

I James Smithson Son to Hugh, first Duke of Northumberland, & Elizabeth, Heiress of the Hungerfords of Studley, & Niece to Charles the proud Duke of Somerset, now residing in Bentinck Street, Cavendish Square, do this twenty-third day of October, one thousand eight hundred and twenty-six, make this my last Will and Testament:

I bequeath the whole of my property of every nature & kind soever to my bankers, Messrs. Drummonds of Charing Cross, in trust, to be disposed of in the following manner, and I desire of my said Executors to put my property under the management of the Court of Chancery.

To John Fitall, formerly my Servant, but now employed in the London Docks, and residing at No. 27, Jubilee Place, North Mile End, old town, in consideration of his attachment & fidelity to me, & the long & great care he has taken of my effects, & my having done but very little for him, I give and bequeath the Annuity or annual sum of One hundred pounds sterling for his life, to be paid to him quarterly, free of legacy duty & all other deductions, the first payment to be made to him at the expiration of three months after my death. I have at divers times lent sums of money to Henry Honore Saily, formerly my Servant, but now keeping the Hungerford Hotel, in the rue Caumartin at Paris, & for which sums of money I have undated bills or bonds signed by him. Now, I will & direct that if he desires it, these sums of money be let remain in his hands at an Interest of five per cent, for five years after the date of the present Will.

To Henry James Hungerford, my Nephew, heretofore called Henry James Dickinson, son of my late brother, Lieutenant-Colonel Henry Louis Dickinson, now residing with Mr. Auboin, at Bourg la Reine, near Paris, I give and bequeath for his life the whole of the income arising from my property of every nature & kind whatever, after the payment of the above Annuity, & after the death of John Fitall, that Annuity likewise, the payments to be made to him at the time the interest or dividends become due on the Stocks or other property from which the income arises.

Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors & assigns, after the death of his, or her, or their Father, the whole of my property of every kind absolutely & forever, to be divided between them, if there is more than one, in the manner their father shall judge proper, or, in case of his omitting to decide this, as the Lord Chancellor shall judge proper.

Should my said Nephew, Henry James Hungerford, marry, I empower him to make a jointure.

In the case of the death of my said Nephew without leaving a child or children, or the death of the child or children he may have had under the age of twenty-one years or intestate, I then bequeath the whole of my property subject to the Annuity of One Hundred pounds to John Fitall, & for the security & payment of which I mean Stock to remain in this Country, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an Establishment for the increase & diffusion of knowledge among men.

I think it proper here to state, that all the money which will be standing in the French five per cents, at my death in the names of the father of my above mentioned Nephew, Henry James Hungerford, & all that in my names, is the property of my said Nephew, being what he inherited from his father, or what I have laid up for him from the savings upon his income.

James Smithson. [L. S.]