 the said Parties trusted, or any seven, or more
 of them, their Heirs or Assigns should, from
 time to time, think most meet and con-
 venient; notwithstanding which last Deed,
 the said Plaintiff, for that all the said Estate
 did move from him, and did proceed merely
 from his pious and charitable Intention, in
 which Respect he did still desire that he him-
 self,

Mr. Smith self, during his Life, might have the Em-
desires the ployment and Disposition thereof, and that
Disposition of his he might declare, limit, and appoint to
Estate during Life what good and charitable Uses, and how,
and the and in what Manner the same should be em-
Appointment of the ployed or disposed, either in his Life-Time,
Uses, or after his Death; and in case no such
 Declaration should be made by him while he

lived, then to the End to have the same
 more surely performed after his Death, he
 much desired that the Disposition thereof
 might be settled in such Sort as is hereafter

and files a expressed; and for the better effecting there-
Bill for of did exhibit his Bill into this Court against
that Pur- all the said Defendants, who did all make
pose. their Answers thereunto, wherein they have

confessed, That the said several Deeds and
 Conveyances were freely and voluntarily made
 by the said Plaintiff of his own mere Motion,
 without any valuable Consideration at all:

Answer of And they, the said Sir *Edward Francis*, Sir
Trustees. *Richard Lumley*, *John Middleton*, and *Robert*
Amburst did also confess, that they were and
 are respectively indebted to the said Plaintiff
 in the several Sums before mentioned, and
 did all of them submit to the Order of this
 Honourable Court, both concerning the said
 Manors, Lands, and personal Estate, and also
 concerning the Payment or securing of the
 said Debts. Whereupon the Truth of the said
 Cause appearing to be as aforesaid, it is this
 present Day upon hearing Counsel on all Sides,
 and by and with the free and voluntary Assent
 of the said *Richard Amburst* and *John Mid-*
dleton now present in Court, and by and with
 the full Consent of the Counsel of the rest of
 the

the Defendants, ordered, adjudged, and de-^{Decrees.}
creed, That the Estate and Interest of the said
Manors and Lands, and also of the said personal
Estate, shall forthwith, by good and sufficient
Conveyance and Assurance in the Law, be set-
tled and vested by such of the said Defendants,
in whom the Interest thereof doth now remain,
in and upon the said Earl of *Essex*, Mr. Justice
Crooke, Sir *Christopher Nevill*, Sir *Richard Lum-*
ley, *William Wingfield*, *George Lowe*, *William*
Blake, *William Rolfe*, and *Richard Garnet*, and ^{Mr. Smith}
in such others as the said Plaintiff shall nomi-^{to have his}
nate and appoint; upon Trust and Confidence, ^{House for}
that they, the said Parties trusted, and their ^{Life,}
Heirs shall permit and suffer the said Plaintiff
to have the Use of his Mansion-House in *Silver*
Street, *London*, for and during the Term of his
Life; and upon this further Trust and Confi-
dence, that the said Parties trusted, and to
be trusted, shall suffer the said Plaintiff and ^{to receive}
his Assigns, during his natural Life, to receive ^{and dispose}
the Rents, Issues, and Profits of the said Ma-^{of Rents,}
nors, Lands, Leases, and personal Estate, and ^{&c.}
the Interest of his Money, and to dispose of the
said Rents, Interest, and personal Estate, for
his own Maintenance, and for and towards such
charitable Uses, and otherwise for the Benefit
and Relief of his Kindred as he the said Plain-
tiff shall think fit, nominate, and appoint: And
to this further Intent and Purpose, and upon
this further Trust and Confidence, That they ^{Trustees}
the said Parties trusted, or to be trusted, or Se-^{or any se-}
ven of them at the least, and their Heirs and ^{ven to dis-}
Assigns shall, after the Death of the said Plain-^{pose of}
tiff, employ, bestow, and dispose of the Rents, ^{Rents, &c.}
Issues,

Issues, and Profits of the said Manors and Lands, and of the said personal Estate not disposed of by the said Plaintiff in his Life-Time, to and for the charitable Uses aforesaid, and to and for the purchasing and restoring to the Church of Improvements for the Maintenance of learned godly Preachers; and to and for such other charitable Uses as the said Plaintiff by his last Will and Testament in Writing, or by any Writing to be by him sealed and delivered in the Presence of three Witnesses or more, shall nominate, declare, limit, or appoint, or in default thereof to such charitable Uses as shall be declared, limited, or appointed by the said Persons trusted, or to be trusted, or any seven of them. And it is further ordered and decreed, That in the said new Conveyance to be made, Provision shall be, that *whensoever so many of the said Parties trusted shall die, as that the Number of them that shall survive shall not exceed Six, that then the said Six, or the Survivors of them shall make a new Conveyance, and settle the said Manors, Lands, and personal Estate upon themselves and so many more to be nominated by the Lord Archbishop of Canterbury, and Lord Chancellor, or Lord-Keeper of the Great Seal for the Time being, as shall make up the full Number of Thirteen at the least to the Intents and Purposes aforesaid.* And it is further ordered and decreed by and with the like Assent of the said *Richard Amburst, John Middleton, and Sir Richard Lumley,* That the said *John Middleton, Robert Amburst, and Sir Richard Lumley* shall well and truly pay, or sufficiently secure the said several Debts by them severally and respectively owing as aforesaid, to the said Feoffees,

to Charitable Uses aforesaid,

and such other as Mr. Smith by Will shall direct;

and in default thereof as Trustees shall appoint.

When Trustees reduced to six, to convey to new Trustees.

Trustees Debtors to give Security for Debts.

Feoffees, as the same Security to be by Mortgage of Land, or sufficient Securities in such Sort as Mr. Justice *Crooke* shall think fit, on, or before the Feast of *St. Bartholomew* the Apostle next coming, to be paid in with Interest to the said Plaintiff at reasonable Days, to be appointed by the Plaintiff for that Purpose. And lastly, it is ordered and decreed, That the Deeds, Evidences, and Writings concerning the said Manors and Lands, and personal Estate, shall forthwith be brought into this Court by such of the Defendants as have the same, to the Intent the same may there remain in safety, to be further disposed of as this Court shall think fit. And this Court doth declare, That the said *Richard Amburst* and *John Middleton* who have assented to this Decree, have therein, and all Things else appertaining to this Court, behaved themselves justly and uprightly, and especially in that they have so freely and willingly condescended to the securing of the said Debts, which were in Law discharged; for which Cause this Court doth not only free them of Blame, but esteem them worthy of Commendation, and therefore this Court doth wish the said Mr. *Smith* to esteem of them accordingly.

*Deeds to
be brought
into Court.*



TO all Christian People, to whom this present Writing shall come, *Henry Smith*, of London, Esq; sendeth Greeting, in our Lord God everlasting.

20 January 1626.

Deed of

Whereas the said *Henry Smith*, by Indenture bearing Date the twentieth Day of *October* in the

20 October

17 Ja. I. 1620.

seventeenth Year of the Reign of our late Sovereign Lord King *James* of famous Memory, made between him the said *Henry Smith* of the one Part, and the Right Honourable *Robert* Earl of *Essex* and *Ewe*, the Right Honourable *Richard* Earl of *Dorset*, Sir *Edward Francis* of *Yetworth*, in the County of *Sussex*, Knight, *John Middleton*, in the County of *Sussex*, Esq; *William Wingfield*, of *London*, Esq; *George Whitmore*, Citizen and Alderman of *London*, and *Richard Amburst*, of *Lewes*, in the said County of *Sussex*, Serjeant at Law, by the Names in the said Indenture expressed of the other Part, reciting, that whereas the said *Henry Smith* by Indenture made between him the said *Henry Smith* of the one Part, and the said Earl of *Essex*, Earl of *Dorset*, Sir *Edward Francis*, *John Middleton*, *William Wingfield*, *George Whitmore*, and *Richard Amburst* of the other Part, and bearing Date and being together delivered with the said recited Indenture, hath, for the Consideration herein expressed, granted, bar-

*Convey-
ance of
real Estate*

gained, sold and confirmed unto the said Earl of *Essex*, Earl of *Dorset*, Sir *Edward Francis*, *John Middleton*, *William Wingfield*, *George Whitmore*, and *Richard Amburst*, all those the Manors of *Warbleton*, *Southweeke* and *Iwood*, with their Appurtenances in the County of *Suffex*, and all that his Messuage with the Appurtenances in *Silver Street*, *London*, wherein he then dwelt, and now dwelleth, and all other his Manors, Lands, Tenements, and Hereditaments, Leafes for Years, Extents, Rents, Charges, and Annuities due and payable, or to be due and payable unto the said *Henry Smith*, by Reason of any Estate in Fee Simple, Fee Tayle, for Life, Lives, or Years, or by any other Ways or Means whatsoever; and all other the Manors, Lands, Tenements, and Hereditaments of the said *Henry Smith* in the said County of *Suffex*, City of *London*, and in the County of *Middlesex*, or elsewhere, within the Realm of *England*; and all Deeds, Charters, and Writings, for, touching and concerning the same, **To have, hold, and enjoy**, all and singular the said Manors, Lands, Tenements, Hereditaments, Leafes, Extents, Rents, Charges, and Annuities, and all other the Premises, with all and singular their Appurtenances whatsoever, unto the said Earl of *Essex*, Earl of *Dorset*, Sir *Edward Francis*, *John Middleton*, *William Wingfield*, *George Whitmore* and *Richard Amburst*, their Heirs and Assigns for ever, with a Proviso or Condition of Revocation or making void the said recited Grant, Bargain, and Sale, and the Estate therein limited by the said recited Indenture, whereunto Relation being had more at large, it doth and may appear; and therein further reciting, that whereas the said *Henry Smith* by one other Indenture

denture made between him of the one Part, and the said *John Middleton, William Wingfield, George Whitmore, and Richard Amburst* of the other Part, and bearing the Date of the said former recited Indenture, did for the Considerations therein expressed, grant, assign, and set over unto the said *John Middleton, William Wingfield, George Whitmore and Richard Amburst*, all his ready Money, except one hundred Pounds thereof, and all his Debts, of what Nature, Kind, or Condition soever, and all his Bonds, Bills, Statutes, Recognizances, and Assurances whatsoever for the same; and all the yearly Sum and Sums of Money due and payable, or to be paid upon any Mortgage or other Condition or Agreement; and all his Household Stuff and Implements of Household whatsoever; and all his Goods and Chattles real and personal of what Kind, Quality, or Condition soever, except also as in the said Indenture is excepted, as in and by the same Indenture likewise more at large appeareth. And it was in and by the same Indenture published, expressed, and declared, that it was the true Intent and Meaning of all the said Parties to the same Indentures, that the said Grant, Bargain and Sale, and the said Assignment of the said ready Money, Debts, Goods, and Chattles, and all other Goods in the said recited Indenture mentioned and expressed, was to these Intents and Purposes, *viz.*

That of the yearly Rents and Profits of the said Manors, Lands, and Premisses should yearly be paid and answered to the said *Henry Smith* five hundred Pounds *per Annum* for and toward his Maintenance and Livelihood; and all the Residue of the Rents, Issues, and Profits of the said Manors, Farms, Lands, and Premisses should be paid and

*Assignment
of perso-
nal Estate.*

Uses.

*To Mr.
Smith 500
Pounds
per Annum
for Life.*

Residue to such Uses as he by Writings or Will should limit. and employed to and for such Uses, Intents, and Purposes, and to such Person and Persons, and for such Time and Times, and in such Manner and Form as the said *Henry Smith* by any Writing or Writings to be by him sealed, signed, and delivered in the Presence of two credible Witnessses or more, or by his last Will and Testament in Writing to be by him signed, sealed, and allowed as his Will in the Presence of such Witnessses, as aforesaid, should be limited, assigned, nominated and appointed to such charitable Use and Uses for Relief of poor Prisoners, hurt and maimed Soldiers, poor Maids Marriages, Setting-up of poor Apprentices, Amending of Highways, Losses sustained by Fire or Shipwreck or otherwise, as they the said *Earl of Essex*, *Earl of Dorset*, *Sir Edward Francis*, *John Middleton*, *William Wingfield*, *George Whitmore*, and *Richard Amburst*, their Heirs or Assigns, should from time to time, think most meet and convenient, as in and by the said Indentures, Relation being thereunto had more at large, it doth and may appear.

Uses.

12 June, And whereas also the said *Henry Smith* by his
22 James Indenture, bearing Date the twelfth Day of June,
1. in the two and twentieth Year of the Reign of our said late Sovereign Lord King *James*, of *England*, &c. and of *Scotland* the seven and fiftieth, made between him the said *Henry Smith* of the one Part, and the said *Robert Earl of Essex*, *Sir Edward Francis*, *George Whitmore*, *Richard Amburst*, *John Middleton*, and *William Wingfield* of the other Part, hath ratified, allowed, and confirmed the said Grant, Bargain, and Sale of all and singular the Manors, Lands and Premisses in the said first recited Indenture mentioned unto the said *Earl of Essex*, *Sir Edward Francis*, *George Whitmore*,
Richard

Confirmation of Conveyance with Release of Prowise.

Richard Amburst, John Middleton, and William Wingfield; and hath thereby remised, released, and revoked the Proviso or Condition for Power of Revocation therein mentioned, as in and by the same Indenture, thereunto Relation being had more at large appeareth.

And whereas also the said *Henry Smith* by one other Indenture bearing Date the said twelfth ^{12 June,} Day of *June*, and made between the said *Henry* ^{22 James} *Smith* of the one Part, and the said *George Whit-* ^{I.} *more, Richard Amburst, John Middleton, and Wil-* *liam Wingfield*, of the other Part, hath ratified, allowed and confirmed the said Grant and Assign- ^{Confirmation} ^{tion of As-} ^{signment} *ment of all and singular the Premisses in the same* ^{with release} ^{of Proviso,} Indenture mentioned, unto the said *George Whit-* *more, Richard Amburst, John Middleton, and Wil-* *liam Wingfield*, and hath thereby also remised, re- leased, and revoked the Proviso or Condition therein also mentioned, as in and by the same Indenture likewise appeareth.

And whereas also in and by one other Indenture bearing Date the said twelfth Day of *June*, in the ^{12 June,} two and twentieth Year of his late Majesty's Reign ^{22 James} of *England, &c.* and of *Scotland* the seven and ^{I.} fiftieth, made between him the said *Henry Smith* of the one Part, and the said *Earl of Essex, Christopher Nevill, Sir Richard Lumley, Sir George Croke, Sir Edward Francis, George Whitmore, Richard Am-* *burst, John Middleton, William Wingfield, George Lowe, William Blake, William Rolfe, and Richard Garnet* of the other Part, it was expressed and declared, and the true Intent and Meaning of all the Parties to the same was, that out of the yearly Rents and Profits of the said Manors, Lands, and all other the Premisses, there should be yearly paid and answered to the said *Henry Smith* five hundred Pounds

Mr. Smith grants to Trustees the full Appointment of the Rents, &c. Pounds *per Annum*, for and towards his Maintenance and Livelihood: And the said *Henry Smith* did by the same Indenture, grant, ratify, allow, and confirm unto the said Earl of *Essex*, *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, Sir *Edward Francis*, *George Whitmore*, *Richard Amburst*, *John Middleton*, *William Wingfield*, *George Lowe*, *William Blake*, *William Rolfe*, and *Richard Garnet*, the full Nomination, Limitation, Assignment, and Appointment of all and singular the Rents, Issues and Profits of the Manors, Lands, and of all other the Premises before mentioned to such Uses, Intents, and Purposes as are before in the said recited Indenture set forth, as they should from time to time think meet and convenient: And the said *Henry Smith* did thereby remise, release, revoke, and make void all Power of Limitation, Assignment, or Appointment of the same or any Part thereof, to any Use or Uses before by the said recited Indenture to him reserved, either by his last Will or otherwise, as freely and absolutely as if no such Power had been thereby reserved to him the said *Henry Smith*, and did also thereby express, publish, and declare, that the Rents, Issues, and Profits of all the said Manors, Lands, and Tenements, and all the said Goods, Chattles, and Credits, and other Things, should be bestowed and employed by the said Earl of *Essex*, *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *Richard Amburst*, *John Middleton*, *William Wingfield*, *George Lowe*, *William Blake*, *William Rolfe*, and *Richard Garnet*, or any seven or more of them, or by their Heirs or Assigns, to such charitable Use and Uses for and towards the Relief of poor Prisoners, hurt and maimed Soldiers, poor Maids Marriages, Setting-

Releaseth all Power of Assignment in himself.
7 or more
Uses.

up

up of poor Apprentices, Amending the Highways, Losses sustained by Fire or Shipwreck or otherwise, to and for such charitable Uses as they the said Earl of *Essex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, Sir *Edward Francis*, *George Whitmore*, *Richard Amburst*, *John Middleton*, *William Wingfield*, *George Lowe*, *William Blake*, *William Rolfe*, and *Richard Garnet*, or any seven or more of them, their Heirs and Assigns should, from time to time, think most meet and convenient: And for these Purposes the said *Henry Smith* did by the said last recited Indenture for the Consideration therein specified, grant, bargain, sell, assign, and set over unto the said Earl of *Essex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, Sir *Edward Francis*, *George Whitmore*, *Richard Amburst*, *John Middleton*, *William Wingfield*, *George Lowe*, *William Blake*, *William Rolfe*, and *Richard Garnet*, their Heirs and Assigns, all his Manors, Lands, Tenements, and Hereditaments, and all his Leases, Debts, Bonds, Statutes, Goods, and Chattles, with the like Power and Authority unto them, as in and by the same Indenture is granted and allowed unto them or any of them, except and always reserved as in and by the said former recited Indenture is excepted, for the Maintenance and Livelihood of the said *Henry Smith*, during only the Time of his natural Life, as in and by the said recited Indenture, whereunto Relation being had, likewise more at large it doth and may appear.

And whereas notwithstanding the said several Conveyances, Releases, or Revocations were absolute, yet in regard the said Manors, Lands, Tenements, and Hereditaments, and the said

*Recital of
Decree.*

C

Leases,

Leases, Money, Debts, Bonds, Statutes, Goods, and Chattles of the said *Henry Smith*, herein before mentioned and recited, were his free and voluntary Gift and Act, without any Consideration from any of the said Parties trusted; and for that some of the said Parties trusted, who were indebted to the said *Henry Smith* at the Time of the making of the said several Conveyances, did not endeavour the Performance of the said Trust reposed in them, according to the true Intent and Meaning of the said *Henry Smith*: Therefore the said *Henry Smith* for Redress thereof did exhibit his Bill into his Majesty's Honourable Court of Chancery, against them the said Earl of *Essex*, Sir *Christopher Nevill*, *Rickard Lumley*, Sir *George Croke*, Sir *Edward Francis*, *George Whitmore*, *Richard Amburst*, *John Middleton*, *William Wingfield*, *George Lowe*, *William Blake*, *William Rolfe*, and *Richard Garnet*, unto which Bill each of them the said Parties did put in his Answer, and thereby did confess that the said several Conveyances were made by the said *Henry Smith* freely and voluntarily, without any valuable Consideration; and did severally and respectively submit themselves to the Order and Direction of the said most Honourable Court concerning the Premises: Whereupon the said Cause coming on to be heard in open Court the twentieth Day of *June* now last past before the Date hereof, it was in the Presence of Council learned on all Parties, and in the Presence of some of the said Parties adjudged, ordered, and decreed by and with the Consent of them the said *Richard Amburst* and *John Middleton*, that they the said *Richard Amburst* and *John Middleton* should by good and sufficient

cient Conveyance and Assurance in the Law, convey and assure to the Residue of the said Parties trusted, and their Heirs, Executors, and Administrators, all such Estate, Title, and Interest as the said *Henry Smith* had conveyed unto them by the said several Conveyances herein before mentioned; and that the Residue of the said Parties trusted, should, during the natural Life of the said *Henry Smith*, dispose of the Rents, Issues, and Profits of the said Manors, Messuages, Lands, Tenements, and Hereditaments; and the said Leases, Monies, Goods, Chattles, Debts, Bonds, Statutes, and other personal Estate, to such of the said charitable Uses before herein mentioned, or for the purchasing of Parsonages and Rectories Improprate for the Maintenance of religious preaching Ministers, or such other charitable Uses, and to be employed in such Manner as the said *Henry Smith* should think fit to limit, declare, and appoint, as in and by the said Bill, Answers and Decree, Relation being thereto had, more at large it doth and may appear.

Now therefore further know ye, that for the better Performance of the said charitable Uses and Settling thereof, in such sort as that the same may have Continuance for ever, according to the true Intent and Meaning of the said *Henry Smith*, the said *Henry Smith* doth hereby limit, appoint, and declare his true Intent and Meaning to be, and doth hereby intreat them the said Earl of *Essex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Croke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet*, and *Henry Jackson* of London Cheesemonger, to see the same performed according,

dingly, which he hopes they will vouchsafe to do, the same tending to the Advancement of Religion, Piety, and Charity: That is to say, that they the said Earl of *Effex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet*, and *Henry Jackson*, and the Heirs of the Survivor of them, shall employ and bestow such Monies as they shall receive of the Rents and Revenue of the said Manors, Lands, Tenements, and Hereditaments, and of the Monies, Debts, or other personal Estate of the said *Henry Smith* before mentioned, for the purchasing of Manors, Lands, Tenements, and Hereditaments to themselves, or so many of them as shall be then living and their Heirs, but with this Proviso, that the true Intent and Meaning of the said *Henry Smith* is, and is hereby declared to be, that they the said Earl of *Effex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet*, and *Henry Jackson*, or the Survivors of them, or the Heirs of the Survivor of them, shall with all convenient Speed procure from his Majesty, his Heirs or Successors, a License under the Great Seal of *England*, to be granted to the Governor or Governors of *Christ's Hospital* in *London*, and their Successors, to receive and take the same in Mortmain; and that so soon as the said License shall be so procured, the said Earl of *Effex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet*, and *Henry Jackson*, and the Survivor of them shall by good and sufficient Conveyance and

*Trustees to
convey to
the Govern-
ors of
Christ's
Hospital.*

and Affurance in the Law, convey and assure, as well the said Manors, Messuages, Lands, Tenements, and Hereditaments herein before-mentioned, as the said Manors, Messuages, Lands, Tenements, and other Hereditaments to be purchased as aforesaid, to the Governors of the said Hospital and their Successors, discharged of all Incumbrances, done by them and every of them to be by them employed, according to the true Intent and Meaning of the said Decree, and of these Presents; and for and concerning such and so much of the said Manors, Messuages, Lands, Tenements, and Hereditaments, whereof the Profits shall not be disposed of by the said *Henry Smith* during his Life, the same shall be employed and disposed by the said Earl of *Essex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet*, and *Henry Jackson*, according to the true Intent and Meaning of the said recited Conveyances and Decree. In which said Purchase and Purchases so to be made of Manors, Lands, Tenements, and Hereditaments as aforesaid, the said *Henry Smith* doth desire that the said Earl of *Essex*, Sir *Christopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet* and *Henry Jackson*, and the Survivors of them, and the Heirs of the Survivor of them, shall so near as may conveniently be, observe the Proportion to purchase for every thousand Pounds, that they shall disburse and lay out, Manors, Lands, Tenements, and other Hereditaments in Fee Simple of the clear yearly Value of one hundred Marks, above all Charges

ges and Reprifes; the Charges of the making, drawing, and passing of the said Assurances, and of the procuring the said License to purchase in Mortmain, and all other Charges for or by Reason thereof, or concerning any other Thing in or touching the Premises, to be paid and borne out of the Rents, Issues, and Profits of the said Manors, Messuages, Lands, Tenements, and Hereditaments so to be conveyed as aforesaid.

Item, for the avoiding of Corruption in the Collection, Receiving, Distribution, and Payments of the several Sums heretofore given, limited, appointed, or assigned, and hereafter to be given, limited, appointed, or assigned by the said *Henry Smith* during his Life-time, or to be purchased or conveyed by the said *Earl of Essex*, *Sir Christopher Nevill*, *Sir Richard Lumley*, *Sir George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Garnet*, and *Henry Jackson*, or the Survivor or Survivors of them, or the Heirs of the Survivor of them, after his Decease, and to be yearly paid out of the Rents, Issues, or Profits of the said Manors, Messuages, Lands, Tenements, and Hereditaments hereafter to be purchased according to the true Intent and Meaning of these Presents, for the yearly Relief of the Poor of any Parish, or for the Marriage of poor Maids, or Putting-forth of poor Children to be Apprentices, shall yearly be received, as the said Rents shall grow due and payable by the Church-wardens and Overseers of the Poor of each of the said Parishes respectively, that is to say, the Church-wardens and Overseers of the Poor of each of the said Parishes respectively, to receive the Rent of so much

much Lands as is or shall be given, limited, assigned, or appointed to be employed as aforesaid, within that Parish wherein they shall be Church-wardens and Overseers as aforesaid.

Item, the said *Henry Smith*, for the better Security of the Performance of the said charitable Gift, doth hereby limit and appoint, and declare his Intent and Meaning to be, that the Church-wardens and Overseers of the Poor of each of the said Parishes, for Relief of whose Poor such Gift, Assignment, Limitation, or Appointment shall be made aforesaid, immediately after they shall enter into the said Offices, and before they shall meddle with the Receipt of the said Rent or any Part thereof, shall become bound by Obligation in double the Value of such Receipt to the Parson or Vicar of the said Parish, to collect and receive the said Rent, and to employ and bestow the same according to the true Intent and Meaning of these Presents: which said Parson or Vicar to whom such Security shall be so given, shall, before the said Church-wardens or Overseers of the Poor of the said Parish intermeddle with the Receipt of the said Rents or any of them, certify the said Obligation uncanceled to the Governors of the said Hospital for the Time being; and in Default of such Security to be so given, or Certificate made of the said Obligation, that Parish wherein such Default shall be made to lose the Benefit of the said Gift, Limitation or Assignment so made, or to be made, for that Year, wherein such Default shall be made as aforesaid.

Item, for the better Direction of the Church-wardens and Overseers of the said several Parishes in the Distribution of such Sums of Money

Money as are or shall be given, assigned or appointed to the said charitable Uses before mentioned, the said *Henry Smith* doth hereby limit and declare, and doth think fit and appoint that the said Church-wardens and Overseers of the Poor of the said several Parishes respectively shall give and distribute the said Monies given, limited, assigned or appointed to the said charitable Uses to and for the Relief of aged, poor or infirm People, married Persons having more Children born in lawful Wedlock than their Labours can maintain, poor Orphans, such poor People as keep themselves and Families to labour and put forth their Children Apprentices at the Ages of fifteen, wherein each of the said Church-wardens and Overseers of each of the said Parishes are to observe such Course in disposing of the said Rents, as that a Stock may be provided and always in Readiness to set such of the said Persons to work as are able to labour and take Pains, and not to or for the Relief of any Persons who are given to excessive Drinking, Whoremongers, Common Swearers, Pilferers, or otherwise notoriously scandalous, or to any Persons that have been incorrigible or disobedient to those whose Servants they have been, or to any vagrant Persons, or such as have no constant Dwelling, or receive any Inmate or Inmates to dwell in House with them, or have not inhabited in that Parish by the Space of five Years next before such Distribution to be made, or being able, refuse to work, labour and take Pains.

Persons excepted. Item, the said *Henry Smith*, to the Intent and Purpose aforesaid, doth further limit, assign and appoint and declare his Intent and Meaning to be, that for the better Ordering and Government of the Poor of the said several Parishes, and disposing of the Sums of Money given

given to the Uses aforesaid: The Church-^{Church-}wardens of each of the said Parishes shall, du-^{wardens}ring the said Time they shall continue in the ^{to meet once}said Offices and Places, once in every Month ^{a Month.}at the least, upon the Sabbath Day, after Evening Prayer, meet in the Church of the said Parish, to consider of the Estate of the Poor of the said Parish, which of them have most need of Relief: And shall also between the Feasts of *Easter* and *Whitsuntide* next after the End of every Year, wherein the said Church-wardens and Overseers of the Poor of that Parish or of any of them, shall have continued in either of the Offices or Places, openly and publickly in the Church of the said Parish after Evening Prayer upon some Sabbath Day, upon Notice and Warning thereof given openly in that Parish Church immediately after the end of Morning Prayer, make a true and perfect Account in a Book to be fairly written and kept for that Purpose, of all their Receipts and Disbursements for and during the Year then next before, of all such Sums of Money as they or any of them shall receive of the said Monies given to the Uses aforesaid, which said Account shall be openly read and published in the Church of the said Parish on the Sabbath Day next ensuing, upon the taking of the said Account immediately after the End of Morning Prayer there, and a Copy thereof fairly written and transcribed under the Hands of the said Church-wardens and Overseers that make the same Account, shall cause to be affixed to a Table to the Wall of the said Church in some convenient Place, there to remain by the Space of fourteen Days to the Intent the same be published, seen, read and perused, and Exceptions reformed and amended; and further, that the said

*Between
Easter and
Whitsun-
tide enter
Account in
a Book.*

*Such Ac-
count to be
read in the
Church.*

*A Copy
to be fixed
up in the
Church.*

*Copy of
Account to
be sent to
the Govern-
ors.*

*Penalty for
Neglect.*

*For the
impotent
and aged
Poor.
Apparel.*

*Bread and
Flesh upon
Sundays.*

Church-wardens and Overseers of the Poor that shall have so passed the said Account, shall within ten Days next following after the End of the said fourteen Days send or deliver, or cause to be sent or delivered under the Hands of the Parson or Vicar of the said Parish and of the said Church-wardens and Overseers, as shall pass the said Account, and such others as shall be present thereat, a Copy of said Account to the Governors of the said Hospital for the Time being; and that if the said Church-wardens and Overseers of the Poor of any of the said Parishes shall fail in Performance of any of the said Premises, that then as a Penalty, Mulct or Punishment for such Neglect, the Poor of that Parish shall not have of the Gift of the said *Henry Smith* for one Year then next ensuing after such Neglect, but the Benefit thereof to go for that Time to the said Hospital.

Item, the said *Henry Smith* doth further by these Presents, limit and appoint, and declare his Intent and Meaning to be, that the said Sums of Money, given, limited, assigned or appointed to or for the Relief of the impotent and aged Poor of the said Parishes respectively, shall be distributed, bestowed and employed in Apparel of one Colour, with some Badge or other Mark, that the same may be known to be the Gift of the said *Henry Smith*, or else in Bread and Flesh or Fish; upon each Sabbath Day publickly in the Parish Churches of each of the said Parishes.

Item, the said *Henry Smith*, doth further by these Presents declare his Intent and Meaning to be, that although the Estate and Interest, as well of all the said Manors, Messuages, Lands, Tenements and Hereditaments by the said *Henry Smith* conveyed as aforesaid, as those that are hereafter

to be purchased, are hereby directed to be settled in the Governors of the said Hospital, and their Successors, yet such Leases, Copyhold and customary Estates as are to be made thereof shall be bargained and contracted for by the Church-wardens and Overseers of the Poor of such Parish for the Relief of the Poor, whereof the Profits of the said Lands so to be used or disposed, are or shall be according to the true Intent and Meaning of these Presents assigned, limited or appointed to be employed, to the Intent the best yearly Value may be made thereof; and that the said Governors of the said Hospital and their Successors shall make such Leases and Estates, and to such Persons, as the said Church-wardens and Overseers shall appoint in Writing under their Hands and Seals, reserving such Rent, and with such Covenants, Conditions and Agreements as they shall agree upon, so as such Leases or Estates exceed not the Term of one and twenty Years or three Lives in Possession; and so as the Lands so to be letten be in the best Manner that may be letten at the best improved yearly Rents, and not for great Fines and small Rents, except for copyhold Lands only, which may be granted upon Fines.

In witness whereof the said *Henry Smith* hath hereunto set his Hand and Seal, the six and twentieth Day of *January*, in the second Year of the Reign of Our Sovereign Lord *Charles*, by the Grace of God, King of *England, Scotland, France and Ireland*, Defender of the Faith, &c. 1626.

Et Memorandum quod Die & Anno superscript' prefat' Henricus Smith Ar' venit coram dicto Domino

*mino Rege in Cancellar' sua, & recognovit scriptum
predict' ac omnia & singula in eodem content' &
specificat' in Forma supradict'.*

Jur' vicesimo sexto Die Januarii Anno predict'.

Mr. SMITH'S WILL.

*Extracted out of the Registry of the COURT
for Probate of Wills and granting Ad-
ministrations.*

In the Name of GOD, Amen. The four ^{24th of} and twentieth Day of *April*, in the third ^{April, 3^d} Year of the Reign of our Sovereign Lord ^{of Charles} CHARLES, by the Grace of GOD, King of ^{1st, 1627.} *England, Scotland, France, and Ireland*, Defender of the Faith, &c. I Henry Smith, of *Silver Street, in London*, Esq; being in Health of Body, and of good and perfect Memory and Understanding (Thanks be therefore given unto GOD) do make and ordain this my last Will and Testament, in Writing, in Manner and Form following: That is to say, First, and principally, I commend my Soul into the Hands of Almighty GOD, my heavenly Father, trusting assuredly by the only Death and Passion of JESUS CHRIST his Son, my only Saviour and Redeemer, to have Remission of all my Sins, and to be made an Inheritor of eternal Life. And I recommend my Body to the Earth whereof it is made, to be buried in such Place, and in such decent Manner, as to my Executors hereafter named shall be thought fit, there to remain in Christian Burial until the Resurrection of all Flesh, which I assuredly believe and expect. And as touching the disposing of my Lands and Goods wherewith it hath pleased GOD to
bless

bles me; First, I give and bequeath unto *Henry Henn, Gent.* sometimes my *Servant*, the Sum of *One Hundred Pounds*; to be paid unto him within one Year after my Decease; for which *One Hundred Pounds* I have given him my Bond already. *Item*, I give and bequeath for the Use of the poor Captives, being Slaves under the *Turkish* Pyrates, the Sum of *One Thousand Pounds*; which Sum of *One Thousand Pounds* my Will and Meaning is, shall be laid forth and bestowed in the Purchase of Lands of Inheritance to the Value of *Threescore Pounds per Annum* at the least, the Rents and Profits whereof shall be yearly paid, and distributed unto such Person and Persons, as from time to time shall be appointed and intrusted for the Collection of the Charity of well disposed Persons, with the Intent that the same my GIFT shall continue in Perpetuity, and shall be paid and delivered at the Direction of my said Executors and their Heirs, and of the Survivors of them, and of the Lord Mayors and Sheriffs of the City of *London* for the Time being, for, and towards the Relief and Ransom of the said poor Captives and Slaves. *Item*, I give and devise for the Use and Relief of the Poorest of my Kindred, such as are not able to work for their Living; viz. sick, aged, and impotent Persons, and such as cannot maintain their own Charge, the Sum of *One Thousand Pounds*, which said *One Thousand Pounds* my Will and Meaning is, shall be laid forth and bestowed in the Purchase of Lands of Inheritance of the Value of *Threescore Pounds per Annum* at the least, and the Rents and Profits thereof to be paid yearly unto them, and to be distributed amongst them by
my

1000l. to
redeem
Slaves un-
der Tur-
kish Py-
rates.

1000l. to
his poor
Relations.

my said Executors and their Heirs, and by the said Lord Mayor of *London*, and the Sheriffs for the Time being, as most Need shall be from time to time. And my Will and Meaning is, that in the bestowing and distributing of my Estate and Goods to the Poor to charitable Uses, which is according to my Intent and Desire, those of my Kindred which are poor, aged, impotent, or any other Way unable to help themselves, should be chiefly preferred and respected.

Item, I give and devise unto the Children of one *Deborne*, late of *Richmond*, Carpenter, deceased, to be divided amongst them, Part and Part alike, the Sum of *Fifty Pounds*, to be paid within three Months next after my Decease.

Item. I give and devise unto *Richard Owen*, Gent. Servant to the Dean of *Westminster*, the Sum of *One Hundred Pounds*, to be paid unto him within one Year next after my Decease.

Item, I give and bequeath unto, and for the Use of the Poor of *Wandsworth*, the Sum of *Five Hundred Pounds*, which said *Five Hundred Pounds* col. 10
Wand-
sworth to
buy Land. my Will and Meaning is, shall be paid unto some sufficient Inhabitants of the said Town of *Wandsworth* in Trust, to buy Lands of Inheritance, the Rents and Profits whereof to be yearly paid to, and for the Relief of the said Poor for ever: For the true Performance whereof, according to the Purport of such Articles as are already agreed on by the Bailiffs and Burgeses of the Town of *Kingston* in that Behalf, my Will and Desire is, that my said Executors upon Payment of the said Money, shall take some sufficient Covenants and Assurances from the said Inhabitants of the said Town of *Wandsworth* as shall be by my said Executors thought meet.

Item,

Item, In the same Manner to be bestowed and secured, I give and devise unto, and for the Poor of the Town of *Reigate*, the Sum of *One Thousand Pounds*. *Item*, I give unto the Child of my Servant *Michael Montgomery* the Sum of *Ten Pounds*, and to my Servants *Michael* and *Mary Twasour* to each of them *per Annum*, *Ten Pounds* during their Lives. *Item*, I do clearly release and forgive unto *John Walker* of *Billinggate* the Sum of *Two Hundred Pounds*, which he oweth unto me upon several Bonds for Money lent him. *Item*, I give unto the Right Honourable *Mary Countess of Dorset* the Sum of *Two Hundred Pounds*, to be paid unto her within a Year after my Decease, to be disposed by her to, and amongst her Children equally, or otherwise, as to her Honour shall be thought fit. *Item*, I give, will and devise the several Debts and Sums of Money due, and owing unto me by *Sir Edward Francis*, *Sir Richard Lumley*, and *John Middleton*, amounting to *Ten Thousand Pounds* in the whole or thereabouts, to and for the purchasing and buying in of Improvements, for the Relief and Maintenance of Godly Preachers, and the better Furtherance of Knowledge and Religion, to be bestowed at, and by, the Discretion of my Executors accordingly. *Item*. My Will and Meaning is, That all, or the most Part of the Legacies and Sums of Money, which by this my last Will, or otherwise I have given, or intended to the Use or Relief of the Poor of any Parish, Town or Place shall be so ordered, continued or managed yearly, or from time to time, for the Setting-on the Poor on Work, and for binding them Apprentice, and for the Teaching and Education of the poor Children as is
now

1000l. to
the Poor of
Reigate.

10000l.
for Impro-
vements.

How his
Money is to
be distri-
buted.

now used or begun within the Town of *Dorchester* in the County of *Dorset*, and according to my Deed of Uses last made. *Item*, I give and devise the Sum of *One Hundred and Fifty Pounds*, for the Buying of a Fellowship in *Cambridge* in some College there, to continue for eight Years, and so long to be enjoyed by Mr. *Costender's* Son; and at the End of those eight Years to be surrendered by him unto, and to the Use of my Nephew *Henry Jackson*; Son of *Henry Jackson* the Elder, one of my Executors hereafter named, to continue to him, during his Life; and after to such of my Kindred as shall be capable of the Place of Fellowship from time to time: And my Will and Meaning is, that my Executors hereafter named, shall, at their Discretion, lend the Sum of *One Hundred Pounds* to some such Person as shall need, *Gratis*, for one Half Year, by *Twenty Pounds* in a Parcel; and when the same is repaid, to lend it out to others for other Six Months; and so to continue from time to time, my Executors taking good Security for the Repayment thereof. *Item*, I give unto my Executors hereafter named, and to my Feoffees which I have trusted for the Behoof of the Poor, to each of them the Sum of *Five Pounds* to buy them Rings. *Item*, I give unto one Mrs. *Price*, now, or sometimes a Teacher of Children, my Kinswoman, the Sum of *Ten Pounds* to be paid within one Year after my Decease. *Item*, I give to *Rebecca Collins*, Daughter of *George Collins*, the Sum of *Ten Pounds*. *Item*, I give unto Mr. *Hughs* the Sum of *Ten Pounds*. *Item*, I give to the two Daughters of Sir *William Bond* *Winifred* and *Elisabeth* the Sum of *Fifteen Pounds*, whereof *Five Pounds* is

E a Debt

a Debt due to me by their Brother *John Bond*.
Item, I give to the Poor of the Parish where I dwell *Five Pounds*. *Item*, I give to the Poor of *St. Anne's* Parish the like Sum of *Five Pounds*.
Item, I give to the Poor of *St. Dunstan's* in the *East* the Sum of *Five Pounds*. *Item*, I give to *Mrs. Butcher* the Sum of *Ten Pounds*. *Item*, I give to *Ferdinando Clerke* the Sum of *Twenty Shillings*. *Item*, I give to *Sir Robert Philips* and his Lady and Children *One Hundred Pounds*. *Item*, I give to the eldest Lady *Delaware*, Wife of *Thomas* late Lord *Laware*, the Sum of *One Hundred Pounds*. *Item*, I give *Mr. William Rowley* the Sum of *Twenty Pounds*. *Item*, I give to *John Franklyn*, and one *Weaver*, and *Jane Floyd*, my Neighbours, to each of them *Twenty Shillings*. *Item*, I give to *Mr. Doctor Lloyd* a Mourning Gown, and *Ten Pounds* in Money. *Item*, I give to my Nephew *Henry Jackson* one of my Executors, and to the said *John Walker* the Sum of *One Hundred Pounds*, to be disposed of by them to such Poor as they shall think fit. *Item*, I give and devise unto *Godfrey Mazlebill*, the Sum of *Five Pounds*. *Item*, I give and devise to *Henry Smith* of *Old Change*, *Five Pounds*; and to Good Wife *Seabright* *Twenty Shillings*; and to *Mr. Paytie* *Ten Shillings*. *Item*, I do hereby will and devise unto the Poor of the
1000. to
Richmond. Town of *Richmond* the Sum of *One Thousand Pounds*, due and owing unto me by *Mr. Serjeant Amburst*, to be laid out and bestowed by my Executors, for the Purchase of Lands of Inheritance, and for the Use of the Poor of the said Town, in Perpetuity to continue unto them unto the said Trust, as my other Gifts to other Towns do; and my Will and Meaning is,
that

that Mr. *Henry Henne* shall be one of my Feoffees in the Place of *Sir Edward Francis*. Item, I give to *Augustine Daborne* the Gardener *Ten Pounds*. And whereas, by an Indenture bearing Date the Twentieth Day of *October*, in the Seventeenth Year of our late Sovereign Lord King *JAMES*, over this Realm of *England*, &c. I did grant, bargain, sell, and confirm unto the Right Honourable *Richard*, then Earl of *Dorset*, since deceased, *Robert*, now Earl of *Essex*, *Sir Edward Francis*, Knight, *John Middleton*, *William Wingfield*, *George Whitmore* and *Richard Amburst*, then Esq; now Serjeant at the Law, and to their Heirs in Trust and with Power of Revocation, all those the Manors and Farms of *Warbleton*, *Southwood*, and *Iwood*, with the Appurtenances in the County of *Sussex*, and my Messuage in *Silver-street*, wherein I now dwell; and all other my Manors, Lands, Tenements, Hereditaments, Lease for Years, Extents, Rents, Charges and Annuities, to me due, or to be due and payable, by Reason of any Estate in Fee, Simple Fee, Tayle for Life, Lives or Years, or by any other Ways or Means whatsoever: And also all other my Manors, Lands, Tenements, and Hereditaments in the said County of *Sussex*, City of *London*, and County of *Middlesex*, or elsewhere, within the Realm of *England*. And whereas also I did by another Indenture of the same Date, grant, assign, and set over unto the said *John Middleton*, *William Wingfield*, *George Whitmore* and *Richard Amburst*, with the Power of Revocation, all my ready Money (except *One Hundred Pounds*) and all my Debts, Bonds, Bills, Statutes, Recognizances and Assurances for the same; and all yearly Sum and Sums of Money

due and payable upon any Mortgage, Condition, or Agreement, and all my Household-Stuff, Goods and Chattles, real and personal whatsoever (except as in the said Indenture is excepted) which Lands and Premisses were so conveyed in Trust to Uses, and with Power left in me of Revocation or Alteration at my Pleasure, as by another Indenture bearing Date the said Twentieth Day of *October*, appeareth: And whereas sithence by some indirect and colourable Pretences by some other Deed since made, it is pretended, that I have released and discharged the said Power of Revocation or Alteration of Uses left and reserved, which Releases (if any such be) were, and yet are contrary to my true Intent and Meaning: And whereas the said *Sir Edward Francis*, *John Middleton* and *Richard Amburst*, and one *Sir Richard Lumley*, Knight, stand severally indebted unto me in divers great Sums of Money upon several Assurances, which Debts and Sums of Money, my Will and Meaning neither is, nor ever was, to release unto them, or any of them: And therefore I do hereby give and devise unto my Executors hereafter named, and to their Heirs and Assigns upon Trust, and to the Uses herein before expressed, all such Debts, Sum and Sums of Money, as are, or were owing or ought to be due or payable unto me by the said *Sir Edward Francis*, *Sir Richard Lumley*, *John Middleton*, and *Richard Amburst*, or any of them to the Uses aforesaid; and all Manors, Messuages, Lands and Tenements whatsoever to me granted, mortgaged, or assured, of or for the same: And my Will and Meaning is, and I do hereby expressly declare and appoint my said Executors hereafter named, to have and take,
demand

demand and require of and from the said Earl
 of Essex, Sir Edward Francis, John Middleton,
 William Wingfield, and Richard Amburst, and of
 and from all other Person or Persons which by
 Virtue or Colour of any Trust or Grant by me
 made to, or had and reposed in them, or any of
 them, or otherwise shall have, or receive any
 Sum or Sums of Money, Rents, or other Profits
 whatsoever, which did, or shall belong unto
 me from time to time, just and true Ac-
 counts thereof, and to their utmost Power shall
 see the same to be justly and truly bestowed and
 given, according to the true Meaning of this
 my last Will and Testament. And I do hereby *Devise to*
 give, grant, and devise unto my said Executors *his Execu-*
 hereafter named, and to their Heirs and As- *tors of his*
 signs not only all my Manors, Messuages, *Estates to*
 Lands, Tenements and Hereditaments whatso- *such chari-*
 ever, with their Appurtenances, situate and be- *table Uses*
 ing in the City of London, and in the Counties *as he hath*
 of Middlesex, Kent, Sussex, Gloucester, and Wor- *or shall ap-*
 cester, or in any of them, or elsewhere within *point.*
 the Realm of England; but also all and singular
 my Goods, Chattles, Plate, Household-Stuff,
 Debts, Sum and Sums of Money, Jewels, and
 all other my real and personal Estate whatsoever
 (my Debts and Funeral Expences first discharg-
 ed) upon Trust and Confidence, and to the Uses,
 Intents and Purposes expressed and declared
 herein; and by my last Deed and Writing by
 me sealed for Declaration of my Uses, and now
 enrolled lately in his Majesty's high Court of
 Chancery; and which from time to time shall
 be limited, and declared by me by Writing un-
 der my Hand and Seal sufficiently testified; and
 for Want of such Limitation, Declaration or *For Want*
 Appoint- *thereof*

*To poor
 Towns, as
 done to
 Wandf-
 worth and
 Kingston,
 at Discre-
 tion of his
 Executors.*

Appointment, then to be paid and bestowed in charitable Uses to the Relief and Maintenance of poor Towns, in the same Manner as I have here- in formerly appointed to the Towns of *Wandf- worth and Kingston*, at the Discretion of my Exe- cutors: And my Will and Meaning is, that all such Sum and Sums of Money as by the true Meaning of this my last Will should be bestow- ed in charitable Uses, or should come to the Hands of the Poor therein mentioned, shall, with- in Six years next after my Decease, or sooner, if the same may be conveniently gotten in, be paid and distributed amongst them accordingly. And my Will is, that all my said Executors, and the Sur- vivors of them from time to time shall join jointly in the Trust hereby reposed in them, and shall yearly make a just and true Account of all their Proceedings therein unto my Overseers hereafter named, who shall in all Differences and Doubts arising amongst my said Executors com- pose the same according to their best Discretions. And I do hereby, as much as in me is, revoke, repeal, and disannul all former Wills and Testa- ments by me made, granted to any Person or Per- sons whatsoever, touching or concerning my said Lands or Goods, or any of them which have been by me questioned or complained of in his Ma- jesty's high Court of *Chancery*. And I do hereby make, nominate and appoint *George Whitmore* Alderman of *London*, *George Lowe*, *William Blake*, *William Rolfe*, Esq; *Richard Garnard* Cloth- worker, and *Henry Jackson* Grocer of *London*, to be the Executors of this my last Will and Testa- ment duly performed. And I do hereby nomi- nate *Mr. Justice Croke*, *Sir Christopher Nevill*,
 Mr.

Mr. Alderman *Parkhurst* and *George Duncomb*, Esq; to be Overseers of this my last Will and Testament, In witness whereof, I the said *Henry Smith* to this my present last Will and Testament containing seven Sheets of Paper, have severally subscribed my Name, and have set to my Seal at the Top thereof, the Day and Year first above-written. *Henry Smith* subscribed, as aforesaid, with the proper Hand of the said *Henry Smith*, in the Presence of *Thomas Canon, Ja. Aston, William Rowley, Thomas Carter*; sealed, published and declared by the said *Henry Smith* (who was of perfect Memory) to be his last Will and Testament, in the Presence of us, Witnesses, whose Names are hereunder written, *Thomas Canon, Thomas Costerdine, Edw. Brightwen, Francis Billing, John Houghbourne*.

Memorandum, That *Henry Smith*, late of *St. Olave's* in *Silver-street, London*, after the making and declaring of his last Will and Testament in Writing, did, on, or about the twenty-eighth of *September*, One Thousand Six Hundred Twenty-seven, by Word of Mouth, give and bequeath unto his Nephew *Henry Jackson*, the Sum of *One Thousand Pounds*; and to his Servants *Michael Montgomery* and *Mary Davasour* *Ten Pounds* a piece; but willed, that the said *Ten Pounds* bequeathed to the said *Michael* should not come to his Hands, but should be preserved and kept for his the said *Michael's* Child; being present *George Lowe, Henry Jackson, Michael Montgomery* and *Mary Davasour*. Item, He did at another Time give and bequeath to *Sir Thomas Canon* Knight to buy him a Ring *Five Pounds*. Item, To *Thomas Nokes* *Ten Pounds*. Item, To *Jane Magson* of *Boston*, *Five Pounds*. Item, He bequeathed to
John

John Tench his Chirurgeon, *Ten Pounds* and a mourning Gown. Moreover, the said Testator being asked which of his Kindred he meant and intended in and by those Words, *The poorest of his Kindred, &c.* in the Legacy of a *Thousand Pounds* bequeathed in his Will, to be laid out and bestowed in the Purchase of Lands of Inheritance of the Value of *Sixty Pounds per Annum*, and the Rents and Profits to be paid yearly unto them, &c. made Answer, That his Meaning was thereby the poorest of his Sisters Children, and their Children successively; and like in Effect.

Probatum, &c. Vicesimo tertio Januarii, Anno Domini in &c. 1627. Juramentis Domini Willielm. Militis, Georgii Lowe, Richardi Garnard, & Henrici Jackson, Executorum, &c. Referata, &c.

Probatum, &c. Decimo nono Junii, Anno Domini 1628. Juramento Willielmi Rolfe Armigeri Executoris, etiam &c. Referata, &c. Georgii Whitmore, &c.

Barrington 2.

TREASURER, Mr. *William Bray,*
Great Russell Street, Bloomsbury.

F I N I S.



