Sidedoor S7 Ep. 15 The Hungerford Deed Final Transcription

Lizzie Peabody: This is Sidedoor, a podcast from the Smithsonian with support from PRX. I'm Lizzie Peabody.

[MUSIC]

Lizzie Peabody: William Bennett remembers the morning a mysterious package showed up at his office, wrapped up like a baby in a blanket.

William Bennett: It was encased in a Chelsea Flower Market tote, used to carry it on its journey here to us in Washington, DC.

Lizzie Peabody: This was no baby. It was a bundle of folded court documents, old ones, 235 years old, anonymously donated to the Smithsonian Libraries and Archives. William is a conservator at the archives, and this was not the first mysterious pile of old papers to come his way. He figured this one would probably be more or less like the others.

William Bennett: When I pulled this out of the container that it came to us in, I thought it was going to be absolutely boring, dry as dust, a whole lot of legal language, and not much interest.

Lizzie Peabody: But William was wrong. Oh, so wrong. He just didn't know it yet.

William Bennett: By her, said Bill.

Lizzie Peabody: William led me through the Smithsonian Archives reading room, which is a light, airy space full of large tables. And in the middle of the room, laid out on a table, was the mystery document, which turned out to be an 18th-century land deed. This is like a small blanket.

William Bennett: Well, very much so. It's big. But yeah, this is large. It actually can be hard to handle for one person.

Lizzie Peabody: The pages of the deed are thick and brittle. They crinkle as William carefully turns them.

William Bennett: The parchment is made from animal skin.

Lizzie Peabody: On the backside of the parchment, I can see the little goosebumps of the animal.

William Bennett: These are essentially hair follicles. It's probably sheep skin. We're not totally sure.

Lizzie Peabody: Oh, really? How many sheep are in this document?

William Bennett: Probably one for each sheet of parchment.

Lizzie Peabody: Whoa.

William Bennett: This is 16 sheep.

Lizzie Peabody: There's a whole flock of sheep. But the information inside didn't exactly flock to William. Once he had the thing open, he had to read it, which is harder than it sounds. The script is full of swoopy flourishes. It almost looks like it's written in Elvish, straight out of Lord of the Rings.

William Bennett: It took a fair amount of practice for me to be able to read this fluently.

Lizzie Peabody: Can I try reading?

William Bennett: Oh yeah, absolutely.

Lizzie Peabody: Soda refer pertaining over particular amount of the listen. I did my best, which wasn't great. But some of these words I have never even seen before. They literally don't exist anymore. I don't know what that word is. Size, forages, farms and lands?

William Bennett: So not bad, not bad. So, what we've got here is: messuages, farms, lands, tenements, and hereditaments.

Lizzie Peabody: What was that? Messuages?

William Bennett: Messuages. Yeah.

Lizzie Peabody: It's like messages plus sandwiches.

William Bennett: Sort of, yeah. We got a U in there where the A of messages is meant to be. Messuages is something that relates to a piece of property.

Lizzie Peabody: And property, specifically, who it belongs to. Well, that's what this document is all about. It's a deed to lands owned by the Hungerford family. The Hungerford Deed.

William Bennett: More than half of this document is actually a very juicy family feud, worthy of any Masterpiece Theater production.

Lizzie Peabody: This isn't just some 200-year-old T we're spelling. What William found in this deed has relevance today.

William Bennett: The deed offers us this tortured family history of disagreement and squabble that ultimately really impacted our understanding of how the Smithsonian came to be.

Lizzie Peabody: This time on Sidedoor, we'll dig into the roots of this family tree and find out how one family's obsession led to the creation of the world's largest museum, education, and research complex. Right after these messuages. Don't go away.

[MUSIC]

Lizzie Peabody: In the mid 1700s, Elizabeth Macy was living a comfortable life in the quiet countryside of Bath, England. She was a childless widow, living alone. Her husband had been dead for 13 years when she got some surprising news.

Heather Ewing: She's about 36 years old when she realizes that she's pregnant. It must have been incredibly shocking.

Lizzie Peabody: This is author and historian Heather Ewing. She says this was no immaculate conception. Elizabeth did have a lover, and not just any lover.

Heather Ewing: She was likely already several years into a relationship with the Duke of Northumberland.

Lizzie Peabody: This was the Georgian era of England. Think Jane Austen's Pride and Prejudice. Birth status meant a lot. And in that sense, Elizabeth couldn't have chosen a better father for her child than a duke, except the duke was married to Elizabeth's cousin. So she was in a tight spot, and to make matters worse...

Heather Ewing: The 1760s in England sees the rise of, essentially, the equivalent of the tabloids we have today.

Lizzie Peabody: There was a new little gossip magazine on the scene called Town and Country. And the Duke and Duchess of Northumberland were all over it.

Heather Ewing: The papers would report on their parties and their dresses and what they were doing in their houses. He is a popular subject for these magazines.

Lizzie Peabody: To ward off any scandal, Elizabeth did what most wealthy women at the time did when they were unmarried and pregnant. She went to Paris, and hidden away in the city of love, Elizabeth gave birth to a baby boy. She named him James, and she couldn't give him his father's last name. So...

Heather Ewing: She gave the boy the name of her late husband, Macy, so that it might at least appear that he was legitimate.

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Lizzie Peabody: For those not good at math.

Heather Ewing: Exactly.

Lizzie Peabody: Now Elizabeth Macy, lover to the Duke of Northumberland, she was no commoner herself. She and her family...

William Bennett: They were descendants of a very prominent and wealthy medieval family called the Hungerfords.

Lizzie Peabody: The Hungerfords were wealthy, married into royalty, and owned a lot of land. Their list of illustrious ancestors included the godfather to King Henry the Sixth. And Sir Thomas Hungerford, Speaker of the House of Commons in 1377. And at the height of their influence, they even had a castle in London.

William Bennett: But at this point, a lot of that wealth and prestige had diminished. A distant cousin had to sell the family castle in order to pay debts. They were-

Lizzie Peabody: I hate it when you have to sell the family castle.

William Bennett: Right?

Lizzie Peabody: Yeah.

William Bennett: I would be so disappointed if I had to sell mine.

Lizzie Peabody: Very annoying. So, in 1765, Elizabeth's brother, heir to the dwindling Hungerford fortune, he died.

William Bennett: His name was Lumley Hungerford Keate. So, he was-

Lizzie Peabody: Lumley?

William Bennett: Lumley, yes.

Lizzie Peabody: Anyway, he died with no will and no heirs. It was a mess. All his property passed to his sisters, Elizabeth and Henrietta, but...

William Bennett: They inherited it jointly. Something had to be done in order for them to divide the properties between themselves. And that is the origin of the Hungerford Deed.

Lizzie Peabody: But it wasn't entirely clear if Lumley owned all the properties, and some cousins were living on the land that Elizabeth and Henrietta inherited. Imagine inheriting a bunch of land, and then you find out that your cousins are actually living on that land. And you're like, "Hey, get off my land." And they're like, "It's our land, actually." And then you sue them, and they sue you back. And the lawsuits just keep on going. That's pretty much what happened.

William Bennett: They were very happy to sue and counter-sue throughout their period of time here.

Lizzie Peabody: I'm just getting this image of a family that sits around in their drawing room, playing cards, and casually suing each other. It seems pretty heartless, suing your cousins. But the thought of this land belonging to someone else really chafed Elizabeth's petticoat. She wholeheartedly believed that these properties were her birthright. Heather Ewing refers to this as a cult of ancestry. To illustrate just how powerful this idea of birthright was, remember the ancestor who was Speaker of the House in 1377? Well, over 400 years later, in the 18th century, the family still had the robe he wore as speaker. It had been passed down for centuries as a family heirloom and was used as a christening gown.

Heather Ewing: There was this sense that you were being baptized into this powerful family.

Lizzie Peabody: Whoa. Okay. They took themselves pretty seriously,

Heather Ewing: Very.

Lizzie Peabody: Elizabeth and her sister won the lawsuits against their cousins. But then they turned on each other. Henrietta wound up with the larger portion of land. So, she agreed to pay Elizabeth cash to balance things out. But when it was time to pay up, Henrietta just stopped taking Elizabeth's calls. Elizabeth waited for her sister to honor their agreement, but after hearing nothing for years, she finally bunched up her skirts beneath her heirloom desk, lit her candle, and put quill to parchment.

Elizabeth: Dearest Henrietta,

Lizzie Peabody: She furiously scratched.

Elizabeth: I will have no choice but to produce upon oath...

Lizzie Peabody: One final fiery warning.

Elizabeth: See you in court.

Lizzie Peabody: The lawsuits and drama lasted for 18 years. And in the end, Elizabeth gained control of a number of lands in the west of England. But along with that, she also gained a reputation.

William Bennett: She was described as shrill.

Heather Ewing: She was a very passionate person.

William Bennett: She was a litigious person

Heather Ewing: Also had a very fiery temper.

William Bennett: Haughty.

Heather Ewing: Really intense.

William Bennett: Smart. And she was able to get what she wanted and needed.

Lizzie Peabody: The Hungerford Deed gives us a pretty vivid picture of who Elizabeth Macy was, but even more importantly, of the family environment in which she raised her son, James. Because throughout all of this, James Macy grew up. He was a bastard in a hierarchical society that cared all about family pedigree. His mother sued everyone she knew, and his father, while a duke, refused to acknowledge him.

William Bennett: And this lack of a father figure, in particular, had a huge impact on him.

Heather Ewing: You are outside of society in many ways, without a father. It did carry a stigma in a way that it's hard for us to understand today. One of the things that was quite poignant is this rite of passage that happened to young men who went to Oxford at this time, that when you enrolled, you would sign your name in this register. One of the few pieces of information that was inscribed in this register was the name of your father.

Lizzie Peabody: James left the name of his father blank, and for pages and pages, years before and after him...

Heather Ewing: It's the only place where there's a blank.

Lizzie Peabody: The blank let everyone know James had no father. Other students who signed their name after noticed it too. And they remembered.

Heather Ewing: His friend Davies Giddy, who was a year or two behind recalled this blank decades later, in the 1820s.

Lizzie Peabody: Really?
William Bennett: He didn't have that to publicly claim, even though he knew who his father was.

Lizzie Peabody: By now James's illegitimacy was public knowledge. But his paternity stayed a secret to everyone except James, who privately yearned for any form of recognition from his father. In a Masterpiece Theater version of this story, the duke grows older and older, and finally, as he teeters at the edge of death, he holds on just long enough for someone to fetch his illegitimate son. James would rush to his father's side, and the duke would lament tears of agony over withholding affection from his son. And he would tell James that he'd loved him from afar all these years and bequeath a title and money with his final breath. But that's not what happened. In real life, the duke just died, and that was that. Meanwhile, James graduated from Oxford. He became a chemist and a mineralogist and was known as a nomadic bachelor who loved to gamble. He published 27 scientific papers, discovered a new mineral, and became revered for his geologic study of Scotland's famous Fingal's Cave.

Heather Ewing: He's just incredibly dogged in his pursuit of knowledge. There's a hotel keeper when he's on one of his trips, and the hotel man charges him all this extra money because he says he's brought rocks and dirt into the room. And of course, these are all the collections that he's been out gathering. It's just an example of how passionate he is.

Lizzie Peabody: James sought solace in science. Unlike the social realm, the laws of nature applied equally to everyone. This was the enlightenment or age of reason, and scientists were becoming celebrities. And James was a rock star of the natural science world. But he had a chip on his shoulder. He wrote...

James: The best blood of England runs through my veins. On my father's side, I'm a Northumberland. On my mother's, I am related to kings. But this avails me not. My name will live on in the memory of men when the titles of the Northumberland and the Percys are extinct or forgotten.

William Bennett: It shows again this, "Well, if I can't have a family legacy, I may as well have one that's in science."

Lizzie Peabody: When James was about 35, his mother died, and her death presented the opportunity he had waited for.

Heather Ewing: He immediately took steps to change his name.

Lizzie Peabody: James changed his name to the first Duke of Northumberland's original surname, Smithson.

William Bennett: James Louis Macy was the birth name of Smithsonian founding donor James Smithson.

Lizzie Peabody: After 35 years of illegitimacy, James claimed his name, and in doing so, began creating the ultimate legacy. That's coming up after the break.

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[MUSIC]

Lizzie Peabody: We're back. It's the year 1800, and our chemist James Macy has just changed his name to James Smithson. Having finally claimed the name of his father, James spent the next several decades doing important scientific work and making money. That mineral he discovered was named Smithsonite, and it's important for brass production. He racked up a fortune, and learning from his Uncle Lumley's mistakes, he began to write his will.

Heather Ewing: It's a really curious will. I don't think there's another one like it.

Lizzie Peabody: Smithson had enough money to hire a lawyer to draft such an important document. But he wrote it himself, and he included two especially quirky clauses.

Heather Ewing: The first clause of the will is that the money is to go to the nephew. And then there's this other clause that says if the nephew dies without any children, the children can be legitimate or illegitimate, which is also unusual, but makes sense for Smithson. Then the money is to go to the United States of America.

Lizzie Peabody: Smithson wrote...

James: I bequeath the whole of my property to the United States of America to found in Washington, under the name of the Smithsonian Institution, an establishment for the increase in diffusion of knowledge among men.

Lizzie Peabody: Now keep in mind that James Smithson had never been to America. Boats made him seasick. But he saw the United States as the antithesis of England, built on democracy rather than birth status and privilege. So, he took a gamble and placed his bet on a new country, and with everything unconventionally squared away, James moved to Genoa, Italy. After a long illness we don't really know much about, he died at the age of 64. And when he died, Smithson's inheritance went to his nephew. But only six years later...

Heather Ewing: His nephew dies, and this United States learns, to their shock, that they are the beneficiary of this unbelievable gift.

Lizzie Peabody: Across the ocean, Congress gets the news that some guy they've never heard of has left them with a few big buckaroos. And they're like, "Who? How much? Why? Wait, a British guy?" Remember, only 52 years before, the US fought Britain for independence, and during the War of 1812, only 21 years before, the British invaded Washington, DC and set it on fire. Needless to say, Congress was suspicious, and England was downright pissed.

Heather Ewing: England was not that psyched to see that money leave the country.

Lizzie Peabody: But in 1838, Smithson's bequest, the modern equivalent of around a hundred million dollars was boxed up and shipped to the United States, where it sat for a decade. Congress did not know what to do with the money, mostly because no one knew what an establishment for the increase and diffusion of knowledge was. Was it a university, a laboratory, a school for teachers, a museum? Shockingly, Congress could not agree.

Heather Ewing: It is the case that the Smithsonian could have easily not ever happened. It is incredible that they did finally manage to compromise and create a bill.

Lizzie Peabody: Finally, on August 10th, 1846, Congress passed legislation that created the Smithson Institution, which included a little bit of everything.

Heather Ewing: The museum, the laboratory, the library, research and publications, all sorts of things that we know the Smithsonian to be today.

Lizzie Peabody: James Smithson may not have lived long enough to see the institution that is his namesake, but he was able to visit, many years later. In 1903, 74 years after Smithson's death, the city of Genoa, Italy was going to bulldoze the cemetery where his remains were buried. By this time, the Smithsonian Institution was well established, and the red sandstone castle stood proudly on the National Mall. The city of Genoa called up the Smithsonian and said, "Hey, your guy's here. Do you want his body, or what?" And the Smithsonian's board members were like, "No, thanks." Well, all except one.

Richard Kurin: Alexander Graham Bell.

Lizzie Peabody: This is Richard Curran, distinguished scholar and ambassador-at-large for the Smithsonian. He says Bell was a member of the Smithsonian's board at the time, and as a scientist and a philanthropist, he felt a connection to Smithson.

Richard Kurin: He felt like Smithson had done a great thing and deserved more recognition than to just see his remains go by the wayside.

Heather Ewing: He even offered to pay himself to go and get Smithson's remains.

Lizzie Peabody: It took some convincing, but Bell was given the go-ahead to bring Smithson's body to America. He arrived in Genoa, Italy on Christmas Day, 1903.

Richard Kurin: He finds it's not so easy to remove a body.

Lizzie Peabody: Did he just bring his own shovel?

Richard Kurin: No, not quite. But he had to get permits. It's a complicated thing.

Lizzie Peabody: There's some legal red tape.

Richard Kurin: Yeah. The story is that Bell bribed a lot of folks. He had a lot of…
Lizzie Peabody: Really? We won't ask too many questions about that part. But eventually, Bell was successful. Smithson was exhumed, packed in a casket, and for the first time ever, set sail for America. He arrived in style. President Teddy Roosevelt had the US Navy greet the boat at the entrance to the Harbor. The US Cavalry met them at the dock. And as Smithson's casket was loaded onto a horse-drawn wagon, draped in American and British flags, the Marine band played Nearer my God to Thee. The whole parade made its way to the Smithsonian castle. Bell made a speech. Smithson was home. But once the pomp and circumstance died down, the Smithsonian was left with this question...

Richard Kurin: What to do with the body, where to put it. Do you put this on exhibit?

Lizzie Peabody: No, they did not put him on display. Instead, the Smithsonian sponsored a competition to design a memorial for Smithson.

Richard Kurin: One of the plans was to build something that would've been several times the size of the Lincoln Memorial.

Lizzie Peabody: Whoa. But that didn't end up happening. Eventually, instead of a Memorial...

Richard Kurin: They took a janitor's closet at the north entrance of the castle and remodeled a janitor's closet to be the crypt of James Smithson.

Lizzie Peabody: Okay. I had to see this. So, I asked Richard Curran to show me the crypt.

Richard Kurin: Here we are at the entrance to the castle along the National Mall. As you come in the front door, you turn to your left, and there is the Smithson crypt, which was originally the janitor's closet.

Lizzie Peabody: At least now it has an arched doorway. Through the doorway stands Smithson's enormous marble tombstone, brought to the US from the Genoa cemetery. It's a big slab of marble, about 10 feet tall, and centered behind the grave marker is a green stained glass window that gives the space a chapel-esque feel. The grave marker is framed by two flags, the American flag on the left, and the British flag on the right. And on top of it is a clawfoot marble urn that looks like a miniature ornate bathtub with a lid.

Richard Kurin: And people think, "Okay, well, Smithson and must be buried in this urn-like structure."

Lizzie Peabody: But he's not. At the bottom of the grave marker is a base made of reddish brown stone.

Richard Kurin: They took out this stone.

Lizzie Peabody: Oh.
Richard Kurin: And he slid in under there.

Lizzie Peabody: He's right at foot level.

Richard Kurin: Right here. Right at foot level, yeah.

Lizzie Peabody: The noble heir, born in secret, now lies at rest in public. Smithson was born into a world obsessed with pedigree, but denied his family heritage. So, he turned to democracy and science to forge a new legacy. And it's a legacy that persists today, far greater than any he could have imagined. With 26 million people visiting the museums each year, a magazine, a TV channel, all bearing his name, a name he chose for himself. Because of the Hungerford Deed, we have a clear image now of who the Smithsonian's founder really was.

Richard Kurin: When I walk by that crypt room, and I see Smithson here, and I think, "My God, nobody even knows that this person, that there's a person behind it." It's a Smithsonian Institution, well-known around the world, and yet, most people don't even know that this person existed and had a life.

[MUSIC]

Lizzie Peabody: You've been listening to Sidedoor, a podcast from the Smithsonian with support from PRX.

[MUSIC]

Lizzie Peabody: Believe me when I tell you, you want to see pictures of the Hungerford Deed. It's only nine years younger than the US. You can find those in our newsletter. We'll also include photos of Richard Curran and me in the Smithson crypt. And if you haven't had enough family drama, we'll also include a link to the web exhibit, A Tale of Two Sisters, which will give you the nitty-gritty of all those Hungerford lawsuits.

[MUSIC]

Lizzie Peabody: Special thanks to William Bennett, Masterpiece Theater enthusiast and conservator at the Smithsonian Institution Archives, to Heather Ewing, Associate Dean at the New York Studio School and author of The Lost World of James Smithson, and to Richard Curran, distinguished scholar and ambassador-at-large at the Smithsonian.

[MUSIC]

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Lizzie Peabody: We are celebrating our 175th anniversary of the founding of the Smithsonian. We just wanted to say happy birthday to us, and thank you, James Smithson.

[MUSIC]

Lizzie Peabody: Our podcast team is James Morrison, Nathalie Boyd, Ann Conanan, Caitlin Shaffer, Tami O'Neill, Jess Sadeq, Lara Koch, and Sharon Bryant. Episode artwork is by Dave Leonard. Extra support comes from Jason and Genevieve at PRX. Our show is mixed by Tarek Fouda. Our theme song and episode music are by Breakmaster Cylinder.

[MUSIC]

Lizzie Peabody: This is our final episode of the season. We'll be back in June with more stories for you, but keep an eye on our podcast feed because we'll be sending a few surprises your way. In the meantime, you can keep up with us on Twitter @SidedoorPod, on Instagram @sidedoorpod, or via email. Our email address is sidedoor@si.edu. Drop us a line. Let us know what you think of the show, and let us know if there's something you're especially excited to hear about next season.

[MUSIC]

Lizzie Peabody: If you would like to sponsor our show, visit sponsorship@prx.org.

[MUSIC]

Lizzie Peabody: I'm your host, Lizzie Peabody. Thanks for listening.

[MUSIC]

Lizzie Peabody: I can't even read these big words. That looks like H. Hornen.

William Bennett: January.

Lizzie Peabody: Oh.

William Bennett: It gets easier with practice.