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**Will of Thomas Smart 1829** (PRO, ref. PROB 11/1761 Image 17)

## Summary

Testator: Thomas Smart, St. Matthew, Bethnal Green, Gentleman  
Executors: sons William, John & Henry Smart  
Date: 28 April 1820, codicil 6 March 1827, proved 8 September 1829  
Witnesses: Stephen Auber? Elder Street Spital Fields?, Saml Page High Street Norton Folgate, Codicil: William Carter Church Street Bethnal Green, John Howard 97 Church Street

Will: - wish to be buried in the same grave in Bethnal Green churchyard as late dear wife Jane  
- all personal estate to be converted to money and divided into nine equal parts  
- one part to son William Smart minus £60 owed  
- one part to daughter Mary wife of George Carter minus £50 owed  
- one part to son John Smart minus £50 owed  
- one part to daughter Jane the wife of Francis Stevens  
- one part to son Henry Smart  
- one part to daughter Ann the wife of William Meredith minus £60 owed  
- one part to daughter Sarah the wife of John Adams  
- one part to son James Smart minus £150 owed  
- one part to son John Smart in trust, he to pay 5 shillings per week to son Thomas Smart, or if he dies to his wife Frances, until his part is exhausted

## Text

In the Name of God Amen

1. I Thomas Smart the Elder of Bethnal Green Road in the parish of Saint Matthew Bethnal Green in the County of Middlesex Gentleman being of sound and disposing mind memory and understanding declare publish and declare this present writing as and for my last Will and Testament in manner and form following that is to say
2. In the first place I desire to be buried in Bethnal Green Church yard in the same Grave with my late dear wife Jane Smart and in the next place I direct that all my just debts and funeral and testamentary expenses may be fully paid and satisfied by my Executors hereinafter named with all convenient speed after my death by and out of my personal Estate and effects
3. And whereas I have advanced or for the benefit of my five children hereinafter named the several sums of money hereinafter mentioned that is to say
4. To my son James Smart the sum of one hundred and fifty pounds
5. To my son William Smart the sum of sixty pounds
6. To my son John Smart the sum of fifty pounds
7. To my daughter Ann the wife of William Meredith the sum of sixty pounds and
8. to my daughter Mary the wife of George Carter the sum of fifty pounds

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9. And I do declare my Will and mind to be that the said several sums of money so by me advanced to or for the benefit of them my said five children aforesaid And also all such further sums or sum of money if any as I shall hereafter in my lifetime pay or advance to or for the benefit of them or one or more of them shall be brought into hotchpot and accounted for accordingly before they my said children shall be entitled to any share of my residuary personal estate and effects or the produce thereof by virtue of this my Will
  10. As to the rest residue and remainder of my personal Estate and effects whatsoever and wheresoever and of what nature kind or quality soever which shall remain after payment of my just debts and funeral and testamentary expenses I give and bequeath the same and every part thereof respectively unto my Executors hereinafter named their executors administrators and assigns Nevertheless upon the trust following that is to say Upon trust that they my said Executors their executors administrators and assigns shall and do with all convenient speed after my death sell and dispose of and convert into ready money all such parts of my said residuary personal Estate and effects as shall not consist of money and interest for money and collect get and receive all such debts and sums of money as shall be due and owing to me at the time of my decease and shall and so pay and apply and dispose of the money to arise and be produced from or by such sale and disposition and to be collected and got in as aforesaid And also of all such monies stocks funds and securities for money of which my said residuary Estate and Effects shall consist in the manner following that is to say
  11. As to one equal ninth part or share thereof Upon trust to pay the same unto my said son William Smart his executors administrators and assigns and to and for his and their own use and benefit absolutely
  12. As to one other equal ninth part or share thereof unto my said daughter Mary Carter her executors administrators and assigns and to and for her and their own use and benefit absolutely
  13. As to one other equal ninth part or share thereof unto my said son John Smart his executors administrators and assigns and to and for his and their own use and benefit absolutely
  14. As to one other equal ninth part or share thereof unto my said daughter Jane Stevens the wife of Francis Stevens her executors administrators and assigns and to and for her and their own use and benefit absolutely
  15. As to one other equal ninth part or share thereof unto my said son Henry Smart his executors administrators and assigns and to and for his and their own use and benefit absolutely
  16. As to one other equal ninth part or share thereof unto my said daughter Ann Meredith her executors administrators and assigns and to and for her and their own use and benefit absolutely
  17. As to one other equal ninth part or share thereof unto my said daughter Sarah Adams the wife of John Adams her executors administrators and assigns and to and for her and their own use and benefit absolutely

18. As to one other equal ninth part or share thereof unto my said son James Smart his executors administrators and assigns and to and for his and their own use and benefit absolutely
19. As to the other or remaining equal ninth part or share of my said residual personal estate and effects Upon trust to pay the same unto my said son John Smart his executors or administrators In trust nevertheless that he or they shall and do there out weekly and every week on the Saturday in every week during the life of my son Thomas Smart or until the said last mentioned ninth part or share shall thereby be exhausted pay and allow unto hum my said son Thomas Smart the weekly sum of five shillings for or towards his maintenance and support
20. Nevertheless he my said son John Smart being allowed to deduct and retain out of the said last mentioned ninth part or share all such debts and sums of money now owing or as he shall at any time pay or advance to or for my said son Thomas Smart but in case my said son Thomas Smart shall happen to die before the whole of the said last mentioned ninth part or share shall by the ways and means aforesaid be exhausted or expended then I give and bequeath all the residue or surplus thereof which shall be remaining and unapplied for the purpose aforesaid at the death of my said son Thomas unto his wife Frances her executors administrators and assigns to and for her own use and benefit absolutely
21. And it is my wish that my said son John Smart so execute a declaration of trust concerning the said last mentioned ninth part accordingly when and so as the amount thereof shall have been ascertained and paid over to him by my said Executors and trustees
22. And I do hereby nominate constitute and appoint my said sons William Smart John Smart and Henry Smart joint Executors of this my last Will and Testament And I do hereby declare that my said Executors shall only be answerable and accountable for their non respective acts deeds receipts and payments by virtue of this my Will and for such monies only as they shall respectively actually receive or raise to their respective hands by virtue thereof And that it shall be lawful for them respectively to deduct and retain out of my Estate and effects all such costs charges and expenses as they shall respectively pay expend or be put into in or about the execution of the trust thereby in them respectively reposed
23. And lastly hereby revoking and making void all former and other wills by me at any time heretofore made I publish and declare this only to be and contain my last Will and Testament
24. In Witness whereat I the said Thomas Smart the elder the Testator have hereunto set my hand and seal this twenty eighth day of April in the year of our Lord one thousand eight hundred and twenty

Thos Smart

Signed sealed published and declared by the said Thomas Smart the elder the Testator as and for his last Will and Testament in the presence of us who have subscribed our names as Witnesses thereto The name Frances being first interlined in the second line from the top of this page  
Stephen Auber? Elder Street Spital Fields?  
Saml Page High Street Norton Folgate

Whereas I Thomas Smart did by my Will and Testament herein to annexed give and bequeath unto my daughter Sarah Adams the wife of John Adams one equal ninth part of my residuary estate and effects and Whereas the said Sarah Adams has lately departed this life I therefore do hereby revoke my said legacy and do hereby give and bequeath the said legacy to the children of my said daughter Sarah Adams in equal parts share and share alike to be paid unto the said children on their respectively attaining the age of twenty one years but in case either or any of the said children of my said daughter Sarah Adams should depart this life before he or she or they shall have attained the aforesaid age of twenty one years then I hereby direct that the share or shares which was or were intended for the said child or children so dying shall be paid to the survivor or shall be divided equally and paid to the survivors on he or her or they respectively attaining the age of twenty one years in addition to what I have bequeathed to the said child or children in this Codicil to my said Will and I do hereby ratify and confirm my said Will in all the other particulars thereof

In Witness whereof I the said Thomas Smart have to this Codicil set my hand and seal this sixth day of March in the year of our Lord one thousand eight hundred and twenty seven

Thomas Smart

Signed sealed published and declared by the said Testator Thomas Smart the Elder as and for a Codicil to be annexed to his last Will and Testament and to be taken as a part thereof in the presence of us

William Carter Church Street Bethnal Green

John Howard 97 Church Street

Proved at London with a Codicil 8th September 1829 before the Worshipful William Calverley Curtois Doctor of Laws and Surrogate by the Oaths of William Smart and John Smart the sons the surviving Executors to whom Admon was granted having been first sworn duly to administer