

Testament of Sir David Wilkie
SC70/1/61 pp.454-5

Sir David Wilkie SC70/1/61 [p.455] [In margin] Sir David Wilkie 21 December 1841
[Main text] At Edinburgh the twenty first day of December Eighteen hundred & forty one years the following Inventory of the Personal Estate of Sir David Wilkie Knight deceases and Deed relative to the disposal thereof were presented by Mr Archibald Scott Junior Solicitor at Law Inventory of the Personal Estate of Sir David Wilkie Knight formerly David Wilkie Esquire late of the Parish of Saint Mary Abbot Kensington in the County of Middlesex Royal Academician, who died at Sea of the first day of June Eighteen hundred and fourty one Balance of Salary due the deceased at the time of his death by the Exchequer as Her Majesties Limner for Scotland ___ £47.1.11 Balance due by Sir William Forbes & Co[mpany] Bankers in Edinburgh at said date on amount current 69.6.2½ £116.8.1½ [p.457] Sum of the Inventory one hundred & sixteen pounds Eight shillings and one penny half penny St[erlin]g s[i]g[ne]d J McGrigor – Walter McGrigor Clerk P Laurie Commissioner J[ustice of the] P[ea]ce Midd[lesex] The deceased also died possessed of personal property in England which had been ? to in the Prerogative Court of Contenting & succour under Thirty thousand pounds.- At London the 10th day of December Eighteen hundred & forty one In presence of Sir Peter Laurie Knight one of Her Majesties Justices of the Peace for the County of Middlesex Commissioner appointed by the Honourable the Commissary of Edinburgh for taking the following disposition underwritten conform to Commission dated the sixth day of December current Compeared personally Sir James McGrigor of Camden hill Kensington Knight the only surviving Executor named and appointed by the said deceased Sir David Wilkie who being solemnly sworn and examined Deponent That the said Sir David Wilkie died at Sea on or about the first day of June Eighteen hundred & forty one That the Deponent along with Sir Francis Chautrey Knight now deceased entered upon the management of the said Sir David Wilkies personal Estate and Effects as the surviving Executors of the Defunct named and appointed by him in his Last Will and Testament dated the twenty first day of July Eighteen hundred & twenty five & clearly proved us the Prerogative Court of Contenting the tenth day of august Eighteen hundred & forty one the Probate of which Last will and Testament is ? exhibited and signed by the Deponent & Commissioner as relative hereto That the Deponent does not know of any Settlement or other writing relative to the disposal of the Personal Estate & effects of the said deceased or any part of them other than the Last will and Testament of which is signed by the Deponent and Commissioner as relative hereto is a full & true Inventory of all the (personal) deceaseds personal estate & effects wheresoever situated and belonging or due to him beneficially at the time of his death in so far as the same has come to the Deponents knowledge and that the value of said Estate situated in Scotland is of the value of One hundred pounds and under the value of Two hundred pounds of which Confirmation is required All which is truth as the Deponent shall answer to God signed J McGrigor – Walter McGrigor Clerk –P Laurie Commissioner J.P. Middlesex Unto the Honourable The Commissary of Edinburgh & his Depute The Petition of Sir James McGrigor of Camden hill Kensington Knight – Humbly ? That Sir David Wilkie Knight formerly David Wilkie Esqr late of the Parish of St Mary Abbot Kensington in the County of Middlesex Royal Academician died at sea on the 1 day of June 1841. That the Pet[itio]ne[r] is the only surviving Executor named & appointed by the deceased in his Last will & Test[ament] dated the 21 day of July 1825 & duly proved in the

Prerogative Court of Contentary the 10 day of August 1841 a Probate of articili is herewith produced and he has made up an Inventory of the Personal Estate & Effects of the deceased which is also herewith produced and to the correctness thereof he is justly to make oath but as he resides at a distance and his appearing in your Lordships Court for that purpose would not ally b inconvenient but attended with considerable expense the present application is made to your Lordship for a Commission for taking his oath to said Inventory as is usual in similar cases May it therefore please your Lordship to grant Commission to the Right Honourable the Lord Mayor or any of the Aldermen of the City of London or any of Middlesex to take the oath of the Petitioner to the present Inventory of the Per[sona]l Estate & effects of the said deceased Sir David Wilkie and to report the same in common form According to Justice & c[etera] drawn by Arch[ibald] Scott Jr. Edin[burgh] 6 Decr. 1841 –The Commissary Grants Commission as craved to be reported within one month from this date signed G Tait Follows Probate of Will This is the Last Will and Testament of me David Wilkie of Kensington as in the County of Middlesex Member of the Royal Academy of Painting in London I Will and direct all my just debts funeral and Testamentary charges and expenses to be in the first place paid and satisfied I give and bequeath all my ready money money in the funds and all securities for money and all my paintings prints copper plates copy uplifts of prints and shares of Copy uplifts and all my goods chattels credits monies and personal estate and effects whatsoever unto Sir James McGrigor of Camden hill Kensington Knight Francis Chautrey of Lower Belgrave Place Pimlico in the County of Middlesex Esquire and George Veitch of Ratho Bank near Edinburgh in the Kingdom of Scotland Writer to the Signet Nevertheless upon with and subject to the trusts powers and provisoes herein after expressed declared and contained of and concerning the same that is to say upon trust as soon after my decease as conveniently may be to sill and convert into money such part of my estate and effects as shall not consist of ready money or money in the public funds and to recover collect get in and possess themselves of all debts and monies owing me on security or otherwise and to stand possessed of and interested in all my ready money and the monies to arise or be received by such sale and conversion of my estate & effects into money upon trust after paying and reimbursing themselves all such costs and expenses as they my said Trustees as either of them shall incur in or about the execution of the Trusts and powers herein declared and contained to them with my past debts and funeral and testamentary expenses and the legacies given by this my will or any codicil thereto to lay out and insert the whole of the surplus produce of my estate and effects that may then remain in their hands as be afterwards received and gather in in or upon any Government parliamentary or other public stocks funds and securities of or in Great Britain or an ? securities as my said Trustees shall think best [p.459] in the names or name of the said Sir James McGrigor Francis Chautry and George Veitch or the survivors or survivor of them or administrators of each survivor with liberty to them of him from time to time to alter and vary all or any part of the stocks funds or securities in or upon which all or any part of my estate & effects shall at any time be invested as they or he may judge most beneficial and to stand and be possessed of and interested in all and singular the said stocks funds and securities together with all other the public or Government Stocks funds or securities standing in my name at the time of my decease upon under and subject to the trusts powers and provisoes herein after assessed declared and contained of and reserving the same That is to say upon Trust to reserve and take the interest dividends and annual produce to arise and be obtained from all and

singular the aforesaid stocks funds and securities as and when the same shall become due & payable and pay one moiety of the said interest dividends and annual produce the whole into two equal parts to be divided to my dear Sister Helen Wilkie Spinster now residing with me and the other moiety thereof to my Brother Thomas Wilkie of Lawrence Poultney Place in the City of London Merchant foe and during the term of their joint natural lives but nevertheless as to the moiety or share of my said of my said sister Helen in the said dividends interest and annual produce and all others the interest or bequest given to her by this my will my will is that the same shall not be subject to the debts ? or engagements of any husband she may hereafter marry and that her receipt or the receipts or receipts of the persons nominated and appointed in and by her last will and Testament after mentioned notwithstanding the ? shall alone be a sufficient discharge to my Trustees or Trustee for the time being as well for her money or share of the said interest dividends and annual produce as and for any other the interest or benefit given to or made disposeable by law under this my will and from and immediately after the death of either of them my said sister Helen or my Brother Thomas in the others lifetime I will and direct the Trustees or Trustee for the time being of this my will to pay transfer or make over one fourth part or share of the principal or capital of my estate and effects the whole into four equal parts (or shares) being divided to the Executor or administrators of her or him so dying in the others lifetime or to such person or persons and ? such parts shares and proportions and for such uses intents and purposes and in such manner as my said sister Helen or my Brother Thomas whoever shall first depart this life shall by the her or his Last will and Testament direct give and bequeath the same and to stand possessed of and interested in all and ? the remaining three parts on shares of the principal or capital of any Estate & effects and the stocks funds or securities in or upon which the ? shall be laid out or invested upon trust to receive and take the interest & dividends and annual produce thereof & pay the same to the survivor of them my said sister Helen & Brother Thomas for and during the natural life of such survivor and on the death of the survivor of them my said sister Helen & Brother Thomas I will and direct my said Trustees or Trustee for the time being to pay transfer and male over one other fourth part or share of the principal or capital of my estate & effects the whole thereof into four equal parts having been directed to her or his Executors or administrators or to such person or persons and in such parts shares and proportions and for such uses intents and purposes as the said survivor of them my said sister Helen & Brother Thomas shall by her or his Last will and Testament direct give and bequeath the same and to stand possession if and interested in the remaining two fourth parts or shares of the principal or capital of my estate and effects and the stock funds or securities in or upon Trust for all and every my nephews and nieces living children of my Brother John Wilkie late Captian in the Honourable East India Corp service at Bengal deceased and of my Brother James Wilkie late ordinance Storekeeper at Kasston in Upper Canada deceased equally to be divided between them share and share alike ? nevertheless in regards to the share of my said Brother Frances's children as herein after is mentioned and to pay and transfer the share of each of them my said nephews and nieces respectively as and when he or she shall respectively attain the age of twenty one years and in the meantime and until they shall respectively attain the age of twenty one years to pay and apply the interest dividends and annual produce of each childs share for and towards her or his maintenance education & support as otherwise accumulate the same for her if his benefit as my said Trustees or Trustee for the time shall think proper and in as much

as I together with Thomas Crockat Esquire who joined at my request have become bound to Government in a penalty of one thousand pounds conditioned for the due discharge by my said late Brother James of the office of Ordinance Storekeeper aforesaid and it may happen from the state in which my late Brother James's accounts now under investigation were left at his death that some liability may be secured by reason of such suretyship I will and direct that all & every such liability be borne and paid by and out of my Estate alone without contradiction on the part of Mr Crockat and that the amount of all such liability as my estate may have secured by reason of such suretyship shall at the death if the survivor of them my said sister Helen & Brother Thomas be deduced by my Trustees or Trustee for the time being from the aggregate amount of the share or shares which any child or children [p.461] of my said late Brother James would otherwise be entitled to under the bequest to them as aforesaid and I will and direct that the amount so deduced from the aggregate shares of the Children of my said Brother James shall be divided into four equal parts one part whereof I give and bequeath to such person or persons as my sister Helen shall by her Last will and Testament direct to receive the residue due other fourth part to such person or persons as my Brother Thomas shall by his Last will and Testament direct to receive the same and the remaining two fourth parts of the amount deducted in respect of such liability as aforesaid I will and direct shall be deduced equally amongst all my said nephews and nieces children of my said Brothers John and James living at the death of the survivor of them my sister Helen & Brother Thomas as aforesaid share and share alike payable at the same time and in like manner as their other respective shares are herein before directed to be paid I give and bequeath to my Godsons William Wilkie Collins and David Rainback the sum of Fifteen pounds each as a token of my remembrance and I do hereby dictate my will to be that the receipt and receipts in writing of my said Trustees or Trustee for the time being acting under this my will for any sum or sums of money stocks funds or securities payable deliverable or transferable to them or him pursuant hereto shall acquit or exonerate the person or respective persons paying or transferring the sum or sums of money stocks funds or securities in such receipt or receipts respectively acknowledged to be paid delivered or transferred to the Trustees or Trustee for the time being hereunder from any obligation to see to the application and from any responsibility per the misapplication thereof and I do hereby nominate constitute and appoint the said Sir James McGrigor Francis Chautrey and George Veitch Executors of this my Last Will and my will further is that in case the said Sir James McGrigor Francis Chautrey and George Veitch or either of their or any succeeding Trustees or Trustee to be appointed pursuant hereto shall die as desire to be discharged from as inflect or became incapable to act in the Trusts and powers of this my Will or any of them before the same shall be fully prepared or otherwise determined Now and in every such case it shall be lawful for the surviving as continuing Trustee if any such but if none such there for the executors and administrators of the then last deceased Trustee as the case may happen by my writing or writings under his or their hand and seal or hands and seals to nominate and appoint any other fit person or persons to be a Trustee or Trustees in the place or stead of the Trustee of Trustees so dying or desiring to be discharged as neglecting or becoming incapable to act as aforesaid and that when and as often as any new Trustee of Trustees shall be so appointed as aforesaid all and singular the respective Trust monies stocks funds and securities the Trustee of Trustees whereof shall so die desire to be discharges or inflect or become incapable to act as aforesaid shall forthwith be paid assigned and transferred in such manner as that the

same shall be effectually rested in the surviving or continuing Trustee of Trustees if any such ? with such were Trustee or Trustees be it if there shall not be any continuing Trustee then in such newly appointed Trustees or Trustee only upon the respective Trusts and with under and subject to the respective power and provisions in & by this my will expressed and dictated concerning the same or such of them as shall then be subsisting or capable of taking effect and that every such new Trustee shall have the same power and authorities of this my will to which he shall be so appointed in conjunction with the surviving or continuing Trustee or Trustees if any such but if none such then alone as effectually in all respects as if he had been herein actually named a Trustee for the same purposes and my will farther is that the Trustees hereby nominated and to be hereafter appointed in pursuance of the said last mentioned power & every of them their and every of their executors and administrators shall be charged and chargeable only with and for such sum and sums of money as they and he respectively shall actually receive or but for their or his respective wilful defaults might become by virtue of or under this my will or the Trusts aforesaid and that any one or more of them shall not be ? of life or accountative for the others as other of their but each of them for only his own acts receipts neglects and wilfull defaults and that they or any of either of them shall not be attestable or accountable for any banker broker or other person with whom or in whose hands any of the said Trust monies shall be deposited or lodged for safe custody or any other purposes pursuant to this my Will nor for any misfortune loss accident or damage which shall or may happen in the execution of the said several trusts or in relation thereto except the same shall happen by or through his or their respective wilful neglect or default and also that the said several Trustees and each and every of them their and each of and every lawfully may by and with and out of the Trust monies which shall come to their or his respective hands by virtue of or under this my will or the trusts aforesaid retain with pay and reimburse themselves and himself respectively and also pay and allow to their or his Co Trustees or Co Trustee all losses costs damages and expenses which they or he or any of them may sustain payment or be part with or which shall be to them him or any of them occasioned for or on account or by reason or reasons of the trusts hereby on them or him respectively reposed or in the management or execution thereof or otherwise howsoever relating thereto and Lastly I do hereby revoke and make void every former and other Will or Codicil by me heretofore made in witness whereof [p.463] I have to each sheet of this my Will contained in six sheets of paper subscribed my name and to this Last sheet my seal also this twenty first day of July in the year of Our Lord one thousand eight hundred and twenty five – David Wilkie (Seal) – Signed sealed published and declared by the said David Wilkie as and for his Last Will and Testament in the presence of us who at his request and in his presence and in the presence of each other have hereunto set our signes as autographs – Henry Rice Solicitor 39 Jamaica street -/ Edward Sharp Clerk to Mr Rice William by Divine Providence Archbishop of Canterbury Primate of all England & Metropolitan do by these Presents make known to all Men that on the tenth day of August in the year of Our Lord one thousand eight hundred & forty one at London before the Right Honourable Sir Herbert Jenner Knight Doctor of Laws Master Keeper as Commissary of our Prerogative Court of Canterbury Lawfully constituted the Last will and Testament of Sir David Wilkie Knight (heretofore David Wilkie Esquire) late of the Parish of Saint Mary Abbot Kensington in the County of Middlesex but at Sea Royal Academician deceased hereunto annexed was proved appraised and registered the said deceased having whilst living and at the time of his death Goods

chattels or credits in divers dioceses or jurisdictions by reason whereof the proving and registering the said will and the granting administration of all and singular the said goods chattels and credits and also the auditing allowing and final discharging the amount thereof are well known to appertain only and wholly to us and not to any inferior Judge and that administration of all and singular the goods chattels and credits of the said deceased and any way concerning his will was granted to Sir James McGrigor Knight and Sir Francis Chautrey Knight (heretofore Francis Chautrey Esquire) the surviving Executors named in the said Will they having been already sworn (to wit) the said Sir James McGrigor by Commission and the said Sir Francis Chautrey before the worshipful William Robinson Doctor of Laws surrogate of our minister the same and to make a true & perfect Inventory of all and singular the said goods chattels & credits & to ? the same into the Registry of our said Court on or before the last day of February next ensuing and also to render a just and true account thereof Given of the time and place above written and in the thirtieth year of our translation (signed) Cha[rle]s Cineley John Jypalden –W K Gostling Deputy Registers LTH London 10th of Decr. 1841 This if the Probate of the Last Will and Testament of Sir David Wilkie Knight formerly David Wilkie Esquire referred to in my disposition of this date on the Inventory of his personal Estate (Signed) J McGrigor P Laurie Commissioner –Walter McGrigor Clerk