

Mary Soden (born Mary Summerton) c. 1759 – 1832

Transcript of her will, written in Oxford 10 Jan 1832, proved in Oxford 28 Feb 1832

Introduction

This version of Mary Soden's will is available on the *FindMyPast* website. The original document is held by Oxfordshire History Centre: Oxfordshire wills and probate 274/2/29.

An abbreviated and incomplete version of this will is available on the website of the Bartons History Group: Its source is not stated on the website and has not been established.

The will is written as a single block of text with no punctuation and a somewhat erratic use of capital letters. In the transcript below each sentence is presented as a paragraph.

Summary

The principal beneficiary of the will was Mary Soden's son John to whom were left three distinct areas of land. Firstly, John was left the '*large garden*' on which he had already built a dwelling and premises. Presumably this was the land on which the Soden family operated a nursery garden until at least 1911, called '*Grove Nursery*'. Secondly, John was left an adjoining close of pasture, and thirdly a close called '*Quaker's Close*', except for a '*hovel*' standing there which was to be disposed of.

Mary Soden's own house, which she occupied with Richard Gardiner, together with an adjoining cottage, orchard and garden, was to be sold and the proceeds divided into three shares. One third-share was bequeathed to her daughter Elizabeth Edwards, a widow residing in Barton. A second third-share was bequeathed to her daughter Susannah, wife of Francis Padbury, a victualler of Oxford. The last third-share was bequeathed in trust to Francis Padbury to invest, the interest to be paid to the children of her '*late*' daughter Mary, the deceased wife of Francis Knibbs, a victualler of the City of Westminster. Upon each child attaining the age of twenty-one they were to be awarded their share.

A cottage orchard, occupied by William Hiatt, was to be sold and the proceeds invested for the benefit of Frederick Augustus Taylor, the son of Susannah Padbury, who would inherit the investments at the age of twenty-one.

All the remainder of Mary Soden's estate – presumably her belongings and perhaps also the '*hovel*' referred to in the first part of the will – was to be sold and the proceeds divided into three shares to be disbursed as described above for Mary Soden's own house.

Commentary

Mary Soden's estate was left to her living children, John Soden (born 1796), Elizabeth Edwards (born 1794) and Susannah Padbury (1800 – 56), and to selected grandchildren. The grandchildren in question were, firstly, the unnamed offspring of her deceased daughter Mary [Ann] Knibbs (born c. 1793), and secondly, Frederick Augustus Taylor (c. 1827 – 1875), the son of her daughter Susannah's first marriage in 1825 to Richard Taylor. The bequest appears

to have given Frederick Augustus a good start in life: initially he was a Law Stationer and he went on to become a journalist and author.

Not mentioned in the will are the three properties which, under the terms of her husband's will when he died in 1827 were to go to three children of William Soden's first marriage after Mary's death.

Francis [Charles] Padbury (1794 – 1850) was Susannah Soden's second husband: they married in 1830. The will indicates that his brief career as a victualler in Oxford and London must have begun by the early 1830s (he was a bookbinder by profession). The attempted career change went horribly wrong, and by 1836 Francis Charles Padbury was insolvent and imprisoned for debt in the Fleet prison, London. What happened to the money administered in trust by him on behalf of Mary Knibbs' orphaned children is unknown, but it is suspected that it was lost in the smash.

The account in the *London Gazette* of Francis Charles Padbury's indebtedness and release from prison in June 1836 mentions that he had been a victualler trading from The Plough Inn, Corn-Market, Oxford. This may have been where Francis Charles Padbury, his wife Susannah, and possibly his mother-in-law, resided when the will was written in January 1832.

This inference is supported by the fact that Francis and Susannah's first child (Charles John Soden Padbury) was baptised in February 1831 at St Michael-at-the-Northgate, a stone's throw from the Plough Inn, and it seems likely that the couple already lived there in 1831. Also, one of the witnesses to the will was Robert Wharton of Corn Market.

Transcript

Soden Mary of Middle Barton

I Mary Soden of Middle Barton in the County of Oxford Widow but at present residing in Oxford hereby revoke all former wills and declare this to be my last Will and Testament

First I will and direct that all my just debts and Funeral and Testamentary expenses be paid out of my personal Estate by my Executors hereinafter named as soon as conveniently can be after my decease

I give and devise unto my son John Soden of Barton aforesaid Gardiner [*sic*] his heirs and Assigns All that Garden commonly called the large Garden together with the land upon which the said John Soden hath Erected and built a Dwellinghouse and premises

Also All that close of pasture land adjoining thereto

And also All that close or piece of land called the Quakers Close all in his own occupation and situate at Middle Barton aforesaid except one Hovel standing & being on part of the said Garden Ground which I intend disposing of as hereinafter is mentioned

I give and devise unto William Faulkner of Sesswells Barton in the said County of Oxford and my Son John Soden All that my house together with the Cottage Orchard and Garden thereto adjoining situate at Middle Barton aforesaid and now in the occupation of myself & Richard Gardiner

To hold to them their heirs Executors and Administrators Upon trust as soon as conveniently can be after my decease and make sale and absolutely dispose of the same and do and shall stand possessed of the monies to arise by such sale

Upon trust to divide the same unto three equal parts or shares and pay one third part or share unto my Daughter Elizabeth Edwards of Barton aforesaid Widow

One other third part of share unto my daughter Susanna [*sic*] the Wife of Francis Padbury of Oxford Victualler And to pay the remaining third part or share unto the said Francis Padbury

And I hereby direct that the said Francis Padbury his heirs Executors and Administrators shall stand possessed of the same upon the following trusts

That is to say Upon trust that he the said Francis Padbury shall immediately lay out and invest such third part or share at Interest either upon Government or real Securities And do and shall pay and apply the dividends and interest of such securities unto and equally between and amongst all and every the Children of my late deceased Daughter Mary the Wife of Francis Knibbs of the City of Westminster Victualler until they shall respectively attain the age of twenty one years and as and when they shall respectively attain such age

Then Upon trust to pay to them their respective shares of and in the said third part or share of the monies to arise by such sale as aforesaid

And if any of such Children shall die before they shall have attained twenty one years of age then as well [as] the original as every other share which he she or they may have taken by way of survivorship or accrue shall go and accrue to the survivors of such Children in like manner as their original shares but in case any such Child or Children shall have left lawful issue then such issue shall have the share or shares to which their deceased parents would have been entitled to such share or shares to be vested and payable at the like time and subject to the same contingencies as is directed concerning their parents share

I give and devise unto the said William Faulkner and John Soden All that my Cottage Orchard premises now in the occupation of William Hiatt and situate in Barton aforesaid Upon trust as

soon as conveniently can be after my decease to make sale and dispose of the same and stand possessed of the monies to arise by such sale

Upon trust to lay out and invest the same either upon Government or real Securities and do and shall pay and apply the dividends and interest of such Securities unto and for the use of my Grandson Frederick Augustus Taylor the son of my said Daughter Susanna [*sic*] Padbury until he shall attain the age of twenty one years and upon his Attaining that age then Upon trust to pay assign and transfer the said Securities unto the said Frederick Augustus Taylor to and for his own use and benefit

And as to all the rest and residue of my Estate and Effects whatsoever and wheresoever situate and being I give devise and bequeath the same unto the said William Faulkner and John Soden their Executors and Administrators

Upon trust to sell and dispose of collect and get in Upon trust to divide the same into three equal parts or shares and to pay one third part or share unto my said Daughter Elizabeth Edwards and to pay one other third part or share unto my Daughter the said Susanna [*sic*] Padbury

And as to the remaining third or part share Upon trust to pay over the same unto the said Francis Padbury And I hereby direct that the said Francis Padbury his heirs Executors and Administrators shall stand possessed of the said remaining third part of share to and for the use and benefit of all and every the said Children of my said deceased Daughter Mary Knibbs

Upon the like trusts and to and for the same uses ends intents and purposes and subject to the same directions as I have hereinbefore Expressed and declared of and concerning the remaining third part or share of the monies to arise by the sale of the said House and premises in the occupation of myself and Richard Gardiner and to and for no other use intent or purpose whatsoever

And I hereby appoint the said William Faulkner and John Soden Executors of this my last Will and Testament And it is my will that all receipts and discharges for money given by my said Trustees in the Execution of the trusts of this my will shall be good and Effectual discharges to the person or persons from whom such money shall be expressed to be received and who shall not be accountable to see to the Application or be answerable for the misapplication thereof

And also that none of my said Trustees shall be chargeable except for such monies as shall actually come to their respective hands nor be answerable or accountable for the acts deeds or defaults of the others or other of them nor for involuntary losses by his or their wilful neglect

In Witness whereof I have to the first three sheets set my hand and to this fourth and last sheet my hand and seal the tenth day of January in the year of our Lord One thousand eight hundred and thirty two

[signed] Mary Soden [with a drawing of the imprint of her seal]

Signed Sealed published and declared by the above named Mary Soden as and for her last Will and Testament in the presence of us who in her presence and in the presence of each other have at her request subscribed our names as Witnesses

Robt Wharton Corn Market

Elizabeth Clifton

This Will was proved at Oxford on the twenty eighth day of February in the year of our Lord 1832 Before the Rev. William Thorpe Clerk Master of Arts Surrogate of the Rev. George Turner Clerk master of Arts Official Principal of the Rev. the Archdeacon of Oxford lawfully constituted by the oaths of John Soden and William Faulkner the Executors therein named to whom Admon was granted being first sworn duly to administer

Charles Parry, January 2020