

THE PHILLIPS FAMILY FILE

Introduction

In 1977, whilst working as a solicitor at 46 High Street Sutton Coldfield, I discovered a file of letters and legal documents, dating from 1895, which related to members of the Phillips family, who were relatives of Richard Hurst Sadler, mayor of Sutton Coldfield in 1903/06, and his brother Ralph. The documents in the file deal mainly with various wills and probates, and this article describes the legal work carried out by Herbert Eddowes, whose father, Thomas, had previously been in partnership with Richard Sadler, and throws some light on legal practice a century and a quarter ago.

Kerry Osbourne

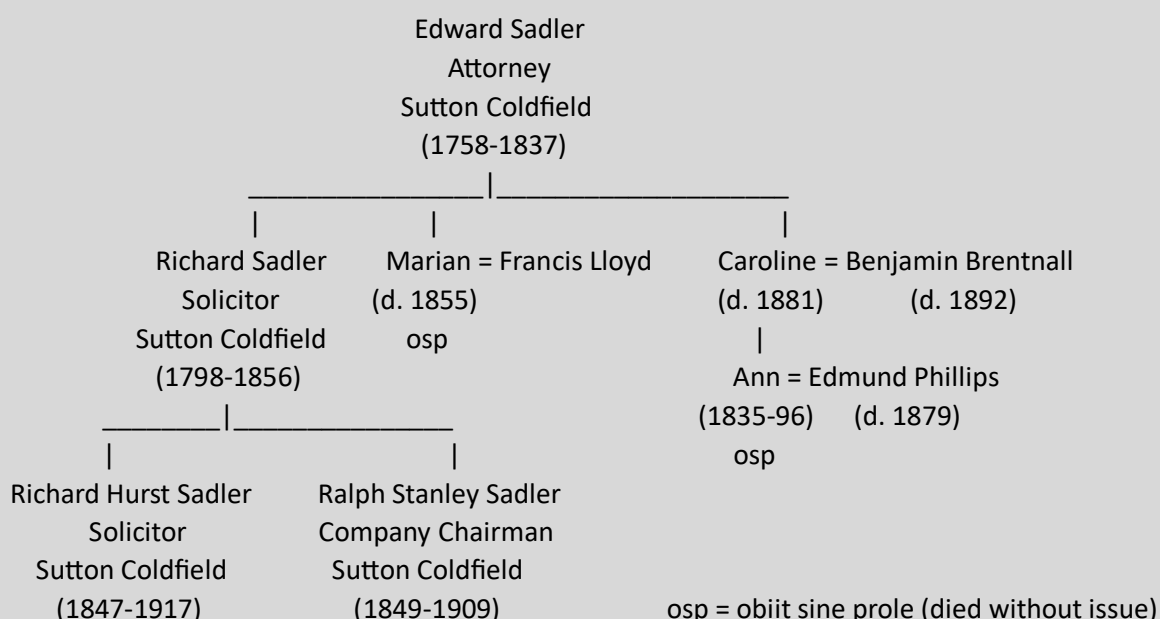
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THE PHILLIPS FAMILY FILE

(i) Ann Phillips

In the late 19th century the members of the Phillips family lived mainly in or around London, but also in the distant corners of the British Empire. In 1977 I discovered a file of papers relating to the wills of various members of the family kept at 46 High Street Sutton Coldfield, the offices of a long-established firm of solicitors. So, what is the connection between the Phillips family and Sutton Coldfield? Well, to trace the connection we have to go back to Edward Sadler (1758-1837) a solicitor who originally practised in Castle Bromwich and moved to 36 High Street Sutton Coldfield in 1817, the year in which he briefly came to national fame for successfully defending Abraham Thornton on a charge of the murder of Mary Ashford by proving an alibi, and then by invoking 'Trial by Battel' when Mary Ashford's brother appealed against Thornton's acquittal. Edward Sadler had several children, including Richard Sadler (1798-1856) who followed in his footsteps as a solicitor, and Caroline, who married Benjamin Brentnall of Felden, Hemel Hempstead. Richard Sadler had two sons, Richard Hurst Sadler (1847-1917), usually known by his middle name, and Ralph Stanley Sadler (1849-1909) both of whom qualified as solicitors but only Richard practised as such, Ralph becoming the Managing Director of a Birmingham company which manufactured swords and other blades. Caroline Brentnall had one child, a daughter, Ann (1835-96) who married Edmund Phillips as his third wife. Ann Phillips was therefore the first cousin of Richard Hurst Sadler and his brother Ralph. The members of the Phillips family whose affairs were documented in the discovered file were blood relations of Edmund Phillips.

THE FAMILY TREE OF ANN PHILLIPS



(ii) George Arthur Phillips

Edmund Phillips had four brothers, one of whom, Frederick, had three children, George Arthur, Frederick William and Sarah Ellen Charlotte, always known as Charlotte. George Arthur was the first of the three to die, in rather unusual circumstances. He made his will in May 1895 giving his address as "of Gubalawayo in Matabeleland, but now temporarily in Klerksdorp". Matabeleland is now a region

of Zimbabwe but in 1895 was an independent kingdom ruled by King Lobengula (c. 1835-94). In 1889, Cecil Rhodes obtained a royal charter to form the British South Africa Company to administer the region and to mine the gold known to exist there. Two years later, Matabeleland was declared by Order-in-Council to be a British protectorate. In November 1893, there was a native uprising when 10,000 warriors attacked a laager (fortified encampment) of 670 British soldiers with spears and rifles; however, they were no match to the British machine guns and suffered heavy losses. A month later, the tables were turned when a small detachment of British soldiers was wiped out by an Impi force. King Lobengula died suddenly in the following month and the British South Africa Company regained control of Matabeleland, ending what is known as the First Matabele War. Klerksdorp is located in the North West Province of South Africa. In 1885, gold was discovered in the district and thousands of fortune-seekers descended on the small village, turning it into an important trading town.

It can be assumed that George Phillips was attracted to South Africa by the prospect of making his fortune in the mining trade, and as his will contains legacies amounting to £3,650 (approximately £613,200 in today's money) it seems that he had some success. He died within a year of making his will, so he may have known he was seriously ill. He came home to England for a brief period, but then returned to South Africa, taking passage on the *Roslin Castle* from Southampton in April 1896. The *Roslin Castle* had been built in Glasgow in 1883 and took just sixteen days to reach South Africa. However, Phillips failed to reach his destination, as he died on board ship on 14th April and was buried at sea ten degrees north of the equator (opposite French Guinea). The burial service would have been taken by the ship's chaplain, or failing him the ship's captain, following the Order for the Burial of the Dead in the Book of Common Prayer, but changing the words of the committal to "we therefore commit his body to the deep in sure and certain hope of the resurrection of the body when the Sea shall give up her dead".

Phillips' will was drawn up according to South African law and worded in the third person, rather than the first person as is the practice under English law. The will begins: "Know all whoever it may concern That on the second day of May One thousand eight hundred and ninety five Before the undersigned witnesses personally came and appeared George Arthur Phillips of [address] hereinafter called the Testator who did declare it to be his intention to make pass and execute as by these presents he doth make pass and execute his last Will and Testament doing so of his own free will and mere motion without any compulsion or persuasion whatsoever wherefore hereby revoking annulling and making void all wills codicils and other Testamentary Acts or Deeds heretofore made passed or executed by him."

Despite the language being unusual to English ears, it will be noted that the English legal practice of never using only one word where two or three could be found was adopted. The will continues: "The Testator did declare to nominate constitute and appoint his Sister, Sarah Ellen Charlotte Phillips as sole heiress of all his estate real and personal movable and immovable the real and immovable property to be sold by his Executor and the proceeds realised from the sale thereof to be invested together with the personal estate for the sole benefit of his heiress, who shall be entitled during her lifetime to draw the interest accruing from the Capital but shall have no right to touch draw upon or diminish the said Capital itself." 'Real property' meant freehold land and buildings and 'personal estate' meant stocks and shares, bank deposits or other monetary investments, but by a historical quirk of the law leasehold property was considered to be 'personal' not 'real'.

The will then directed that after his sister's death several legacies should be paid, namely:

1. To his cousin Harold Phillips £1,000

2. To his cousin Louisa Phillips £500
3. To Dora Wordsworth daughter of the late Rev John Wordsworth £500
4. To Thomas Leask of Klerksdorp £500
5. To Eliza, Henrietta and Lucy Jones of Putney London £50 each
6. To Alice Wargetson daughter of John Wargetson of Cheapside London £500
7. To his nephew Frederick William Phillips £500

and that “if there be any residue after payment of the foregoing legacies it is the Testators desire that his Sister and sole heiress shall dispose thereof by last Will and Testament as she may deem fit”.

Dora Wordsworth (1858-1934) lived at Brigham near Cockermouth in Cumberland, where her father, John (1803-75) was the vicar of St. Bridget’s Church for forty-three years from 1832 until his death; he was also the rector of St. Cuthbert’s Church in Plumblund, eight miles north-east of Brigham. Rev John Wordsworth was the son of William Wordsworth, he who wandered lonely as a cloud, the poet laureate from 1843 until his death in 1850. Dora’s father, despite spending his whole life in Cumberland, was buried at Highgate Cemetery in North London.

Next, the will appointed Thomas Leask as executor “and Administrator of his Estate and affairs with power of assumption [the right to appoint another person to take over his duties]”. Thomas Leask (1839-1912) was born in the Orkney Islands; he travelled to Natal in 1862 where he equipped himself as a big-game hunter. He made three hunting trips, firstly into Matabeleland and Mashonaland, now a region of Zimbabwe, in 1866/67, then to the Zambezi river in 1868/69, where he was one of the first Europeans to see the Victoria Falls, and finally to the nearby Hartley Hills. He kept a diary of his trips which was published as *The South African Diaries of Thomas Leask 1865-1870* in 1954. Leask was a personal friend of King Lobengula and of the Zulu King Mzilikazi (c. 1790-68). In 1870, Leask settled in Klerksdorp and a year later went into partnership with James Taylor, who had opened the only trading store in the town in 1865. The store, known as ‘Taylor & Leisk’ became the hub of the town’s activity and the meeting-place of hunters and traders who brought ivory and skins from Matabeleland and Mashonaland and equipped themselves for their next safari. Taylor died of fever in 1878 and Leask bought out his widow’s share and continued trading as ‘Thomas Leask & Co’. Leask was a leading light in the discovery and mining of gold in the area, and in 1887 was elected as the first President of the Klerksdorp Chamber of Mines. By 1895 the gold industry was firmly established in Klerksdorp and Leask and his daughter Lulu were amongst the foremost citizens; there were twenty-five mining companies producing over 70,000 ounces of gold a year. Leask eventually retired to his native Scotland, living at ‘Redholm’, Ardrossan, Ayrshire, a luxurious red-sandstone six-bedroomed Victorian villa with spectacular views over the Firth of Clyde towards the Isle of Arran, where he died aged eighty-one.

There follows in the will a clause which would be unnecessary in an English will as it goes without saying: “Lastly the Testator did declare to reserve unto himself expressly the full right and power at any and all times hereafter to make all such alterations herein or additions hereto as he may deem fit, desiring that all such alterations found duly attested under his own hand shall be of the same force and effect as if verbally herein contained, whether the same be in a separate act or at the foot hereof.”

The will ends with what appears to be a standard, but somewhat confusing, clause inserted in South African wills: “All the foregoing having been clearly and distinctly read to the said George Arthur Phillips he did declare the same to be his last Will and Testament, desiring that it may have effect as such, or as a Codicil Donatio mortis causa [lifetime gift to take effect on the donor’s death] or otherwise as may be most consistent with law.”

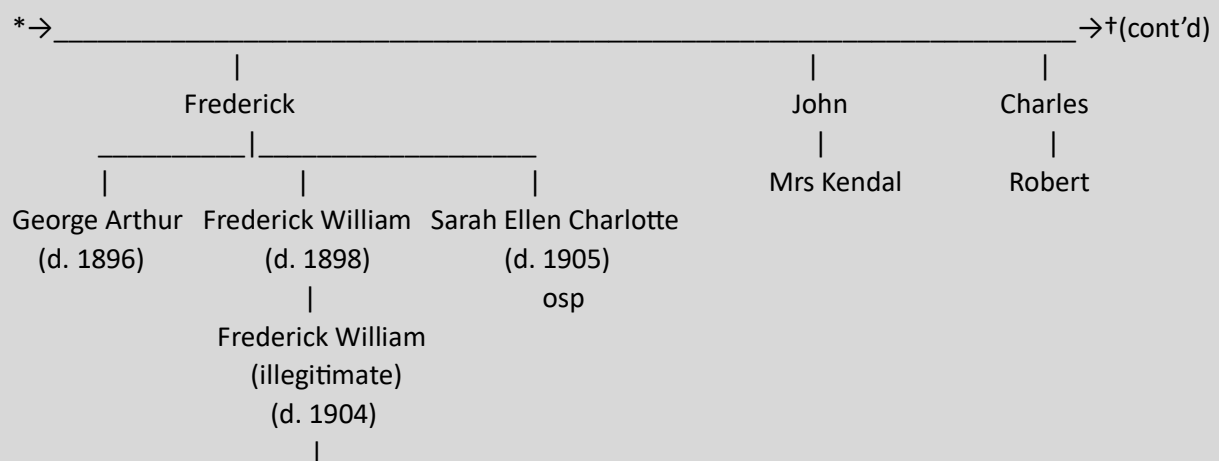
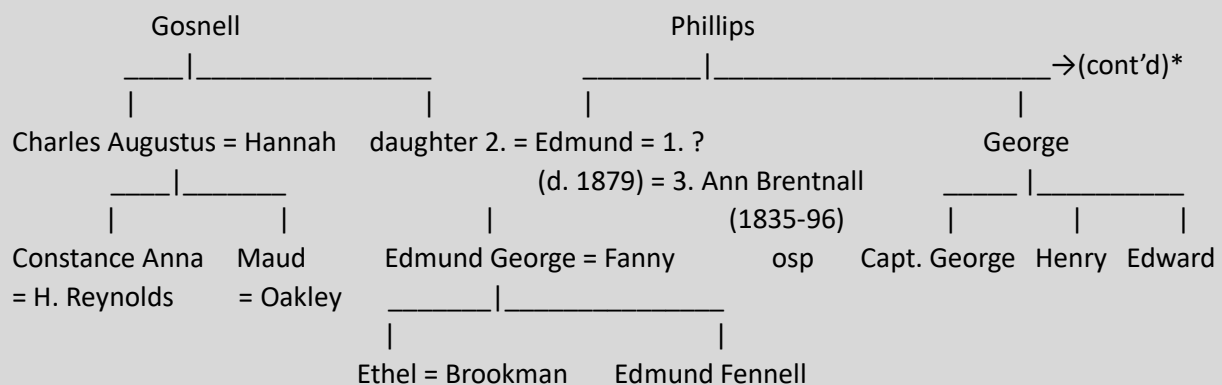


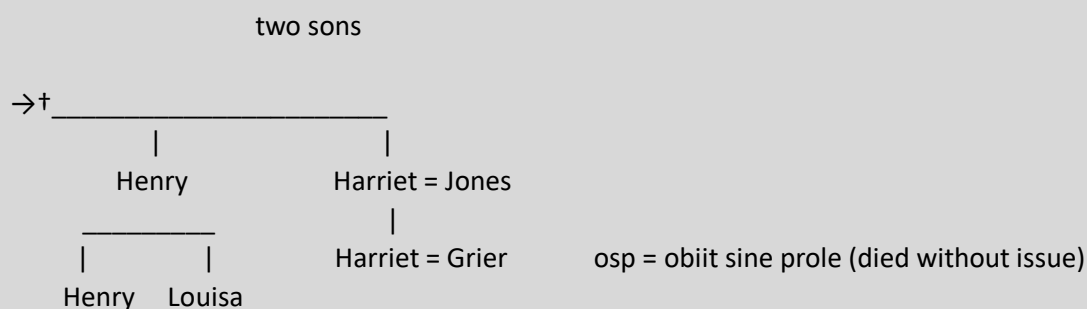
William Wordsworth (1770-1850)
whose granddaughter Dora was a good
friend and principal beneficiary of the will of
Charlotte Phillips

steel-engraving after Henry William Pickergill's 1850 portrait

Probate of Phillips' will was granted by the Principal Probate Registry in London to Thomas Leask on 1st September 1896. In the meantime, Ann Phillips, the widow of George and Charlotte Phillips' uncle Edmund died on 15th May 1896. She was a wealthy woman, having received a large inheritance on her father's death in 1892. Her husband left her an annuity of £300 (approximately £46,000 in today's money) while her parents were living which reduced to £150 when she inherited their estate. She and her husband had lived at 1 Porchester Gardens, Bayswater, Middlesex (now London W2), moving to Cintra Lodge, 32 Lambert Road, Brixton Rise, Surrey (now Brixton Hill, London SW2) shortly before his death. After his death Ann moved to live with her husband's niece Charlotte at 8 Addison Gardens, Kensington, Middlesex (London W14). Ann Phillips left a pecuniary legacy of £1,500 free of duty to Charlotte (approximately £255,000 in today's money), and gave her three items of jewellery which had been a wedding present from her husband, namely a diamond ring, a diamond bracelet and a diamond pendant brooch, but only for her to enjoy during her lifetime. Various other items of jewellery, including a wedding ring inherited from her aunt Marian Lloyd, daughter of Edward Sadler, in 1855, were given to other relatives and friends, but Charlotte also received "the remainder of my jewellery and personal ornaments my Writing Desks Work Baskets Body Linen Dresses Clothes and Books And also my house and Table Linen Furniture Glass China Cutlery and Plated Articles belonging to me whether in my own right or under my late Husbands Will or otherwise". To avoid any dispute, the will ends with a rather unusual clause: "I direct that all the preceding Specific Legacies shall be selected and distributed amongst the various Legatees by the said Sarah Ellen Charlotte Phillips whose choice and decision as to the identity of the Articles given and the Legatees for whom they were intended shall be final and conclusive upon all parties Any Legatee disputing her decision shall forfeit his or her Specific Legacy."

THE FAMILY TREE OF EDMUND PHILLIPS





(iii) Sarah Ellen Charlotte Phillips

Charlotte Phillips, prompted by the death of her brother closely followed by that of her aunt Ann (strictly speaking her aunt-by marriage but Charlotte always referred to her as her aunt) to write her own will, which she changed several times before her death in 1905. Despite living in London, she engaged her aunt's solicitors Messrs Eddowes & Son of Sutton Coldfield to draw up her will. The senior partner of the firm, Thomas Eddowes, had been briefly in partnership with Ann Phillips' uncle Richard Sadler, from 1855 until his death the following year, under the name 'Sadler & Eddowes'. Sadler's son Richard Hurst had been nine years old when his father died, but when he qualified as a solicitor he became Eddowes' junior partner in about 1870. Eddowes had one son, Herbert Macaulay (his maternal grandfather was first cousin to Lord Macaulay) who also became a solicitor, and in 1894 Sadler set up practice on his own in Birmingham, and Herbert Eddowes joined his father at 46 High Street, Sutton Coldfield, under the name 'Eddowes & Son'. In 1896 Thomas Eddowes was aged seventy-one and not in the best of health and he was content to let his son carry out most of the legal work.

Charlotte Phillips' first will, dated 4th June 1896, was relatively simple, naming only three beneficiaries, her surviving brother, Frederick William Phillips who lived with her at 8 Addison Gardens, Kensington, and her late aunt's cousins Richard Hurst and Ralph Stanley Sadler. Ralph was given three blue and white china jars, and "the other china and the Jewellery Plate and plated articles and furniture which originally came from Felden the former residence of my Aunt the late Mrs Ann Phillips" went to Hurst and Ralph "in such shares or proportions as my Executor shall think fit whose decision shall be absolutely binding upon them". When Edward Sadler had died in 1837 his estate had been divided equally between his five children, and his daughter Caroline (Ann Phillips' mother) had bought an estate in Felden, near Hemel Hempstead, comprising a large "respectable residence", a separate farmhouse and 148 acres of land, for £4,850. Charlotte's will also gave Hurst and Ralph a legacy of £750 equally between them "such sum being part of the Legacy of one thousand five hundred pounds bequeathed to me by the Will of my said Aunt". The residue of Charlotte's estate was given to her brother and he was also appointed as the sole executor. Eddowes posted the will to his client with instructions to sign it in the presence of two witnesses. One of the witnesses was Dora Wordsworth, the poet's granddaughter, living at 22 Grafton Road, Kensington, the other being Sara Josephine Harris of 'Derwent Bank', near Cockermouth, no doubt a childhood friend of Dora's on a visit to London; 'Derwent Bank' in Great Broughton (now self-catering holiday accommodation) is less than two miles from Brigham where Dora was born.

Frederick Phillips was in poor health, but no provision had been made in Charlotte's will to cover the possibility of his dying first. She therefore made a codicil to her will on 11th August 1897; if her brother died before her, she gave the following legacies:

1. To Dora Wordsworth £1,000

2. To Elizabeth Wharton daughter of the late William Wharton of The Grange, North Lopham, Norfolk £200, or should she die first:
 - (a) To her brother Francis Wharton £100, and
 - (b) To her sister Catherine Summers wife of Rev Sidney Summers of Potten End, Hemel Hempstead £100 (Potten End is a village three miles south of Felden)
3. To Bertha Phillips daughter of her first cousin Captain George Phillips (son of her uncle George Phillips) £100
4. To Caroline Hicks of Kent Lodge, Twyford, Berkshire £50
5. To Mildred Pate daughter of Rev H.W. Pate of The Cloisters, Bristol £40
6. To Constance Caddel daughter of the late John Caddel of Southill House, Gravesend £40
7. To Alice Mary Gayford of 10 Whiting Street, Bury St. Edmunds (now a shop selling model cars and aircraft) £300
8. To "my Maid or Nurse who may be living with me at the time of my decease" £40 "if she shall have then been in my service over two years", but otherwise £20
9. To "any other domestic Servant who shall be living with me at my decease and who shall have been in my service over two years" £20.

The residue of the estate was given equally between her nephew, also Frederick William, and her friend Alice Gayford. Her brother was retained as an executor jointly with Alice. There is a note addressed to the executors attached to the codicil: "By a Codicil to my Will I have bequeathed a legacy of Three hundred pounds to my Friend Alice M Gayford and my wish and desire is that she shall take care of my favorite [sic] cat "Victor" so long as he shall live. And I desire that my Executors shall communicate my wishes to the said Alice M Gayford feeling no doubt that she will faithfully observe them." The original instruction was to give Alice £100 for herself and £200 to be invested to provide an income for Victor, but in the end Charlotte decided to give Alice £300 with the expression of wish set out above, no doubt on Eddowes' advice that this was the more convenient method of achieving the same object.

Four months later, as her brother's health was rapidly deteriorating, Charlotte gave instructions to Eddowes to prepare a new will, in the following terms:

1. Ralph Sadler and Alice Gayford to be the executors
2. The bequest of three blue and white china jars to Ralph to be deleted
3. The bequest and legacy to Hurst and Ralph Sadler to remain as before
4. Her maid Elizabeth Charlotte Taylor to have her "wearing apparel"
5. "All my personal ornaments and trinkets and also any furniture and household goods I may die possessed of" to be given equally between Alice Gayford and Dora Wordsworth
6. Her brother to have a life interest in the residue of her estate
7. The following legacies to be paid after her brother's death:
 - (a) To Dora Wordsworth £1,000
 - (b) To Alice Gayford £500
 - (c) To Ralph Sadler £200 (in addition to the previous legacy)
 - (d) To Elizabeth Charlotte Taylor "my present maid in case she shall be living with me at my decease" £30
 - (e) To Matilda Hunt and Harriett Jefferies "my Cook and Housemaid in case they shall be living with me at my decease" £20 each
8. The residue of her estate to be divided equally between her nephew Frederick and Alice Gayford, but this instruction was amended before the will was signed to name only her nephew.

It appears that Thomas Eddowes visited Charlotte Phillips at about this time, as there is a copy of a letter written by Herbert Eddowes to his father on the file:

My dear Father,

S.C.

Tuesday [probably 21st December 1897]

I enclose a letter which came from Miss Phillips this morning. You will probably have seen her today but I send the letter on notwithstanding. It still keeps very cold and I am afraid of snow for Christmas. Your letter rec'd this morning – I will attend to your message for me.

Yours affectly

HME

Eddowes received a letter from Dr George Rice Ord dated 24th December 1897 written from 8 Addison Gardens:

Dear Sir,

I have just seen my patient Miss Phillips and find her in an extremely exhausted condition both of body and mind, caused no doubt by her anxiety about her brother Mr F. Phillips who is apparently sinking. I am told that she has given instructions about her will and I write these lines to suggest that the draft should be sent immediately as her condition is one of uncertainty.

The will was sent to Charlotte either on Christmas Eve or on Boxing Day and it was signed on 27th December in the presence of Mrs Susan Brabant of 6 Addison Gardens and Mary Ann Morris a nurse of 117 Roebuck Terrace, Forest Gate (London E7).

Charlotte asked Alice Gayford to write a letter to Eddowes on 5th January 1898:

My dear Mr Eddowes,

I am returning the Will signed as directed. Please to keep it for me. My brother is getting gradually worse. We all wonder at his having lasted so long. The anxiety has made me very weak but the last few days I have been rather better.

With kind regards

Yrs very sincerely

for S.E Charlotte Phillips

AMG

A draft of Eddowes' reply was written on this letter:

I have received your Will this morning and will take care of it.

Hurst has just sent me your telegram which he has this morning rec'd announcing the death of your Brother. I am sincerely sorry as I know what a grief and trouble it will be to you.

(iv) Kingsford Dorman & Co

Provincial solicitors had a 'London Agent', that is a firm of London solicitors who acted on their behalf in court cases heard in London and in other matters local to the capital. Eddowes & Son's London agents were Messrs Kingsford Dorman & Co of 23 Essex Street, Strand WC. In the last year of the 19th century Kingsford Dorman & Co acted in two matters relating to Charlotte Phillips. Correspondence in connection with these matters is not extant and we have only Kingsford Dorman & Co's invoice to

Eddowes & Son to provide any details. The first matter was to do with “Articles belonging to the Estate of the late Edmund Phillips”. Phillips’ will contained detailed instructions with regard to his chattels:

I empower my Executors to permit my dear Wife Ann Phillips to make use of and beneficially enjoy during her life or so long as she may think fit so to do All the articles of household furniture pictures goods plate plated ware and wines and liquors horses and carriages of which I may die possessed but should my dear Wife be at any time desirous of breaking up her establishment she is to be at liberty to select from the articles above specified so much as shall be in the aggregate of the value of £300 Sterling (the value to be ascertained as my Executors in their discretion may think fit) and to keep and retain such articles for her own absolute use and benefit And I direct that the remaining articles shall form part of my residuary personal estate

As noted above, Ann Phillips moved to 8 Addison Gardens, Kensington after her husband’s death, which meant she was entitled to select £300 worth of chattels which became her own absolute property. The remaining articles formed part of Edmund’s residuary estate which was given to his son by his second wife, Edmund George Phillips, for his lifetime and then to his daughter-in-law Fanny for her lifetime and finally to his granddaughter Ethel absolutely. It seems that the parties came to a different arrangement and after Ann’s death, when Charlotte moved to ‘Dereham’, 8 Kingsmead Road, Tulse Hill, Surrey (London SW 2), it was agreed that Charlotte could retain some of the articles for so long as she wished.

The work that Kingsford Dorman & Co carried out was detailed in their invoice:

1899

- Jan 1. *Writing you and enclosing Schedule of Articles belong’g to the Estate of the late Edmund Phillips as requested*
- Feb 6. *On receipt of your instructions to arrange for the return to the Phillips family of the articles which Miss Phillips had at one time wanted and which it was agreed she should have during her life but which were now in a warehouse*
Attending in the City on Mr Tyler explaining the position of matters and conferring when he requested us to write with a proposal which he could send out to his Client at St. Petersburg
Writing you reporting and enquiring whether the whole or only a part of the articles would be given up and with our view that we could force the family to take it even if they were unwilling to do so
Writing you second letter

The charge for the above work amounted to only 6/8d, which was 13/4d less a fifty per cent discount given by London agents to their instructing solicitors. Mr Tyler was John S. Tyler a solicitor who was a sole practitioner with an office at Gracechurch Building, 79½ Gracechurch Street, London EC. His clients were Mrs Ethel Brookman, who lived in Russia with her brother Edmund Fennell Phillips; they were Edmund Phillips’ grandchildren, the son and daughter of Edmund George Phillips.

Kingsford Dorman & Co’s invoice continued:

- Mch 2. *Writing you with copy letter from Mr Tyler enquiring whether all the furniture was to be given up*
3. *Attending Miss Gayford on her calling with Inventory of the articles of furniture now stored at Pope & Sons warehouse*

Conferring thereon and perusing it and arranging to take steps to give these articles back to Mr Tyler's Clients and advising her in the meantime to get out a list of the articles which she had removed to Dereham

Perusing the List

Making copy to keep

Writing you with the original

4. *Writing Mr Tyler in reply that we were expecting instructions about the furniture and with our views*

20. *Attending Miss Gayford on her handing us a List of the Articles now in Miss Phillips' possession and perusing it*

Making copy List of articles at Pope's warehouse

Writing Mr Tyler therewith and offering to give them up

March's work added 19/3d to the bill. The business concluded in April:

Apr 27. Not having heard from Mr Tyler writing him enquiring whether his Clients would accept the furniture now offered to him

Writing Miss Phillips thereon and with an appointment to see her

This work came to 5/3d. It must be presumed that Eddowes wrote to Pope & Sons instructing them to hold the warehoused furniture to Mrs Brookman's order. A final item on Kingsford Dorman & Co's invoice reads:

1899

May 23. Writing you with Dr Ord's Account against Miss Phillips and fully with our views

This entry, for which there was no charge, suggests that Eddowes had control of Charlotte's finances and was settling her debts, and presumably receiving her income. Why Dr Ord's bill was sent via Kingsford Dorman & Co is not clear. Their invoice ended with a charge of 5/3d for "Letters [postage] messengers and Incidentals etc" for the work carried out from January to May 1899, making a total of £1.16.5d.

The second task for which Eddowes instructed Kingsford Dorman & Co in 1899 related to a debt owed to Charlotte Phillips by a Mr Maloney. It is not clear who Maloney was, but it seems he was engaged by Charlotte to collect money on her behalf and had failed to pay her. Summarising Kingsford Dorman & Co's invoice, they wrote to Maloney on 18th April "demanding an Account and Cheque for balance". On 24th April they received instructions to sue Maloney for £91.11.6d and they attended court to issue a writ of summons, which was served on Maloney on the following day. There was a preliminary court hearing on 16th May when an order was made for Kingsford Dorman & Co to file a full statement of claim. They instructed Mr Blackwell, a barrister, to settle the statement, but as he was somewhat slow they had to get Maloney's solicitors to agree to give them extra time. On 10th June they reciprocated by giving Maloney's solicitors seven days extra time to file a defence. Instead of meeting this deadline, Maloney's solicitors wrote with an offer in settlement. Kingsford Dorman & Co took instructions from Miss Phillips and after further correspondence it was agreed that Maloney would pay £44.6.0d plus costs to be taxed (assessed) on the High Court scale. There was a final court hearing on 10th July when an order was made in the terms of the agreement. Maloney paid £20 on account four days later. Kingsford Dorman & Co's bill came to £13.17.0d including Mr Blackwell's fee of £1.3.6d and court fees

of £1.16.0d. This sum was probably reduced on taxation, but Eddowes's own bill would have increased the total payable by Maloney to about £20, or not far short of half the agreed indebtedness.

(v) Frederick William Phillips

The next item on the file is a copy of a letter dated 28th October 1902 written on Charlotte Phillips' dictation by her nurse Caroline Hill to her nephew Frederick William Phillips:

Miss Phillips wishes me to say she is very sorry to hear of your serious illness and quite understands your anxiety about your wife and children and she hopes you may recover your health and long be spared to them. Regarding your request all Miss Phillips' papers are in the hands of her lawyer, who also attends to all her business affairs, so that she has nothing to refer to and can certainly make no promise to provide for the future of yourself or your children, as most probably she would be unable to carry it out, as for instance at the present time, if the investments were sold out, she doubts if they would realize more than enough to pay off the reversionary legacies and expenses. Miss Phillips hopes soon to have a better report of you. The Major Phillips whose death was in the paper was no relation.

C. Hill

This copy letter was forwarded by Caroline Hill to Eddowes, with a note written by Charlotte that "this letter was written in reply to one from Mrs F Phillips wherein she stated I had promised to provide for their elder boy. I most certainly never had made such a promise.

S.E.C.P."

It appears that Frederick Phillips was hoping that his aunt would pay him in advance the legacy of £500 which he was to receive under his uncle George's will on her death, but she pointed out that there might be insufficient money in the estate to pay the legacies in full (and therefore couldn't expect to receive £500 now); if there was more than sufficient to pay the legacies in full the balance could be disposed of by Charlotte only by her will, not during her lifetime. She could also have added that she had no control over the capital of the estate, which was vested in the name of George's executor, the big game hunter Thomas Leask, and that the sale of any part of the investments would reduce her own income. Frederick then thought about borrowing money from an insurance company on the security of the legacy due to him. He wrote to Leask, now living in Ardrossan, for information about the investments. Leask wrote the following letter to Charlotte on 7th April 1903:

My dear Miss Phillips,

I have a letter from Mr F.W. Phillips asking information as to the investments of the funds of your brothers Estate and states that with your approval he wishes to raise £300 on the reversion of the £500 to which he will be entitled after your death, which I sincerely hope is in the far future. I am sending you copy of my reply in which you will note I have stated that neither you nor I can in any way have any thing to do in the matter, and we have no power even if we were inclined. I wish to caution you to have nothing whatever to do with it. It is simply a matter for him and the money lender, and I have given him all the information necessary. You will see from the letter that present value of the investments is much less than when purchased. All investments of that nature have gone very much down, for the time being only I hope. This fall in price makes no difference whatever in your income. The payments are the same. The only thing is that if these stocks do not go higher you will not have much to will away, but that need not worry you very much.

I hope you are well and having better weather than we are having. We have had three months of almost continuous wind and rain. No one remembers any thing like it. Glad to say we are all very well in spite of wind and rain. My wife is better than she has been for a long time.

I shall be very glad to have a few lines from you, and now with very kindest regards in which my wife joins

*I remain
Yours very sincerely
Thos Leask*

Leask's letter to Frederick Phillips reads as follows:

Dear Sir,

In accordance with your request I enclose memo of investments of the funds of the Estate of your uncle the late George Arthur Philips and I give price paid in May 1897 which are much above present quotations and judging from those quotations the present value of the Estate is say £5000, which is about £1400 less than was paid. The legacies to be paid after the death of your aunt Miss S.E.C. Phillips amount to £3650. The investments are in what is termed Trust Funds.

Neither Miss Phillips nor I can in any way have any thing to do with your obtaining advance of money on reversion of the £500 to which you are entitled after the death of your aunt the said Miss Phillips.

Signed

The capital of George Phillips' estate was all invested in fixed-interest railway stocks and shares:

£800 North London Railway Company preferential shares	£182
1000 South Eastern Railway Company 4% stock	149
900 Caledonian Railway Company 4% stock	149
700 London Brighton & South Coast Railway Company 5% consolidated stock	185½
604 Glasgow & South Western Railway Company 4% stock	148½

The prices show what was paid per share in May 1897, using a surprisingly modern system of decimalisation. Since the days of the 'railway mania' in the 1840s, when fortunes were made, and lost when the bubble burst, investment in the remaining large railway companies, which had swallowed up the smaller ones, was a reasonably safe bet so far as fixed-income shares were concerned, but share prices were volatile for a number of different reasons, including talk of nationalisation of the railways; a wiser investment strategy would have spread the risk.

Despite receiving these letters, Frederick Phillips wrote again to his aunt, apparently informing her that he was out of work, and Caroline Hill responded on 18th April as follows:

Miss Phillips wishes me to write for her to impress upon you that she can have nothing to do in the matter of your raising the money on your reversion, that being simply a matter between you and the money lender. Mr Leask having given you all the information necessary, Miss Phillips hopes you will not give up trying to find a suitable situation as she feels sure then you will soon regain lost ground.

C. Hill

Another problem soon came to light in that Frederick had difficulty in proving his identity, arising from the fact that he was illegitimate. He wrote to his aunt asking for some assistance and she wrote to Thomas Leask for advice. He replied on 23rd April:

I have your letter this morning and in reply I cannot see that there is any thing to hinder you from doing what you can to prove your nephews identity. In any case it would be necessary for him to get his identity proved before he could obtain the legacy, and your evidence would doubtless help him to do so. From what you told us of the case all you can say is that your brother acknowledged the young man to be his son. However I see nothing to hinder you from giving all the information you can.

I hope to be in London in a fortnights time and shall certainly run out to see you. We are having better weather, but none too warm

Another letter from Caroline Hill to Frederick Phillips was written on 24th April:

Miss Phillips wishes me to say that when she repeated that she could not help you to obtain the money she did not wish to infer that she would not attest to your identity if necessary.

Frederick consulted Messrs Oldfield, Bartram & Oldfield Solicitors of 13 Walbrook, London EC to assist him in obtaining a loan, and to make him a temporary advance themselves; he wrote to his aunt on their headed notepaper on 28th April:

My dear Aunt,

I shall be very much obliged if you would kindly answer any enquiries about the Estate of my late Uncle George Arthur Phillips which my Solicitors Messrs Oldfield may make.

Yours affectionately

Fred

On the same day Oldfield, Bartram & Oldfield (whose senior partner Mr H.R. Oldfield was the President and Honorary Solicitor of the International Philatelic Union) wrote to Charlotte, addressing her as Miss Sarah E.C. Phillips:

Dear Madam,

Your nephew, Mr Frederick William Phillips, has instructed us to act for him in connection with a loan he is obtaining from the Hand-in-Hand Fire & Life Insurance Company upon the security of the Legacy of £500 to which he is entitled under the Will of his late Uncle Mr George Arthur Phillips.

It appears from the Will that the income of the estate is payable to you during your life, and our object in writing is to enquire whether the signature to the enclosed letter is that of your nephew Frederick Arthur Phillips who is named in the Will of Mr George Arthur Phillips and is entitled thereunder to a Legacy of £500.

Mr Phillips has asked us to make him a small temporary advance pending the completion of the loan from Hand-in-Hand Office, and tells us you would be willing to answer enquiries and to give evidence as to his identity.

We enclose stamped addressed envelope, and shall be much obliged if you will kindly let us have a reply in the course of tomorrow's post.

The Hand-in-Hand Fire & Life Insurance Society was one of the oldest British insurers, founded in 1696, one of three companies set up following the Great Fire of London, originally called 'the Contributors for Insuring Houses, Chambers or Rooms from Loss by Fire'. It was bought by the Commercial Union Assurance Company in 1905. Miss Phillips confirmed what Oldfield, Bartram & Oldfield wanted to know, no doubt thinking that that would end her involvement, but she received another letter from them dated 11th June:

Dear Madam,

Referring to our prior correspondence, we believe you are aware that your nephew, Mr F.W. Phillips, is arranging to have a loan from the Hand-in-Hand Insurance Company, whose Solicitors wish a Statutory Declaration as to identity to be made by yourself and himself.

We send you the draft they have sent us in order that you may read it through and let us know if it is correct. We will then arrange for it to be completed, made by your nephew and then forwarded to you to be made.

We should be obliged if you would kindly fill in the blanks in paragraph 5. We enclose stamped addressed envelope for reply.

Caroline Hill replied returning the draft Statutory Declaration, but saying “the second blank she cannot fill in as she is ignorant of the statement made viz: “he always resided with my brother the said F.W. Phillips”. Oldfield, Bartram & Oldfield then wrote on 22nd June:

Dear Madam,

The Solicitors to Hand-in-Hand Office have now sent us the Statutory Declaration, and we have written your nephew to call and make same tomorrow.

Would it be convenient for you to come up to town for the purpose of making the same, or would you prefer that we should send the document down to you? In the latter case we shall have to ask a Commissioner [for Oaths] to call in order that the Declaration may be properly made before him.

Caroline Hill replied that “Miss Phillips desires me to say that it is quite impossible for her to go to town”. Oldfield, Bartram & Oldfield then asked a Mr Board, a commissioner for oaths, to call on Charlotte without first telling her he was coming. She was rather annoyed and wrote to Thomas Leask, who replied on 27th June, writing from Prospect Hotel, Harrogate:

My dear Miss Phillips,

Your letter was sent to me here where I have been nearly a fortnight. I am going home on Monday. Have had enough of the water [Harrogate was a popular spa town in the 18th, 19th and early 20th centuries on account of its natural chalybeate and sulphur spring]. Mr and Mrs Ralf Sadler came to this hotel last evg. I should not have recognised him. He saw my name among the list of visitors and hunted me up. I was very pleased to meet them. They tell me that they saw you quite lately and say you were looking quite bright. I intend to take a run to S. Africa next month. My Wife accompanies me. I fear my time in London will be too short to allow me to see you. I shall if I can manage it. I am not surprised that you were annoyed at Messrs Oldfield. They bothered me a good deal. Now with kindest regards and every good wish, I remain

Yours very sincerely

Thos Leask

In the meantime, Frederick obtained the loan from the insurance company, although it had been reduced from the hoped-for £300 to £150, and repaid the small advance from his solicitors. The arrangement appears to have been similar to an interest-free mortgage. The likely rate of interest was 5%, meaning that Frederick had to pay £7.10.0d per annum. Oldfield, Bartram & Oldfield wrote to Charlotte on 24th June:

We are very sorry that we had not time to write to you as to Mr Board’s attendance for the purpose of taking the Statutory Declaration, the draft of which you so kindly approved.

Your nephew told us that you would be unable to come to town, and asked us to send it down to you and to get it done as quickly as possible as he was most anxious to have the matter settled.

We trust that Mr Board's attendance upon you without a previous appointment did not cause any inconvenience, and we have to thank you for the kindness and courtesy you have shewn towards us in this matter.

(vi) New will

Charlotte Phillips made a new will on 8th June 1903. She first outlined her wishes in a letter to her aunt's cousin Ralph Sadler on 22nd April. Her wishes were as follows:

To Ralph S Sadler The Oil Painting A Scene on Sea Shore with Fisher Folk and any China or Silver or Plated art[icles] still remaining in my possession which came from Felden

To Richard H Sadler the Oil Painting A Madonna

To Mona Mary Benson [in the will, of 86 Potter Newton Lane Chapel Allerton Leeds] The Engraving The Jubilee Celebration in Westminster Abbey 1887 the Engraving Napoleon 1812 2 Small Oil Paintings of Blue Grotto [on the island of Capri]

To Margaret Paul of Knighton Leicester my old Grandfather Clock and Silver Fish Slice

The likeness of my late Uncle Mr Edmund Phillips to his Grandson Edmund Fennell Phillips [in the will, of 13 Fourstats Kaya Petersburg Russia, correctly 13 Furshtatskaya Street, St. Petersburg]

I will make a list of my various other belongings and to whom I wish them to go

Should I not have placed during my life a Stone to the Memory of my brothers in Santon Downham Churchyard I should wish it done and I wish to be buried there myself

To be divided between Richard H Sadler and Ralph S Sadler £750

To Ralph S Sadler in addition to above £200

To Dora Wordsworth of 28 Gratton Rd West Kensington £1000

To Alice Mary Gayford of College House Horringer Suffolk £200

To my late Maid Elizabeth Charlotte Taylor of 1 Marland Villas Chislehurst Kent £20

To my present Nurse Caroline Hill of 45 Blenheim Grove Rye Lane Peckham £20

To my servant Harriet Jeffries of 15 High Street Dorchester Oxfordshire £20

To my friend Elizabeth Anne Wharton of North Lopham Norfolk £40

To Frederick William Phillips son of my late brother F W Phillips £100

The residue of my estate and effects to Dora Wordsworth

To Mr H M Eddowes £20 [added as an afterthought]

When a draft of the will was sent to Charlotte, she made some notes referring to Roman numerals written in the margin against four of the clauses:

- I Respecting the China and Silver belonging to my late Aunt [Ann Phillips]. With the exception of a few pieces of China I sent the China to Mr R. Hurst Sadler and Mr Ralph S. Sadler at the time I left Addison Gardens and with small exception when at Fleet I sent the Silver to Mr Eddowes to be divided between them so that what remains with me of China and Silver I wish to leave to Mr Ralph S Sadler also Plated Articles*
- II Also my late Uncles Masonic Jewels [to Edmund Fennell Phillips]*
- III To Dora Wordsworth only [residue]*
- IV Have sent for a price List so that I may have some idea of expense [of tombstone at Santon Downham]*

It appears from the first note that Charlotte lived at Fleet between her Kensington and Tulse Hill addresses. There are four Fleets, one near Farnham in Hampshire, one on Hayling Island also in Hampshire, one near Weymouth in Dorset and one near Spalding in Lincolnshire. In the absence of any other reference to Fleet, it cannot be said which one she lived at, but it is likely to be the first named, unless the Fleet Street district of London is meant. Santon Downham is a small Suffolk village near the border with Norfolk; her brothers and another family member were buried there, and her friends Alice Gayford and Elizabeth Wharton named in the will lived within a few miles, so perhaps Charlotte spent her younger days in that district. The main difference between these instructions and her previous will is that the residue is given to Dora Wordsworth and her nephew gets £100 (£10,000 in today's money); it seems that he was not in her best books after he or his wife had claimed that she promised to provide for their children.

Although Herbert Eddowes drafted the new will, Charlotte also involved Ralph Sadler in the process, who liaised with Eddowes over it. Sadler and Eddowes were to be the joint executors and trustees. An interesting social distinction between Sadler and Eddowes is made in the will, in that Sadler is described as 'Esquire' and Eddowes as 'Gentleman', although both were sons of solicitors; the distinction appears to be based on wealth. Charlotte wrote to Sadler on 12th May:

My dear Ralph,

I am sending you the fresh Draft of my Will it expresses quite my wishes and I thank you for so kindly taking so much trouble about it for me. Regarding the Stone I do not know what sum to name. I want something simple suitable to that quiet little Churchyard. At the present time there are three graves, the Space occupied by them is 12 feet by 8 feet. There is a Stone at the head of the centre one so I must put stones at the other two graves, or remove the present one, put a coping round all of them, and a Stone inside with all the names on it. Do you think that £30 or £40 would be sufficient for either of these, if so will you kindly name one of these sums. I sent for Prices from Masons but can find nothing on it to guide me. I hope Gertie [Ralph's wife Mary Gertrude] did not get wet on Saty and was not inconvenienced by "The Life Boat Parade" which I afterwards heard passed by Herne Hill I fear just about the time she would be there. With love to both

Yours very sincerely

S.E. Charlotte Phillips

Ralph Sadler, who lived at 'The Leasowes', Sutton Coldfield, now a Grade II listed building No 107 Lichfield Road, sent this letter to Eddowes on 17th May:

Dear Herbert,

I enclose you the Draft of Miss Phillips Will with her letter to me which please return. I think the Will may now be engrossed and sent to her for signature but I don't know who she will be able to get to witness it !!! and she should have very strict instructions as to this. It is just possible I might go [to] London on Friday night and see her on Saturday. I have no guide about Tombstones or ever been in the Church Yard to which she refers, surely £30 ought to cover any outlay.

I will try to see you on Tuesday afternoon. I am very sorry to hear your father is not so well please give him my very kindest remembrances, is there any little thing I can send him that you think he would like?

Yours Sincerely

R Stanley Sadler

It will be noted that Sadler signed using his middle name, just as his brother Richard Hurst Sadler did, although everyone else called him Ralph. It was too late to send anything to Thomas Eddowes as he died on 19th May aged 77. Eddowes added two necessary clauses to the will, firstly that the will was made in exercise of the power of disposition given to Charlotte by her brother George's will, and secondly that he (Eddowes) would be entitled to charge "all professional and other charges for his time and trouble" in acting as solicitor notwithstanding that he was an executor and trustee. The will was sent by post to Charlotte, with instructions to sign it in the presence of two witnesses, not being beneficiaries under the will; she had no difficulty in finding two suitable witnesses, her next-door neighbour Sophia Taylor and Dr T.E. Stamm of Streatham, London SW. She returned the will to Eddowes on 8th June with a brief note:

I enclose my Will to you for custody having today signed it. My medical attendant Dr Brock being from home his Partner has witnessed and a friend.

(vii) Death of F.W. Phillips

We now move forward one year to a letter written to Charlotte Phillips by Henry Berry of 45 Lombard Road, Battersea, London SW on 30th May 1904:

Dear Madam,

It is with great regret to have to report the death of your Nephew F.W. Phillips which took place on Friday night from acute Pheumonia (sic).

I wrote to you on Wednesday night to inform you of his severe illness and had hoped to have received a reply but fear I may have mis-directed the letter and it may not have reached you.

If you have any wishes to express with reference to his funeral, your wishes shall be carried out.

*Yours truly
Henry Berry*

Caroline Hill replied by return of post:

Miss Phillips desires me to thank you for your letter and to say how very shocked and sorry she is to hear of Mr Phillips' death. Miss Phillips has no wishes in reference to his funeral but thanks you for asking the question. She is very sorry for the poor little children.

Despite this expression of sorrow, Charlotte took no steps to add a codicil to her will to pass the legacy of £100 which Fred would have received to his sons; no mention is made of Fred's wife and it seems that Berry was the guardian of the orphaned boys. A month later there was a letter from the Hand-in-Hand Fire & Life Insurance Society of 26 New Bridge Street, London EC:

Dear Madam,

L.1696. Loan on Reversion

F.W. Phillips

We regret to hear from Mr Berry that Mr F.W. Phillips has recently died. There is some interest over-due on the above Loan which it is important to bring to the notice of those who are entitled to Mr Phillips' Estate. Will you kindly let us know with whom we should communicate in the matter.

Yours truly

Charlotte replied on 4th July;



Thomas Leask (1839-1912)
big-game hunter and gold-mine owner
friend and executor of the will of
George Phillips

from the frontispiece of *The South African Diaries*
of Thomas Leask 1865-1870

This letter suggests that the Scottish Reversionary Company may have paid about £185 for the reversion, if, after repaying the loan of £150 plus overdue interest and costs, there was a balance of £20 to pay to Frederick's estate. Charlotte sought the advice of Thomas Leask, who wrote on 7th December:

I am very glad to have your letter and judging from the hand writing you seem to be very well [her letter was probably written by Caroline Hill or some other amanuensis].

Regarding the letter you enclosed I would suggest that you decline to administer the £20 and that, personally, you have no objection to Mr Berry doing so. It would be a worry to you and besides it is just as well for you to have nothing to do in the matter.

I am glad to say we are very well. My Wife goes on improving. She seems better in health than she has been for a long time.

We had a week of frost and snow and one very wild storm of wind and rain, but, at present the weather is bright and mild.

We have good news from our children but they complain of great heat and want of rain 100 degrees in the shade [presumably they settled in South Africa].

With kind regards and all good wishes in which my wife joins.

A reply on Charlotte's behalf was sent to Henry Berry on 8th December:

Miss Phillips desires me to acknowledge your letter of 3rd inst, it having been insufficiently addressed caused delay in delivery of it [8 Kingsmead Road had been omitted]. *Respecting the balance of £20.0.0 from "The Hand in Hand Insurance Compy" Miss Phillips is quite unable to undertake the Office of Administrator and she personally has no objection to you doing so. She had no idea she could have a voice in the matter. Miss Phillips is pleased to hear you are taking care of the little boys.*

The next letter from Mr Berry, dated 20th December, showed that he had been troubling Charlotte unnecessarily:

Dear Madam,

In reply to yours of the 7th for which I am thankfull I wish to inform you that you were right when you said you thought you could not take out probate [letters of administration] and neither can I – the Granfather is the only one the Somerset House people will acknowledge. The matter is not finally settled yet and when it is what between Somerset House and the Lawyers I dont expect there will be much left for the little boys. However I will let you know later on. I am sure you will be pleased to know that the boys are getting on alright and if you would like to see them during the holiday my wife or son will be pleased to bring them down to see you which would be a great pleasure to them as they are very often talking about you.

Wishing you Comps. of the Season

I remain

Yours Faithfully

H. Berry

Somerset House in the Strand was originally built by the Duke of Somerset in the 16th century but was demolished and rebuilt in 1776. In 1904 it housed several Government departments, including the Inland Revenue, the Registry of Births Deaths and Marriages and the Principal Registry of the Court of

Probate. As Frederick Phillips died without a will, letters of administration of his estate would be granted to his next-of-kin, but as his sons were under age the grant would have to be made to two persons for the use and benefit of the next-of-kin.

Charlotte's reply to Berry was written by Dora Wordsworth on 1st January 1905:

Miss Phillips has asked me to write for her to thank you for your letter. Miss Phillips has not been so well of late and cannot at present fix any time for the Children to come over. Miss Phillips encloses a P.O. [Postal Order] for 4/- as a small gift to the Children for the New Year.

With Miss Phillips compliments of the Season

Yours truly

DW for Miss Phillips

(viii) Death of Charlotte Phillips

Charlotte Phillips' health continued to decline and she died at home on 1st October 1905. This event meant that Ralph Sadler and Herbert Eddowes, as executors of her will, had the task of winding up her estate, and Thomas Leask could finalise the estate of George Arthur Phillips. The two estates were closely connected as whatever was left in George's estate after payment of the legacies in his will formed part of the residue of Charlotte's estate.

Eddowes wrote to Thomas Leask on 2nd October informing him of Miss Phillips' death and received the following letter from a Mr Leask (Christian name indecipherable) the junior partner in Messrs Robert McClure & Leask Writers (Scottish Solicitors) of Chambers 145, St. Vincent Street, Glasgow:

As Attorney for Mr Thomas Leask, Redholm, Ardrossan, your letter to him of 2nd inst. has been sent to me. Mr Leask has been in the Transvaal for the last six months but leaves Cape Town to-day for Ardrossan and should arrive in London about the 25th inst. I am writing Mr Leask to meet him at Madeira and I will mention your letter, so that you will hear from him at the earliest possible moment.

(ix) Estate of George Arthur Phillips

When he arrived back home, Thomas Leask sent Eddowes an "Account of Intromissions of Thomas Leask Redholm, Ardrossan, with the Trust Estate of the late George Arthur Phillips, of Gubulowayo, Matabeleland, who died on 4th April 1896"; it is dated 1905, but was presumably originally prepared in 1896:

<u>Charge</u>		
<i>Amount of Estate for which Probate was obtained</i>		<u>£6795.11.6</u>
<i>Made up as follows:-</i>		
1896	<u>Estate Realized</u>	
Sept 30	Proceeds of Sale of 100 Durban Roodepoort Gold Mining Shares @ £6.14.6	£672.10. –
	Less brokerage and stamp	<u>3.16. –</u>
		668.14. –
Oct 15	50 Do @ 6 5/8 less brokerage	329. 6. 6
	10 Do @ 6 5/8 " "	65.17.6
	200 Do @ 6 9/16) " "	

	200 Do @ 6 17/32)	" "	2603.14. -	
	140 Do @ 6 5/8	" "	922. 4. -	
29	By from Geo. Reid & Co		2009. 1. 6	
	" " African Banking Corporation		4. - -	
30	" " Colenbranders Coy, balance due to deceased for Directors' fees		11.10.10	
Nov 3	" from Donald Currie & Co, being found among deceased's personal effects on board "RMS Roslin Castle" when he died		60. - -	
	" from Do return of passage money		36.17. -	
12	" proceeds of 300 Colenbranders Matabele Development Shares @ 11/6		197. 9. -	
	" Do Do @ 9/9		<u>143.14.-</u>	
—	Amount of Charge			£7022. 8. 4

Johan Wilhelm Colenbrander (1855-1918) was a Natal-born soldier and colonial officer employed by the British South Africa Company who founded Colenbrander's Matabeleland Development Company Limited in 1895. Brothers James and Donald Currie formed the Castle Packets Company in 1866, renamed Castle Shipping Line in 1877 with Donald Currie & Co as managers. The company merged with the Union Shipping Line in 1900 to become the Union-Castle Line.

Discharge

I Debts due by deceased

Messrs Wood & Parker, London for cash advanced to deceased	68.17.-	
Hodges & Butler, London	2. 8. -	
John Wise, Bayswater	1.14.-	
Alfred Aitkenson, London	13.16.-	
Income Tax	7. 7. 8	
S. Ager, Brandon	19.6	
Moule & Sons, London	<u>21.8. -</u>	
		116.10.8

Wood & Parker of 2 East India Avenue, London EC were South African merchants established in 1868 by David Peebles Wood and Archibald Parker of Glasgow. Hedges & Butler of 155 Regent Street, London W were wine and spirit merchants, established in 1667. Brandon is a town in Suffolk.

II Government Duties

Estate Duty and Interest	203.16.11	
Residue Duty	94. 8. 3	
Settlement Estate Duty	<u>37. 8. 6</u>	
		335.13.8

Estate duty was introduced by the 1894 Finance Act; it imposed a tax on the value of all property passing on the death of a person dying after 1st August 1894. The rate of duty depended on the size of the net estate; estates up to £100 were exempt, estates between £100 and £500 were taxed at 1%, those between £500 and £1,000 at 2%, those between £1,000 and £10,000 at 3% and so on until estates over £1,000,000 paid the maximum rate of 8%. Residue duty, usually known as legacy duty,

was introduced in 1780 and was a tax on bequests payable out of personal estate; the rate of tax depended on the relationship between the testator and the beneficiary. Husbands and wives were exempt, lineal ancestors and descendants paid 1%, brothers and sisters paid 3%, uncles and aunts paid 5%, great-uncles and great-aunts paid 6% and anyone else paid 10%, except that husbands and wives and descendants of anyone falling into one of the above categories paid the rate applicable to that category. Settlement estate duty was also introduced by the 1894 Finance Act as a further estate duty at the rate of 1% on property settled by a will, for instance where, as here, a life interest in the estate was created, but any part of the estate over which the life-tenant was given a power of appointment by will was exempt.

George Phillips' estate was therefore liable for estate duty at 3% (£6,795.11.6d. X 3% = £203.16.11d.), residue duty at 3% (£6,795.11.6d. -- £3,650 for legacies X 3% = £94.8.3d.) and settlement duty at 1% (the figure of £37.8.6d. is about £6 more than the 1% duty, but the difference may be interest, which ran from the date of death). The overall rate of tax was around 5% , but legacy duty at the appropriate rate would also be payable by the legatees on receipt of their legacies after Charlotte's death.

III Expenses of Administration

<i>C & G Smith, for Valuation</i>	5. 5. –	
<i>City Bank, charge on Scotch cheque</i>	4 .3	
<i>Registration fee</i>	7. 6	
<i>Receipt</i>	1. –	
<i>Registering [probate with companies]</i>	10. 6	
<i>Court fees</i>	5. 5. –	
<i>Search fee</i>	6	
<i>Filing Affidavit and Certificate of Registry</i>	2. 6	
<i>Filing Affidavit of due exhibition</i>	2. –	
<i>Ingle Holmes & Sons</i>	3. –	
“ “ “ <i>Testamentary Costs</i>	12. 1. 4	
“ “ “ “ “	6. 6. –	
“ “ “ “ “	1. 1. –	
<i>London & India Dock</i>	<u>10. 9</u>	
		<u>32. -. 4</u>

IV Investments Made

<i>May 15 £800 North London Railway Preferential</i>		
<i>Con. Stock 1866 @ 182</i>		£1456. -. –
<i>£1000 South Eastern Rly 4%</i>		
<i>Vested Companies Stock @ 149</i>		<u>1490. -. –</u>
		£2946. -. –
<i>£1000 Cal Rly. 4% Con Pref</i>		
<i>No 1 @ 149</i>	£1490. -. –	
<i>Less 100 sold on 13th</i>		
<i>Jany 1898 @ 149 less</i>		
<i>brokerage and stamp</i>	<u>148. 4. –</u>	<u>1341.16. –</u>
		£4287.16. –
<i>Add:-</i>		
<i>Stamps</i>	£22.10. –	
<i>Registration fees</i>	7. 6	
<i>Half brokerage</i>	11. 1.10	

Contract stamps	<u>3. -</u>	<u>34. 2. 4</u>		4321.18. 4
<i>£700 London Brighton & South Coast Rly 5% 2nd Consolidated Preference Stock @ 185½</i>		<i>£1298.10. -</i>		
<i>£604 Glasgow & South Western Railway 4% Preference Stock 1894 @ 148½</i>		<u>896.18.10</u>		
		<i>£2195. 8.10</i>		
Add:-				
Stamp and fees	£6.12. 6			
Brokerage	5. 9. 9			
Contract stamp	<u>2. -</u>	<u>12. 4. 3</u>	2207.13. 1	<u>6529.11. 5</u>
				<i>£7013.16 .1</i>
Balance in the Trustees' hands uninvested				<u>8.12. 4</u>
Amount of Discharge equal to Charge				<u>7022. 8. 4</u>

This account uses some Scottish terminology unfamiliar to English ears. 'Account of Intromissions' simply means 'Statement of Account', and 'Charge' and 'Discharge' are the equivalent of 'Receipts' and 'Payments'. What had to be ascertained now was whether the proceeds of sale of the investments would be sufficient to pay the legacies in George's will amounting to £3,650.

Eddowes left Sutton to attend Miss Phillips' funeral and to read the will and was away from 3rd to 6th October, staying three nights at the London & North Western Railway's Euston Hotel at a cost of £2.5.0d, including three breakfasts and one dinner (five shillings) with champagne (eleven shillings). He also spoke to Dora Wordsworth about various aspects of Miss Phillips' estate, making a note as an aide memoire:

Miss Wordsworth will ascertain when Fred Wm Phillips died and his children.

Henrietta Jones died.

Advt in local papers for creditors.

Miss Wordsworth 28 Grattan Road W. Kensington

Servants wages – maid £20?

cook £

Specific legacies under Mr Phillips will after Miss Phillips death.

Eddowes also spoke to the landlady of 8 Kingsmead Road, Tulse Hill, Mrs J.E. Stepple of 8 Approach Yard, North Norwood, London SE, and negotiated a release from Charlotte's quarterly tenancy, paying her two quarters' rent of £17.16.2d due on 29th September and 25th December plus £1.3.10d for Property Tax, which brought the tenancy to an end at Christmas. While he was away Eddowes had some correspondence with his clerk John Henry Perry, who wrote to him on 5th October:

Dear Sir,

Phillips

I have looked up these papers respecting the Furniture and from what I can gather I think the whole of the Furniture belonging to the Phillips Family, of which Miss Phillips was to have the use for life, was handed over to Mr Tyler's Clients in June 1900, it being thought best to let them have it back,

rather than Miss Phillips pay the expense of warehousing it at Messrs Pope & Sons. Agents [Kingsford Dorman & Co] have, I think, got the Schedule handed over by Mr Tyler at the time.

A letter came from Mr Leask's Attorney this morning stating that he expected Mr Leask to arrive back from South Africa about the 25th inst.

I think it a very good stroke of Bus. to get out of the Tenancy so lightly.

Returning to the question of Miss Phillips Furniture, if you have time you might call on Agents and get the schedule from them, and also the one given in June 1898 when the Furniture was handed over to Miss Phillips.

Yours truly
Jno H. Perry

(x) Edmund Phillips' furniture

Eddowes did not have time to call on Kingsford Dorman & Co, but on his return to Sutton he wrote to them for copies of the schedules, which they sent to him on 11th October. The very detailed "Schedule of Articles belonging to the Estate of the late Edmund Phillips of which Miss Phillips is to have the use and enjoyment during her life" had been prepared by Kingsford Dorman & Co in March 1899 and Charlotte had annotated it with an indication of which articles were still in her possession and which had been warehoused. The schedule gives a good idea of the lifestyle and taste of Edmund Phillips and his wife Ann (née Brentnall) living at 1 Porchester Gardens, Bayswater. The schedule is reproduced below, with Charlotte's pencilled notes shown in italics in square brackets and later notes in various different hands shown in italics in round brackets. 'WP' appears to indicate the warehoused items:

[Servants Bedroom No 1] (assumed heading, inadvertently omitted)

A 3 ft japanned and gilt iron French Bedstead [WP] (given up see receipt Nov 1898)

A bordered wool and hair mattress [WP] (given up)

A 3 ft 6 grained oak dressing table with 2 drawers [missing]

A 2 ft grained oak wash-hand stand [Dereham]

A 3 ft japanned dressing chest of 4 drawers [WP] (given up)

A Straw Paillasse [an alternative spelling of palliasse] [WP] (missing)

A feather bolster and pillow [Dereham]

A mahogany frame dressing glass [mirror] 15 X 11 (given up)

A japanned towel horse [WP]

Four cane seat chairs (2 patterns) [2 WP 1 cane chair Dereham] (3 given up)

Servants Bedroom No 2 Front

A 3 ft 6 japanned iron French Bedstead [Dereham]

A bordered wool mattress [Dereham]

A grained Oak Towel Horse [Dereham]

A mahogany swing dressing glass 8 X 12 (given up)

Two paillasses [Dereham]

A feather bolster and pillow [Dereham]

A 3 ft 2 grained maple chest of 5 drawers [Dereham]

A mahogany frame toilet glass 18 X 13 [missing]

Front Bed Room

A 4 ft cast fender with standards [Dereham]
A 5 ft birch Arabia Bedstead [WP] (given up)
A set of steel fire irons [Dereham]
A stained rosewood cane seat chair [missing]

Dressing Room adjoining

A mahogany frame toilet glass 22 X 16 with moulded platform [Dereham] (Mrs Brookman is going to take this at once 9/11/05)

Box Room

A pair of 8 tread high folding steps [Dereham]
A pair of 4 tread low ditto [missing] (broken beyond repair)
A three leaf folding clothes horse [Dereham]
An Invalids bed table [Dereham]

Landing 2 pair

18 brass rods [24 brass rods Dereham 38 rods in all 24 accounted for 14 missing] (found)

First Floor

Side Bed Room

A 3 ft 3 cast fender (given up)
A 3 ft japanned green and gilt French Bedstead [Dereham]
A bordered wool mattress in check case [Dereham]
A brass cornice pole with rings and brackets [Dereham]
A set of steel fire irons [Dereham]
A Paillasse [Dereham]
A feather bolster and pillow [missing]
A 2 ft 6 mahogany wash hand stand with 2 drawers and veined marble top [Dereham]

Bow Bed Room Right hand

A 3 ft cast fender [Dereham]
A 4 ft Spanish Mahogany Toilet table with 4 drawers on reeded legs and castors [missing]
A circular mahogany pedestal cupboard with marble top [WP (in left margin) Dereham (on right)]
A mahogany triple rail towel horse [Dereham]
A set of steel fire irons [Dereham]
A mahogany frame toilet glass with platform plate 16 X 22 [Dereham]
A 4 ft 4 mahogany double wash hand stand with a drawer and a veined marble top (given up)
A 6 ft 4 leaf-folding screen with green figured worsted rep mounts and mahogany frame [Dereham]
A 3 ft 9 mahogany chest of 3 long and 2 short drawers lock and key [missing (crossed out)] (given up see receipt Nov 1898)
A circular mahogany pedestal bedside cupboard [missing (crossed out)] (given up see receipt Nov 1898)
A mahogany frame chair with green leather seat [missing]
A French time piece in an ormolu case with blue painted chime Dial and plaque mounts glass shade and ebonised stand [Dereham] (Mrs Brookman is going to take this at once 9/11/05)

An engraving "The Horse" after Herring [John Frederick Herring (1820-1906) best known for his equine art] in Maple frame glassed [Dereham]

Bow Bed Room Left hand

A 3 ft 2 cast fender (given up)

A 5 ft 6 Birch Arabian Bedstead [Dereham]

A bordered hair mattress in tuken [gathered or tucked in] case [Dereham]

A ditto wool ditto [Dereham]

A feather bolster and 2 pillows [Dereham]

A mahogany frame toilet glass with moulded platform plate 24 X 16 [Dereham] (Mrs Brookman is going to take this at once 9/11/05)

A 3 ft 4 mahogany chest of 5 drawers [Dereham] (?Has been given up) (This is here at Dereham)

A set of steel fire irons [Dereham]

A Pailasse (given up) (destroyed by order of Miss P) (1 Paillasse destroyed 1 Do given up)

A mahogany octagon Bedstep with convenience [Dereham]

A 3 ft 6 mahogany wash hand stand on carved supports and veined marble top [Dereham]

Two birch chairs with cane seats and backs [missing (crossed out)] (found)

Dressing Room adjoining

A mahogany triple rail towel horse [Dereham]

An Aldermans [John Alderman, Victorian inventor and manufacturer of invalid carriages] patent Invalids carrying chair and leather straps [Dereham]

A 3 ft mahogany wash hand stand with 2 drawers and veined marble top [Dereham]

A 3 ft mahogany dwarf Cupboard with folding panelled doors lock and key [Dereham]

Bath Room and WC

A brass cornice pole with rings and brackets [missing (crossed out) at Dereham]

A mahogany scroll towel horse (given up)

A 3 ft box Ottoman with chintz cover [missing]

A 2 ft 10 mahogany dwarf cupboard [Dereham]

A mahogany chair in green leather [missing] (see Receipt included in 7 given up)

Landing one pair

20 brass rods (see page 1)

Ground Floor Drawing Room

A 5 ft ground and polished steel fender ormolu mounted [WP] (given up see receipt Nov 1898)

A 5 ft 2 extra deal mantle board covered with green cloth and fringe border brass nailed [Dereham]

An ormolu three light gaselier [wall light fitting] with chains and weights globes and consumers [missing]

Eight walnut wood frame chairs seats covered en suite [matching] [Dereham]

A carved walnut wood easy chair spring stuffed and covered en suite [Dereham]

A set of polished steel fire irons with ormolu heads [Dereham]

*A Chimney Glass [oil lamp cover] 60 X 48 in a carved and gilt pillar pattern frame [Dereham]
A 5 ft walnut wood couch spring stuffed and covered with Green Utrecht velvet [Dereham]
A ditto lounging chair spring stuffed and covered en suite [Dereham]*

Dining Room

*A 5 ft bronze and steel fender with vase standards [Dereham]
A 5 ft extra deal mantel board covered with marone [brown, from Italian marrone] cloth fringed border
brass nailed [Dereham]
A set of steel fire irons [missing]
A Chimney Glass 60 X 48 in a carved gilt pillar pattern frame [Dereham]
A set of mahogany telescopes dining tables with patent screw and 1 winder and 4 extra flaps [WP]
(given up)
Six mahogany frame chairs stuffed and covered en suite [Dereham]
A 4 ft mahogany 3 tier dining-wagon with brass carriage castors [WP] (given up)
A 6 ft 6 mahogany frame Couch spring stuffed and covered with green morocco leather brass nailed
[missing (crossed out)] (given up see Rect)
An ormolu 5 light gasolier with chains and weights and engraved glasses [WP] [missing (crossed out)]
(given up see Schedule)
Mahogany lounging Chair covered en suite [Dereham]*

Library

*A 4 ft 6 bronzed and steel fender with vase standards [Dereham]
A set of steel fire irons [Dereham]
A bronzed two light gasolier with chains and weights and engraved globes (given up)
A rosewood sofa table with 2 flaps on pillar and claws [Dereham]
A 6 ft spanish mahogany Book Case with 2 pairs of glass and 2 pairs of panelled doors lock etc
[Dereham]
A 4 ft 9 extra mantel board covered with green cloth fringe border brass nailed [Dereham]
Three mahogany frame chairs in green leather [missing (crossed out)] (see Rect on schedule)
A 5 ft dwarf rosewood Bookcase with glass doors and brass wire guards to ditto [Dereham wire guards
have been removed]*

Entrance Hall and Passage

*Two carved oak Hall chairs [WP] [missing] (see Rect)
A bronzed umbrella stand [Dereham]
A wheel barometer and thermometer in oak case [Dereham] (Mrs Brookman is going to take this at
once 9/11/05)
3 ft Hall table oak with marble top [Dereham]*

Butlers Pantry

*A 5 ft deal table with 2 drawers [Dereham]
A mahogany oval supper tray with brass joints and stand [Dereham]*

Kitchen (ironware)

A 4 ft return iron fender with polished top [Dereham]

A poker cinder shovel rake etc

Kitchen (Copperware etc)

A 4 ft by 3 ft deal kitchen table with 2 drawers [WP] (given up)

Four windsor [Dereham] and one elbow [missing] chairs [WP] (given up see rect)

[WP 2 Brass wire bookcase guards]

[Are there no kitchen utensils to be Returned?]

There are four notes on a separate sheet of paper attached to the schedule:

Note 1. The 3 ft 4 mahogany chest of 5 drawers included in "Bow Bed Room" has been handed over (No -- see page 2)

Note 2. A Pailasse in same room has been destroyed by order of Miss Phillips

Note 3. A pair of 4 tread low steps included in "Box Room" broken beyond repair

Note 4. The remaining Articles are now at Dereham Kings Mead Road Tulse Hill with exception of enclosed list of Articles at Messrs Pope's Lon.

When Eddowes returned from London there was a letter dated 5th October from Kingsford Dorman & Co:

Re Miss S.E.C. Phillips

You will remember that in the years 1898-9 we acted as your Agents with reference to this lady. We have today heard from Mr J.S. Tyler who represented some of the members of her family, and who, under the arrangement that was come to when her affairs were settled, undertook to pay her the annuity to which she was entitled, that she has recently died and asking us to inform him of the date and place of her death. Can you give us the information, or would you like us to make enquiries?

Two days later there was a letter from Dora Wordsworth, written from 'Dereham' on black-edged notepaper:

I find that Mr F.W. Phillips died on the 27th May 1904 leaving two little boys – but I can find as yet no clue to their present address – one address where F.W. Phillips used to live

11 Churchill Rd Willesden Green –

I found – but I fancy he had left that address some time before his death – the address is crossed out – I remember that the maternal grand-father had taken the boys – I fancy he keeps a shop and is somewhere in London.

I believe that Mr F.W. Phillips forestalled his legacy or part of it which he was to receive at Miss Phillips' death – from Mr George Phillips.

Miss Henrietta Jones died on September 9th 1903.

The wages of Hannah Head are 20/ [twenty shillings or one pound] paid monthly – She came on the 15th of the month.

Wages of Elizabeth Ann [correctly Charlotte] Taylor 17/10 paid also by the month – She came on the 24th of the month.

This letter was followed up a day later by another:

You will be able to find out about Mr F.W. Phillips affairs from the Commissioner for Oaths he lives in this street – No 27.



Ralph Sadler (1849-1909)
Birmingham businessman
who lived in Sutton Coldfield
relative and joint executor (with Herbert
Eddowes) of the will of Charlotte Phillips

portrait taken from *Swords into Mowerblades* (the story
of Ralph Martindale & Co Ltd) by H. Barry Newey (1994)

This information was corrected shortly afterwards:

In 1902 the Commissioner of Oaths Mr W. Arthur Board lived at 8 Kings Down Road – he has left – but his brother Mr Ernest Board lives at 27 Kingsmead Road – (he is not a Commissioner of Oaths) You would I suppose learn from him his brother Mr W Arthur Board's address.

Two days later Dora sent Eddowes the address of Mr Henry Berry, 45 Lombard Road, Battersea SW, "where Mr F.W. Phillips two boys were on Jan 26th of this year – and I suppose are there still with their grandfather".

Mrs Brookman's solicitor John S. Tyler wrote to Eddowes on 9th October:

Miss Charlotte Phillips

I hear this morning from Mrs Brookman that the following is a list of the things which were given up:

*Mahogany Dining Table with extra leaves
ditto Dining Wagon
Six Dining Room Chairs
2 Steel and Ormolu Fenders
Birch Wooden Bedstead
2 Mattresses etc in wrappers
3 Cane seated chairs
Marble top Washstand
Mahogany swing glass and small swing glass
Painted chest of drawers
ditto Towel Airer
Kitchen Table
Gasalier and Iron Fender*

You have the list of effects which were left with Miss Phillips and of which she had the use during her life and will therefore now be able to tell what remains to be given up.

It can easily be imagined that Eddowes was tired of looking through lists of furniture and trying to reconcile their differences, and was happy to delegate the task to his clerk.

(xi) Charlotte Phillips' estate

Eddowes drew up a list of Charlotte's debts, from which it appears that she had accounts with several tradesmen which she paid on a monthly basis. The debts needed to be paid, but they could also be deducted from the gross estate for estate duty purposes. The complete list of debts was as follows:

1. The Alliance Dairy Company ("established for the sale of pure milk and dairy produce") of 118 & 196 Norwood Road, West Norwood £1.3.0½d for milk, butter and eggs
2. Henry Parkers' Stores of 112 Norwood Road £1.1.4d for sugar, salt, cheese and bread
3. Dorrell & Co (Purveyors of English and Foreign Fruits and Vegetables) of 194 Norwood Road 6/9½d for potatoes, sprouts, tomatoes, spinach, beans, apples, plums, mint and parsley
4. Curtis & Hanne (Fish, Poultry, and Ice Merchants) of 355 Norwood Road 4/6d for cod, plaice, skate and whiting
5. H.W. Good & Son (Fancy Bread and Biscuit Bakers. Refreshment Contractors. Cooks and Confectioners) of 222 Norwood Road 5/0½d for bread

6. London & Suburban Meat Stores (Cash Butchers) of 6 The Parade, Norwood Road £1.16.4d for steak, lights, kidneys, suet, chops, rib of beef and shoulder of mutton
7. W.H. Smith & Son (Booksellers and Newsagents) of Tulse Hill Railway Station 5/9d for various papers and magazines, including the *Church Times* and *South Africa* (a weekly journal focussed on South African affairs)
8. Frederick J. Lockwood (Watchmaker, Jeweller and Silversmith) of Tulse Hill Railway Approach, Norwood Road 6d for gold pencil case repair
9. Drs Burgess, Brock & Stamm of 20 Streatham Hill, London SW £20 (roughly £3,100 in today's money) "for professional attendance during 1905 to decease"
10. Charrington, Smith, Dale & Co of 120 Norwood Road £1.12.0d for 1½ tons of coal
11. R. Berry Laundress 16/1d
12. General Rate £1.8.5d
13. Gas bill

All these bills, apart from the doctors', were paid by Louisa Phillips, Charlotte's first cousin, the daughter of her Uncle Henry, on instructions from Ralph Sadler. She wrote to him on 7th November:

Dear Mr Sadler,

I received your letter and note what you say about servants wages being paid by Charlotte out of the house-keeping money.

I am returning you with this the account of bills, wages, etc. which you kindly wrote out before you left "Dereham" on the 3rd. The bills have been paid – the servants have had their wages, gas account settled, and I want you to notice that with regard to the General Rate for which you allowed £2.16.10 only half that amount has been paid, the collector being under the impression the house will be vacated by the ½ quarter. (Nov. 11th) should, however, the house be kept on one day longer, we must pay the other half.

I have therefore instead of £10 -- £11.8.5. to account for.

faithfully yours,

Louisa Phillips

It appears that either Sadler, or more likely Eddowes, paid Charlotte a monthly allowance for housekeeping expenses and that there was a balance of cash in the house out of which Louisa Phillips could pay the outstanding tradesmen's bills. The balance which Louisa paid to Eddowes was, in fact, only £1.17.1d. Sadler had stayed overnight at The Inns of Court Hotel, 267 High Holborn W.C. on 1st and 2nd November at a cost of £1.1.0d, including two breakfasts and one dinner; he had dined in the London & North Western Railway Saloon at a cost of 4/- on his return journey to Sutton.

There was another letter from Dora Wordsworth dated 12th October:

I cannot well remember the contents of Miss Phillips' Will although it was read by you – I think it would be convenient that I should have a copy of the will, which I can refer to if necessary. I shall be much obliged if you would be good enough to have a copy made and send it to me. If there is any expense connected with making the copy I shall be pleased to pay it.

Eddowes' charge was 4/8d which Dora paid by postal order on 20th October. Next came a letter from Mr Leask the partner in the firm of Glasgow Solicitors Messrs Robert McClure & Leask, telling Eddowes something he already knew:

Referring to your letter of 2nd inst., to Mr T. Leask, Ardrossan, and my reply, I have received a notice from the Scottish Reversionary Company, Limited, 32 Charlotte Square, Edinburgh, claiming payment of a legacy of £500, to which they say they are entitled as assignee of the late Mr F.W. Phillips. I understand that Mr F.W. Phillips borrowed money on his expectancy, from the said Company. You will please note this.

Two more letters from Mr Tyler arrived in mid-October, one asking where Miss Phillips was buried and the other more or less repeating his letter of 6th October about the furniture. Eddowes needed a valuation for estate duty purposes of the specific bequests in Charlotte's will, and he instructed Mr H.J. Bromley Valuer & Estate Agent of 8 Knights Hill Road, West Norwood, London SE to see to this. He valued the oil painting, china, silver and plated items given to Ralph Sadler at £12.6.0d, the oil painting given to Richard Sadler at £3.3.0d, the engravings and oil paintings given to Mona Benson, the grandfather clock and fish slice given to Margaret Paul and his father's likeness and masonic jewels given to Edmund Fennell Phillips at £14.8.0d lumped together, and the remaining personal ornaments and trinkets furniture and household goods given to Dora Wordsworth at £5.

Thomas Leask was back in England by 21st October and he wrote to Eddowes from Kingsley Hotel, Hart Street, Bloomsbury Square, London:

I arrived from S. Africa yesterday. I was very sorry to have the news, at Madaira [sic], of Miss Phillips' death. I was looking forward to seeing her today. I go to Ardrossan on Tuesday and will set about realizing Mr Phillips' estate. I fear the securities will not realize nearly as much as the cost. You doubtless have a copy of the will, if so can you give me the addresses of the several legatees? I do not know the address of any of them. All are alive, so far as I know, with exception of F.W. Phillips and he ceded his interest to an insurance coy. Please write to Ardrossan and oblige.

On 24th October Eddowes wrote to the pecuniary legatees named in Charlotte's will informing them of the amount of their legacy, but adding "it is however doubtful whether the estate will realise sufficient money to permit of the legacies being paid in full". The legacies totalled £2,270 (over £340,000 in today's money), but the value of Charlotte's assets fell far short of this figure. She had been comfortably well off during her lifetime, being in receipt of an annuity of £60 from her uncle Edmund Phillips' estate and the income from her brother George's estate, but by how much the legacies in her will would need to be abated depended on the size of the residue of her brother's estate after payment of the legacies in his will. Her own investments consisted of six small shareholdings, namely 10 £1 Glencairn Main Reef Gold Mining Company shares, 25 £1 New Primrose Gold Mining Company shares, 40 Consolidated Gold Fields of South Africa shares, 50 Block B Langlaagte Estate Gold Mining Company shares, 40 Consolidated Langlaagte Mines shares and 20 Bradford Dyers' Association preference shares. This preponderance of gold mining shares, no doubt recommended by her brother, perhaps explains why she subscribed to the *South Africa* weekly journal. Charlotte also had a bank account with the London & South Western Bank of 127 Holland Park Avenue, London (now part of Barclays Bank), with a balance of £102.19.3d (approximately £16,000 today) at the time of her death.

Two of the legatees replied to Eddowes' letter. Harriet Winter of 33 Ernest Street, West Norwood, London SE, wrote on 27th October:

Sir,

I beg to acknowledge the receipt of your letter of the 24th telling me that I am entitled to a legacy of £20 from my former mistress Miss Phillips. I am Sir yours obediently

Harriet Winter

[ps] *My maiden name was Harriet Jeffries I married after leaving Miss Phillips service*

Miss Elizabeth Charlotte Taylor of 1 Marland Villas, Chislehurst, Kent wrote on 29th October:

Sir,

I thought I had better acknowledge your letter you would then know I had received it safe

yours Respectfully

Miss E C Taylor

Another letter from Mr Tyler arrived on 2nd November:

On receipt of this will you kindly let me have for Mrs Brookman an Order to see the effects at Miss Phillips house at Tulse Hill.

So far as I can see the missing effects are not of great value and I would suggest that Miss Phillips Estate pay £10.10.0. for them. I am unable to make this offer definitely to you as Mr Edmund Phillips who is in St Petersburg has to be consulted. You will perhaps however consider the matter.

There are two Trustees here Mr Edmund Phillips being the third Trustee and the two Trustees here would arrange so soon as the question of the missing articles is cleared up for the removal of the furniture forthwith to a Repository.

(xii) Ann Phillips' will

In addition to dealing with the estates of George and Charlotte Phillips, there was one matter relating to the estate of Ann Phillips, who had died in 1896, which Eddowes had to see to. In her will Ann had given her "Wedding Gift namely Diamond Ring Bracelet and Pendant Brooch" to Charlotte for her lifetime; after Charlotte's death the ring was to go to Janette Elizabeth Cooke, the bracelet to Constance Anna Gosnell, now Mrs Reynolds (Edmund Phillips' second wife's niece) and the brooch to Hannah Gosnell (Constance's mother) or if she died before Ann to Maudie Gosnell, now Mrs Oakley (Constance's sister). However, Charlotte did not want to have the bracelet and brooch, which were passed to Constance and Maudie straightaway. Eddowes had taken possession of the ring and he wrote to Miss Cooke on 6th November to ask her what to do with it. She replied two days later, writing from Swardeston, Norwich:

Dear Sirs,

In answer to your letter of the 6th inst. for which I thank you; I will be obliged if you will send the ring referred to to

*Mrs J.E. Lyon
Broadwalk Hotel
De Vere Gardens
Kensington*

by registered post.

Yrs truly

Janette Elizabeth Lyon

née Janette Elizabeth Cooke

P.S. I am at present staying with my brother Mr F.W. Cooke, Registrar of the Norwich County Court.

There are some margin notes endorsed on Eddowes' copy of Ann Phillips' will, made in 1896:

Miss Phillips retains the ring for life. The duty of 18/1 for which Miss Cooke is liable has been paid – The Bracelet has been given to Mrs Reynolds and the brooch to Mrs Oakley (née Maud Gosnell) – Duty 10/3 has been paid on the bracelet – No duty seems payable on the brooch as the total benefit taken by Mrs Oakley is sub £20.

A further note was subsequently added:

The diamond ring sent to Mrs Janette Elizabeth Lyon at Broadwalk Hotel De Vere Gardens Kensington 14/11/05.

Specific bequests under the value of £20 were exempt from legacy duty; the same exemption previously applied to pecuniary legacies, but was withdrawn in 1881.

Eddowes needed details of the probate of George Phillips' will and he wrote to ask Thomas Leask for this information, who replied on 2nd November:

I am in receipt of your favour of yesterday. I have sent probate of the Will of G.A. Phillips to my Solicitors and am asking them to inform me the date and place of proof of the Will and I will let you know. I am enclosing cheque for £28.9.2. being balance of interest due to Miss Phillips at time of her death. Kindly acknowledge recpt. and let me know if you find it correct.

I also enclose letter from my Solicitors in reply to my enquiring re F.W. Phillips legacy and shall be glad to have your opinion on the question.

So far as I know the Securities will bring about £4800 which is much less than they cost, but on the other hand the gold shares that were sold are worth at present £2000 less than they were sold for.

In other words, putting the whole estate in railway shares proved to have been a poor investment, but had Phillips' gold mining shares been retained that would have been even worse.

(xiii) Differences of legal opinion

The letter dated 1st November from Messrs Robert McClure & Leask to Thomas Leask raised some legal points which needed to be resolved:

George A Phillips' Trust

We have looked into the question of the title of the Scottish Reversionary Company's claim to the £500 legacy left by the deceased to Frederick William Phillips. The Reversionary Company's title seems to be in order, with this one remark – that in the assignment to them, the vendors [the Hand-in-Hand Fire & Life Insurance Society] make the following statement:- "And Whereas the Mortgagor (F.W. Phillips) made default in payment under the said mortgage and the said sum of £150 remains due with arrears of interest thereon, and the vendors' power of sale has arisen and in execution thereof, etc."

In Scotland, we require some evidence that notice had been given of the default. It may be that according to English law no notice was required. Perhaps the Agents for Miss Phillips' executors may be able to put you right on this point.

What we intended pointing out, however, is that we have a doubt whether the legacy ever vested in F.W. Phillips to the effect of enabling him to assign it, seeing he predeceased the term of payment. We are aware that every effort is made by the Scotch Courts to preserve the legacy to the legatee or his heirs or assignees but the point being an English one, we do not care to take it upon

ourselves to advise you that the legacy had vested. We think you should refer this point to the Agents for the Executors, who have more interest than any other, to go fully into the matter.

Leask's solicitors were suggesting that because Frederick did not survive Charlotte there was the possibility that the legacy lapsed and was never vested in Frederick, and therefore he had no right to mortgage it to the Hand-in-Hand Insurance Society and they had no right to sell it to the Scottish Reversionary Company. The next letter from Leask dated 6th November suggests that his solicitors had become more decided in their opinion:

I am obliged to you for the addresses of the several legatees. The net amount realised from sale of the securities is £4860 and there is a sum of £9 in my hands not invested. There will be some expense to my solicitor but this should not be great. The money for securities is payable on the 15th inst. and it should not be long after that date when I can hand over to the executors of Miss Phillips estate the residue.

The document re cession of F.W. Phillips legacy was sent for examination to my solicitor. He took a copy of these which I now send you. He is still of opinion that according to Scotch Law the legacy did not vest until after the death of Miss Phillips. It is for the Executors of Miss Phillips will to say whether I am to pay this legacy or not and the same will refer to the legacy to the Miss Jones who died.

Eddowes was pretty certain that under English law a reversionary interest vested in the legatee provided he survived the testator and if he died before the legacy was payable it did not lapse but became part of his own estate. However, to be on the safe side he decided to take Counsel's opinion. He sent a hand-written case to his London Agents, Messrs Kingsford Dorman & Co, on 9th November, who passed it to Mr Joseph Gatey of Lincoln's Inn; he had been admitted as a solicitor in 1877 and called to the bar in 1880. The case is worded as follows:

George Arthur Phillips deceased

Case for the opinion of Mr Gatey

By his will dated the 2nd May 1895 George Arthur Phillips of Gubulawayo in Matabeleland but temporarily in Klerksdorp nominated constituted and appointed his sister Sarah Ellen Charlotte Phillips as sole heiress of all his estate real and personal movable and immovable the real and immovable property to be sold by his Executor and the proceeds from the sale thereof to be invested together with the personal estate for the sole benefit of his said heiress who should be entitled during her lifetime to draw the interest accruing from the capital but should have no right to touch draw upon or diminish the said Capital itself and the Testator declared that after the death of his said heiress the said Capital should be divided among the persons and in the sums thereafter set forth namely

To Harold Phillips and Louisa Phillips the sum of £1000 and £500 respectively

To Dora Wordsworth the sum of £500

To Thomas Leask the sum of £500

To Eliza Jones Henrietta Jones and Lucy Jones the sum of £50 each

To Alice Wargeston the sum of £500

To Frederick William Phillips the sum of £500

And if there was any residue after the payment of the foregoing legacies the testator desired that his Sister and sole heiress should dispose thereof by her Will as she should deem fit

Testator appointed the said Thomas Leask his Executor

Testator died on the 14th April 1896 on board the steamship "Roslin Castle" and was buried at sea

His said Will was proved in the Principal Registry on the 1st September 1895 by the said Thomas Leask

Henrietta Jones one of the legatees died on the 9th September 1903 and Frederick William Phillips another of the legatees died on the 27th May 1904

The capital of Testators estate has been invested in British Railway Stock and the income has been paid to the said Sarah Ellen Charlotte Phillips up to the date of her death which occurred on the 1st October 1905

She made a Will dated 8th June 1903 by which she (inter alia) exercised the power of disposition aforesaid and appointed Mr Ralph Stanley Sadler and Mr Herbert Macaulay Eddowes Executors

The question has arisen whether the legacies to Henrietta Jones and Frederick William Phillips who both died before the date at which the capital sum under George Arthur Phillips will became divisible were vested legacies and consequently transmissible to their respective representatives or whether the legacies lapsed by reason of the death of the legatees before the date named for the division of the capital sum

Mr Leask the Executor of George Arthur Phillips will is advised by his Solicitors that according to Scotch Law these legacies lapsed but the Executors of Sarah Ellen Charlotte Phillips Will are of opinion that the legacies did not lapse on the ground that the true construction of the Will the bequests are in terms immediate although the payment of them is postponed

The question is of great importance to the Executors of Sarah Ellen Charlotte Phillips Will and Counsel will please to advise them

- 1. Whether on the construction of the Will of G.A. Phillips the legacies to Henrietta Jones and Frederick William Phillips were vested in the legatees or not.*

Papers herewith

- 1. Copy will of George Arthur Phillips*

Mr Gatey endorsed his no-nonsense opinion in a neat hand on the back cover of the case on 10th November (remarkably only the day after Eddowes had signed the case):

Opinion

I have no information where the Testator was domiciled at his death apparently his residence was in Rhodesia, his will was actually made elsewhere and he died at sea on his return to some part of the United Kingdom [actually en route to South Africa from England]. The effect of his will on legacies depends on the law of his domicile. The 2 legatees in question survived the Testator and died before the tenant for life, but the legacies were vested legacies and passed to their representatives and there was no lapse according to English Law.

It is suggested that by Scotch Law there would be a lapse. I do not know what Scotch Law has to do with the matter unless the Testator was domiciled in Scotland. If he was not so domiciled, the law of Timbuctoo would appear to be equally relevant – or irrelevant.

I do not profess to be an expert in Scotch Law and it is perhaps presumptuous to offer any view on that difficult subject, but such limited ideas I have on the subject are that on this point Scots Law corresponds with the English and that even by Scots Law the representative of the legatees are entitled and there is no lapse.

Mr Gatey was correct in saying that a will is interpreted according to the law of the country in which the testator was domiciled at the date of his death. Domicile is different from residence or nationality; it means “the country that a person treats as their permanent home”. For example, a person who was born in England but spends most of his working life abroad, returning to England from time to time for short periods but intending to retire there is domiciled in England, even if he dies abroad. In some cases it is not easy to decide what a person’s domicile is, but it seems fairly clear that George Phillips was domiciled in England, just as Thomas Leask was domiciled in Scotland, not in South Africa. There

is nothing to suggest that George had a connection with Scotland apart from his friend and executor being Scottish. Kingsford Dorman & Co sent the opinion to Eddowes on 13th November who forwarded it to Thomas Leask on the following day.

(xiv) Probate of Charlotte Phillips' will

In the meantime Ralph Sadler swore the oath as executor of Charlotte's will "that we will well and faithfully administer according to law all the Estate which by law devolves to and vests in the personal representatives of the said deceased" on 6th November in the presence of Cornelius Hale Saunders, a commissioner for oaths of 37 Temple Row, Birmingham, and on the next day Eddowes signed it in the presence of Fredric Bill, a commissioner for oaths who lived at 'The Firs', Four Oaks. A week later, on 14th November, probate of the will was granted to the executors by the Principal Probate Registry of His Majesty's High Court of Justice. The probate included a certificate "that an Affidavit for Inland Revenue has been delivered wherein it is shewn that the gross value of the said Estate within the United Kingdom amounts to £814.15.2" and "that it appears by a Receipt signed by an Inland Revenue Officer on the said Affidavit that £14.15.6 for Estate Duty and interest on such duty has been paid, the duty being charged at the rate of £2 per cent".

Mr Tyler wrote again about the furniture on 8th November:

I am today sending Messrs Charles Taylor & Son of St Georges Road Southwark S.E. a list of the articles to be moved and warehoused by them subject to my clients approving their terms and I should be obliged by your letting me have an authority to Miss Wordsworth to allow Messrs Taylor to take the articles.

The articles Messrs Taylor will be instructed to remove are those in the Schedule sent less the articles given up and the articles missing and also the following articles which Mrs Brookman is going to take away viz:-

A mahogany frame toilet glass 22 X 16 with moulded platform.

A French timepiece in an ormolu case with blue painted china dial and plaque mounts shade and ebonized stand.

A mahogany frame toilet glass with moulded platform plate 24 X 16.

A wheel barometer and thermometer in oak case.

I enclose you a separate authority to Miss Wordsworth to allow Mrs Brookman to take these four articles.

Mr & Mrs Brookman will I expect go to the house on Saturday to take these articles away. Messrs Taylor will probably move the other articles next week.

Kindly let me know by return of post whether you have authorized Miss Wordsworth as above because I do not want to send Messrs Taylor or Mr & Mrs Brookman to the house before the authority reaches Miss Wordsworth.

The two authorities requested were signed by Eddowes on 9th November, and were taken by Ralph Sadler to London, where he stayed overnight at the Hotel Victoria, Northumberland Avenue W.C. He wrote two letters from the hotel on 10th November, the first to Mr Tyler:

You will no doubt have heard this morning from Mr Eddowes. I have today been at Dereham and met a representative from Messrs Taylor Son there, looking over the Furniture to be removed.

It will be convenient to Miss Wordsworth if you can give them instructions to remove it on Tuesday next and if this is arranged I shall be glad if Messrs Taylor Son will send Miss Wordsworth a post card to say what time they will be there.

I have left with Miss Wordsworth the authority to allow Mrs Brookman to take away the four articles mentioned in your letter to Mr Eddowes of the 8th inst. and also a form of Receipt to be signed for them.

Under Miss Phillips Will the Masonic Jewels and Portrait of Mr Edmund Phillips are left to Mr E.F. Phillips and I thought possibly Mrs Brookman would take care of these until he came home.

The second letter was to Eddowes:

Dear Herbert,

I hope I have done a fair days work today. I saw Mr Dorman this morning and he advises the case to be given to Mr Gatey to advise and will therefore do so.

I then went [to] Dereham and found Taylor Sons representative there to see the amount of Furniture to be removed and give estimate for removal of same to Mr Tyler, Miss Wordsworth would like it removed on Tuesday before she takes her things out and I have written Mr Tyler to this effect.

We sorted out the China [given to Sadler in Charlotte's will], I brought some away and have instructed a man to pack the pictures and remaining articles and send them to Euston for me tomorrow.

I think the House can be given up next week and I have told the Landlady she can send up and enquire on Wednesday.

I saw Mr Bromley he has the valuation ready all but adding up I gathered there is no Specific Bequest over £20 except of course Miss Wordsworth.

The people who are packing my pictures offer to deliver the Grandfather Clock [given to Margaret Paul] at Earls Court for 10/6 it must be sent away in the course of next week – the same man is packing and sending off the pictures to Miss Benson. I shall very probably go down mid-day tomorrow to see all is in order and make further enquiries about the Papers etc. I don't know what time I shall get home tomorrow. I must go to Birmingham in good time on Monday, if you have nothing particular on Sunday morning after church, I wish you would give me a call or any time in the afternoon.

The schedule of "furniture of which Miss Phillips was to have the use for life and at Dereham at the time of her death" has a memorandum endorsed on it by Sadler:

Mem Nov 14 the above Articles were removed by Messrs Taylor Sons on behalf of Mrs Brookman and warehoused with the exception of those above stated and marked ----- which were sent to Mrs Brookman.

A separate note on the schedule, initialled LP by Louisa Phillips, states that the invalid's bed table was given by Mrs Brookman to Dora Wordsworth. It seems that after all Mrs Brookman did not herself collect the four items she wanted to have immediately, as the receipt for them is signed by Joseph Lanner, who also signed a receipt for "the likeness of and Masonic Jewels belonging to the late Edmund Phillips" on behalf of Edmund Fennell Phillips.

Margaret Paul lived in Rome and she wrote to Eddowes on 10th November:

Gentlemen,

I beg to acknowledge the receipt of your letter of Nov. 6th informing me of the legacy so kindly left to me by Miss Phillips. I shall be much obliged if you will have the clock and the fish slice carefully

packed and forwarded to me c/o Roesler Franz & Co. Via Condotti, Rome, Italy. I shall of course be willing to pay necessary charges. Please note that 23 Piazza di Spagna Roma is my permanent address.

*Believe me
Yours sincerely
A Margaret Paul*

Ettore Roesler Franz (1845-1907) was a prolific and commercially highly successful Italian watercolourist. Via Condotti and Piazza di Spagna are extremely fashionable streets in the centre of Rome.

The tombstone erected in Downham Churchyard and inscribed to the memory of Charlotte's brothers George and Frederick was supplied by A. Yeatman & Sons Monumental Sculptors (Opposite & Adjoining Cemetery, West Norwood), who sent a reminder for payment on 14th November. Charlotte's will stipulated that the tombstone should be "at a cost of Thirty pounds" (rather than "not exceeding £30" which would have been more sensible) and it appears that Yeatman's bill came to precisely that figure. They also charged £45.10.0d. for undertaking Charlotte's funeral.

Another letter was written by Ralph Sadler to Eddowes from his home address 'The Leasowes' on Tuesday Evening the 14th November:

Dear Herbert,

Phillips

Thanks for sending up your Clerk with Counsels opinion on the Case, there is now no doubt on the matter and I note you are sending a copy to Mr Leask.

I note other matters in your letter and sent you the Fish Slice to send away and get receipt.

I have a letter from Mr Tyler in reply to the one I wrote it seems all right and I hope they are fetching the things away from Dereham today.

I have a letter from Miss [Louisa] Phillips reminding me I did not acknowledge the receipted Bills I gave you on Sunday. I did not do so intending to speak about them when there last week please look through them and see they are right.

She also says Miss Wordsworth would be glad if I could make it convenient to be there on Friday, so am writing that I will go. I must go to Birmingham early in the morning 9.40 but will look in to see you on my return probably 4.50

In the meantime please look into matters and make a memorandum of any matters I can attend to, I may go to London Thursday or early Friday but shall know tomorrow night

I hope this journey will wind matters up.

*Yours sincerely
R. Stanley Sadler*

Sadler wrote again on the following day:

I was detained upon an important matter in Birmingham this afternoon and could not get out before the 6 oclock and found you had left the office and just missed you at the Club

I have decided to go to London tomorrow by the 5 oclock train but should like to see you before I go and will come down to the office in the morning, if however you are going to B'ham please leave all papers with Perry that I might want, lists of Phillips Furniture etc. and I will see you in B'ham about 2.30

Yours in haste

The Club referred to was built three or four years earlier as part of the building of a new branch of Lloyds Bank on the corner of High Street and Midland Drive. According to the planning application dated 21st May 1900, it consisted of a reading room, card room and bar on the first floor and a billiard room and bar on the second floor, above two shops on the ground floor. (see *Cross o'th' Hand and the Stone Tenement High Street Sutton Coldfield* by Janet Jordan www.sclhrg.org.uk). Messrs Eddowes & Son had a branch office at 69 Temple Row, Birmingham, having moved there from 7 Waterloo Street in June 1894.

(xv) Residue of George Phillips' estate

While Sadler was dashing about between Birmingham and London, Thomas Leask was also busying himself with George Phillips' estate. He wrote to Eddowes on 15th November, mistakenly dating the letter 15th October:

I am in receipt of your letter of yesterday enclosing Counsels opinion re legacy to F.W. Phillips and I will be guided by it.

No time is being lost in getting the estate settled. Today I signed transfers for the stocks sold and the proceeds will be recd in a day or two, when the legacies will be paid and as soon as I know what the expenses are I will remit to you the residue along with statements of the administration of the estate from the Commencement.

There was another letter from Leask six days later:

I enclose statement of G.A. Phillips Estate made by my solicitor from documents I gave him. He informs me that £4850.11 has been paid to my account into the Royal Bank of Scotland London. That with the amount in my hands £8.12.3 = £4859.3.3

<i>Deduct legacies</i>	<u>3650</u>
	<i>£1209.3.3</i>
<i>Solicitors a/c say</i>	<u>12 -- --</u>
	<i>£1197.3.3</i>

I give these figures in the mean time to enable you to get probate of Miss Phillip's [sic] will. My Solicitor does not yet know what the exact amount of his account will be but said it would not exceed £12. I shall of course send you all documents and vouchers when I receive them. Shall I send cheque for the residue to you?

It appears that Leask made a loss of £1,679.05d on the sale of the railway stocks and shares, which equates to approximately £178,000 in today's money. Leask should have heeded the proverb, first coined by Cervantes in *Don Quixote*, "don't put all your eggs in one basket", which remains the first rule of all investment policies.

Even though Leask had not received his solicitor's account, he sent Eddowes a cheque for £1,197.3d on 24th November, which he paid into a joint bank account in the names of himself and Sadler on the following day.

(xvi) Correspondence about missing furniture

A letter from Mr Tyler dated 22nd November shows that the question of the missing articles of furniture had not yet been resolved:

Miss S.E.C. Phillips

I am obliged by the production of the Probate and Will which I now return to you.

With respect to the receipt to be signed by Mr E.F. Phillips I think it would be useless for me to send same to him in Russia just now as letters which I have written to him are without reply and moreover it is expected that he will be coming to England very shortly.

With respect to the payment of the balance of annuity I think that the claim in respect of the missing articles of furniture should be adjusted before a cheque is sent for the balance of annuity.

The First Russian Revolution began in January 1905, which involved widespread social unrest, workers' strikes and military mutiny in protest against the autocratic rule of Tsar Nicholas II, who was forced to establish a democratic legislative assembly, to halt censorship and to grant freedom of association. The postal system was completely disrupted by a general strike in Moscow in October. The annuity mentioned in the last paragraph of Tyler's letter was that of £60 given to Charlotte by the 1878 will of Edmund Phillips. Eddowes replied by suggesting that the balance of the annuity should be paid straightaway as it had no connection with the missing furniture. Tyler disagreed, writing on 7th December:

The balance of annuity is due to your clients Estate and your clients Estate is liable to pay for the missing articles. Your suggestion therefore as to payment of the annuity without arranging the question as to payment for the missing articles appears to me to be to say the least unbusinesslike.

What are your clients Executors prepared to offer for the missing articles?

Tyler subsequently paid Eddowes £11.10.8d. As the annuity was payable on the usual quarter days (25th March, 24th June, 29th September and 25th December) In arrears and as Charlotte died on 1st October, it seems that a full quarter was due to her estate, which means that around £3.9.0d was deducted for the missing articles, considerably less than Tyler's first suggestion of £10.

(xvii) Distringas placed on sale of shares

The reason why Leask's solicitors had not produced their account is explained in a letter they received from Messrs Dickson & Holman, Stockbrokers of 16A Tokenhouse Yard, London E.C. dated 27th November:

G. Phillips' Trust

Among the securities sold by us recently for above account, and transferred from the name of Mr Thomas Leask, was £1000 South Eastern Yly [Rly] Coy Vested Companies Stock. The purchasers of this Stock have received a letter from the Company stating that a distringas was placed on the Stock by Messrs Nicholl Mainsby & Co, of 1 Howard Street, W.C., and has not been removed. We should feel obliged if you would give this matter your attention at the earliest possible moment.

Messrs Robert McClure & Leask replied to this letter:

Please see the official letter of the 18th inst., in which it was pointed out that Messrs Bruce Kerr & Burns had already delivered a form 1 to account for the legacy duty payable on this legacy and that the same was assessed.

A second account cannot therefore be assessed.

It is noted, however, that F.W. Phillips, the legatee, was illegitimate. He was described in the assessed account as a "descendant of a brother", and the duty offered at 3 per cent. Further enquiry will now be made of Messrs Bruce & Co.

Leask wrote to Eddowes on 6th December, enclosing copies of these two letters:

The documents enclosed will explain the delay in getting the estate of Geo. A. Phillips settled. The distringas, whatever that means, seems to be removed as I have notice from the Railway company that transfer of the shares will be passed unless they hear from me objecting.

Nicholl Mainsby & Co were the agents for the Company that advanced F.W. Phillips money on his legacy. Bruce Kerr & Burns are agents for the Company that claims the legacy. They knew that Phillips was illegitimate.

P.S. all the other legacies are paid.

A distringas was originally a writ commanding a sheriff to seize (or distrain) a person's goods to pay a debt. It was later used as a caveat to prevent money being paid to the wrong person. There is some confusion between Dickson & Holman's letter in which they say that the distringas was placed by Nicholl Mainsby & Co who, according to Leask, were acting for the Hand-in-Hand Insurance Society, and Robert McClure & Leask's reply which implies that it was placed by the Inland Revenue. If Nicholl Mainsby & Co placed the distringas, to prevent the legacy of £500 being paid to Phillips' estate instead of to the Hand-in-Hand Insurance Society, they should have removed it when that company sold its interest to the Scottish Reversionary Company. As mentioned above, legacy duty was payable at different rates depending on the relationship between the testator and the legatee. Brothers or their descendants were liable to pay 3%, but illegitimate children were not classed as blood relations and had to pay the same rate as "strangers in blood", which was 10%. Inland Revenue Form 1 was the form whereby the Revenue was notified of a legacy which was liable for legacy duty. If, therefore, Bruce Kerr & Burns told the Inland Revenue that Frederick was a descendant of George's brother rather than a stranger in blood, they were wrong in law and the Revenue had a claim for extra duty of £35 (7%). It must be assumed that, as the legacy had not yet been paid, the amount the Scottish Reversionary Company eventually received was £450. This would mean that they made a handsome profit over and above their outlay only a year and a half previously, calculated at around £265, or £39750 in modern values.

(xviii) Unpaid loan

The amount Eddowes received from Leask as the residue of George Phillips' estate was not sufficient for the legacies in Charlotte's will to be paid in full. Eddowes was aware that George had lent a friend a sum of money and he queried why its repayment did not appear in the statement of account. Leask replied on 25th January 1906:

I am in receipt of your favour of 22nd inst. and in reply I fear there is not much likelihood of obtaining payment from Mr Gates of his p/n [promissory note]. I had correspondence with him and succeeded in seeing him once in London when he assured me that he was in poor circumstances and also stated that Mr Phillips knew the money was lost and did not expect it to be paid, at same time seeing I had the p/n on behalf of the estate he would do all in his power to pay it. I tried to see him in London later but failed to find him. I mentioned the matter to Miss Phillips. She knew all about the transaction and assured me that the loan was purely an act of friendship as her brother and Gates were very old friends in their younger days, and she assured me that her brother would not, if alive,

press his old friend whom he knew was "hard up". Under the circumstances and seeing I could not find Gates I was unable to do anything further.

(xix) Winding-up of estates nears completion

Before Charlotte's shareholdings could be sold the probate of her will had to be registered with the various companies. Apparently, there were no official copies of the probate, which meant that the original had to be sent to each company in turn, and some delay was caused by two or three of the companies being slow in returning it. This exercise took from mid-November to the first week in February. Ralph Sadler then arranged for the sale of the shares through his stockbrokers, T.E. Barnes of 15 Newhall Street, Birmingham, who sent Eddowes a cheque for £324.19.0d on 9th February and a further cheque for £41.18.9d on 22nd February.

In the meantime, Thomas Leask wrote to Eddowes on 16th February asking him for a discharge of his trusteeship of the estate of George Phillips. Eddowes responded on 21st February enquiring what form of discharge he had in mind. Leask replied:

I hardly know what sort of document it is necessary for me to receive from the Executors of Miss Phillips estate but I think if they are quite satisfied that every thing is in order it would be better for all parties that they give me a formal Deed of Release.

Eddowes sent him a draft Deed of Release, which Leask thought was "all that could be required ". Six weeks passed without the Deed being signed and Leask wrote again on 11th April, somewhat tersely:

I have been expecting deed of discharge of which you sent draft, re my Trusteeship of the estate of G.A. Phillips.

This is the last letter on the file, so it must be presumed that the Deed was duly completed. Perhaps Eddowes wanted to complete the winding-up of Charlotte's estate before letting Leask off the hook, or perhaps Ralph Sadler was disgruntled seeing that the large reduction in the size of the residue of George's estate, caused by Leask's unwise investment policy, resulted in Ralph's legacy of £575 being abated by over £200.

(xx) Statement of account

The remaining documents on the file are two draft statements of account and various Inland Revenue forms. One statement of account, endorsed with a note "F.C. [fair copy] 12/3/06 sent to Somerset House with legacy a/cs for assessment", reads as follows:

Miss S.E.C. Phillips deceased
Executors Statement of Account

Receipts

Cash received from London & South Western Bank account standing to Testatrix's credit at date of death	102.19.3
Cash received from T. Leask Esqre. residue payable to this Estate under the Will of G.A. Phillips deceased	1197.3.3
ditto being proportion of Income to date of death	28.9.2
Miss L. Phillips balance in hand after payment	

<i>of Housekeeping expenses</i>	1.17.1
<i>Bradford Dyers Association ½ years dividend due 31st December 1905</i>	9.6
<i>Miss Benson cash received for Board etc</i>	2.10. -
<i>Proceeds of Sale of 20 Preference Shares of Bradford Dyers Association</i>	21.2.6
<i>ditto 10 Shares in Glencairn Main Reef Gold Mining Company</i>	7.2.6
<i>ditto 25 Shares New Primrose Gold Mine Comp.</i>	69.7.6
<i>ditto 40 Shares Consolidated Gold Fields of South Africa</i>	227.9. -
<i>ditto 50 Shares Block B Langlaate Gold Mine Comp.</i>	23.15. -
<i>ditto 40 Shares Consolidated ditto ditto</i>	18.15. -
<i>Cash received from Eddowes & Son balance in their hands at date of death</i>	9.18.11
<i>Tyler J S proportion of Annuity to Testatrix to date of death</i>	<u>11.10.8</u>
	<u>£1722.9.4</u>

It appears that Mona Benson, who was the recipient of two engravings and two small oil paintings under Charlotte's will, was a lodger at 'Dereham', no doubt assisting to care for Charlotte in her last days, but making a contribution to her board and keep.

Payments

<i>Lloyds Bank Limited Cheque Book</i>	2.6
<i>Yateman [sic] & Sons Funeral Expenses</i>	45.10. -
<i>Stepple Mrs Rent of House to Xmas when tenancy released</i>	17.16.2
<i>Simple Contract Debts</i>	28.2.9
<i>Bromley H Y Valuers Fee</i>	3.3. -
<i>The "Times" Advertisement for Creditors</i>	3.15. -
<i>Norwood News ditto</i>	17. -
<i>Burgess Brock & Co Doctors Charges</i>	20. -. -
<i>amount expended in the erection of a Stone in Downham Churchyard as requested by the Will</i>	30. -. -
<i>Inland Revenue Estate Duty and Fees</i>	55. -. -
<i>ditto Legacy Duty</i>	129.4. -
<i>Eddowes & Son Solicitors Charges re Assignment to F.W. Phillips deceased including disbursements</i>	10. -. -
<i>ditto Solicitors Charges and Disbursements</i>	75. -. -
<i>Sadler R S Trustees out of Pocket expenses</i>	10. -. -
<i>Legacies paid in the proportion of £57 to the £100</i>	

	<i>Legacy</i>	<i>Proportion Paid</i>
<i>Sadler R S</i>	375.0.0	213.15.0
<i>ditto</i>	200.0.0	114.0.0
<i>Sadler R H</i>	375.0.0	213.15.0
<i>Wordsworth Miss</i>	1000.0.0	570.0.0
<i>Gayford Miss</i>	200.0.0	114.0.0
<i>Taylor Miss</i>	20.0.0	11.8.0
<i>Hill Miss C</i>	20.0.0	11.8.0

Winter Mrs (formerly Jeffries)	20.0.0	11.8.0	
Wharton Miss	40.0.0	22.16.0	
Eddowes H M	20.0.0	<u>11.8.0</u>	
			1293.18. –
Balance			<u>11</u>
			<u>£1722.9.4</u>

A previous draft of the statement included an additional payment of £126.9.8d. in respect of “Amount received from Mrs Edwards Trustees being Testatrix’s interest in F.W. Phillips Estate”. A note made on Inland Revenue Form No. 3 throws some light on this narrative:

Note. The deceased’s interest in the Estate of F.W. Phillips has not yet been proved. The title of Phillips to the property included in the Affidavit on his Estate is very doubtful but immediately the facts have been determined a communication will be made thereon to the Estate Duty Office and the Legacy Duty etc if any will be paid.

It seems that Phillips (presumably Charlotte’s brother, not her nephew) left her a property, or some asset, the ownership of which was in dispute and Eddowes was not optimistic that anything would be recovered. The figure of £126.9.8d may have been put in the first draft statement as wishful thinking; the statement also puts all the legacies in at their original figure and shows that the total receipts fell far short of the total payments. The note also probably explains the payment of £10 in the statement for “Eddowes & Son Solicitors Charges re Assignment to F.W. Phillips deceased including disbursements”. Presumably, Eddowes spent some time in trying to establish ownership of the disputed property or asset and is likely to have taken Counsel’s opinion, which explains “including disbursements”. Unfortunately, there are no documents on the file relating to this matter. The two Frederick Phillips, father and son, were somewhat of a trial to Charlotte during their lifetimes and continued to be troublesome after their deaths. Who Mrs Edwards was is a mystery.

Subsequent amendments were made in pencil to the statement sent to Somerset House; the sum of £9.18.11d for cash in Eddowes’ hands at the date of death was altered to £6.18.11d and the figure of £55 for Estate Duty was changed to £57.13.6d. As a consequence, the legacies were to be paid in the proportion of £56.15.0d to the £100, down from £57 and the total receipts and total payments came to £1719.9.4d, a reduction of £3. There was a declaration in Charlotte’s will that all the legacies should be paid free of duty, which meant that the duty would be payable out of the residue before the balance was given to Dora Wordsworth, but because there was insufficient money to pay the legacies in full, and therefore no residue, this meant that the legacy duty was in fact borne by the legatees.

When applying for probate of Catherine’s will Sadler and Eddowes had stated that the sum due from George Phillips’ estate was £100, which explains why the probate certified that duty of £14.15.6d had been paid, being charged at 2%. The executors signed a Corrective Affidavit on 9th February 1906 to increase the figure of £100 to £1,197.3.3d, giving the following reason for the correction:

At the time when it was desired to prove the will of Miss S.E.C. Phillips it was impossible to tell what the residuary estate of G.A. Phillips would ultimately amount to and therefore a nominal sum of £100 was inserted in the affidavit. The Executors of Sarah Ellen Charlotte Phillips have received from the Executors of George Arthur Phillips the sum of £1197.3.3 in full satisfaction of the interest in his estate.

This increased the gross estate from £814.15.2d to £1911.18.5d and after deducting liabilities of £78.3.3d made a net estate of £1,833.15.0d, which was liable for estate duty at 3%. The increase in duty was £40.5.8d plus 9/3d interest at 3%, which was paid on 14th March. The original probate had to be sent to the Estate Duty Office to be officially stamped with the amendment to the figures.

(xxi) Death duties

Eddowes received the following letter from the Estate Duty Office, Somerset House, London, W.C. dated 13th March:

F58902 1905

Sarah Ellen Charlotte Phillips deceased

It is particularly requested that the above particulars be quoted in all documents connected with this case

Gentlemen,

*I write to inform you that the **claims for duty** referred to overleaf have been entered in the books of this Office.*

*In due course the forms of account should be filled in, and transmitted **by post** to this Office. If desired, they may be left at this Office by hand. Instructions as to the amount of duty payable, and the mode of payment, will afterwards be issued.*

This letter should be preserved, as the claims will not be again explained.

I am, Gentlemen,

Your obedient Servant,

Messrs Eddowes & Son

E Freeth

Secretary.

Observe. – Accountable persons are required by Statute to account for and pay duty as and when it falls due. There is no liability upon the Commissioners of Inland Revenue to apply for duty, and if no application is made the fact cannot be accepted as a reason for non-payment of the duty, or for the remission of **interest**.

Please turn over

*The **claims for duty** are*

*Legacy Duty
on all legacies left by the deceased
except specific bequests in value
less than £20 where the legatee
takes no other benefit*

*Legacy Duty
on the whole of the deceased's
estate – (including property
over which she exercised an
absolute power of appointment*

The forms of account ()*

are –

No. 1

No. 3

(in duplicate)

** Forms of Account can be obtained at this Office, at the Offices of Collectors of Inland Revenue, and at all Money Order Post Offices outside the Metropolitan Postal District.*

Eddowes and Sadler completed an Inland Revenue Form No. 3 on 23rd March. This sets out all the assets in the estate totalling £1,719.9.4d (as previously mentioned) and all the debts and expenses amounting to £301.19.11d (as previously mentioned but excluding the figure for legacy duty). This made a net estate of £1,417.9.5d from which the legacies, in the will totalling £2,270, were payable at the proportion of £62.8.11 to the £100. This apparent increase in the proportion results only from a difference in accounting methods. The higher proportion is before the deduction of legacy duty; Eddowes had previously incorrectly stated the proportion after the deduction of the duty. The final figures payable to the legatees, subject to deduction of the duty, were set out on a hand-written sheet attached to Form No. 3:

<u>S.E.C. Phillips deceased</u> <u>Abatement of Legacies</u>		<i>Amount</i>	<i>Abated to</i>
<i>R.S. Sadler</i>	<i>£200</i>		
	<i>and ½ of £750 = 375</i>	<i>£575</i>	<i>359.1. –</i>
<i>R.H. Sadler</i>		<i>375</i>	<i>234.3.3</i>
<i>D. Wordsworth</i>		<i>1000</i>	<i>624.9 –</i>
<i>A.M. Gayford</i>		<i>200</i>	<i>124.17.8</i>
<i>E.C. Taylor</i>		<i>20</i>	<i>12.9.9</i>
<i>C. Hill</i>		<i>20</i>	<i>12.9.9</i>
<i>H. Jeffries</i>		<i>20</i>	<i>12.9.9</i>
<i>E.A. Wharton</i>		<i>40</i>	<i>24.19.6</i>
<i>H.M. Eddowes</i>		<i>20</i>	<i>12.9.9</i>
		<u><i>£2270</i></u>	<u><i>£1417.9.5</i></u>
<i>(Note: F.W. Phillips predeceased Testatrix)</i>			
<i>Net Estate for Division</i>	<i>£1417.9.5</i>		
<i>or = £62.8.11%</i>			

A second sheet attached to Form No. 3 listed the specific bequests, valued by H.J. Bromley:

<u>S.E.C. Phillips deceased</u> <u>Schedule of Specific Bequests</u>	
<i>R.S. Sadler, picture and value</i>	<i>£12.6.0</i>
<i>R.H. Sadler “ “</i>	<i>£3.3.0</i>
<i>D. Wordsworth, specific articles</i>	<i>£5.0.0</i>
<i>Remaining bequests to</i>	
<i>M.M. Benson)</i>	
<i>E.F. Phillips) Sub £20 each</i>	<i>£14.8.0</i>
<i>M. Paul)</i>	
<i>who take no other benefit under the will</i>	
	<u><i>£34.17.0</i></u>
<i>(not included in Residuary Account)</i>	

As there was no residue there was no duty to pay on Form No. 3. The bequests to Mona Benson, Edmund Phillips and Margaret Paul were exempt from legacy duty as they were under £20. The

bequests to Ralph and Richard Sadler and Dora Wordsworth were liable for duty as they exceeded £20 when added to the pecuniary legacies.

(xxii) Paying the legacies

Eddowes submitted nine Inland Revenue Forms No. 1 to the Estate Duty Office in April. This form starts with a somewhat confusing explanation of when it is to be used:

This Form is to be used for specific Legacies, and for pecuniary Legacies payable out of Real and Personal Estate where the Testator died prior to 1st July, 1888, or after 1st August, 1894; or, where the Testator died between those dates, wholly out of Real Estate or the proceeds of Sale thereof, or wholly out of Personal Estate.

Form No. 11 should be used, where, under the will of a Testator dying after 30th June, 1888, and before 2nd August, 1894, Legacies are payable out of a blended fund of Personal Estate and Real Estate directed to be sold, or are charged on Real Estate in aid of Personal Estate.

By way of example, Form No. 1 in respect of Ralph Sadler's legacies reads as follows:

<u>Name of Legatee, or Next of Kin</u>	<u>Degree of Relationship to be stated in the words of the Act</u>	<u>Describe the nature of the Bequest, and if Residue state what part or share</u>	<u>Value</u>	<u>Rate of Duty per Cent</u>	<u>Amount of Duty</u>
Ralph Stanley Sadler	Stranger in Blood	Pecuniary Legacy Specific	359.1.0 <u>12.6.0</u> <u>£371.7.0</u>	10	37.2.8

The Legacy Duty (as above) is assessed.

SOMERSET HOUSE,
LONDON, W.C.,
19 day of April 1906

By the Commissioners, [signed]
Examiner

The form was returned to Eddowes on 24th April, who immediately paid the duty of £37.2.8d, and the form was receipted on 26th April and stamped with an embossed 'Ten Per Cent Legacy and Succession Duty' stamp and signed by two officials "for Commissioners of Inland Revenue" and signed by a third official under the word "Registered". (All the signatures are illegible.) The form was then returned again to Eddowes, who paid Sadler his pecuniary legacy and obtained his receipt for the net sum of £321.18.4d endorsed on the reverse side of Form No. 1. The process was cumbersome, but was carried out expeditiously.

The net amount paid to the legatees came to £1,273.3.11d. as follows:

R.S. Sadler	£359.1.0	--	£37.2.8	=	£321.18.4
R.H. Sadler	£234.3.3	--	£23.14.7	=	£210.8.8
D. Wordsworth	£624.9.0	--	£62.18.10	=	£561.10.2
A.M. Gayford	£124.17.8	--	£11.9.9	=	£112.7.11
E.A. Wharton	£24.19.6	--	£2.10.0	=	£22.9.6
E.C. Taylor	£12.9.9	--	£1.4.11	=	£11.4.10

C. Hill	£12.9.9	--	£1.4.11	=	£11.4.10
H. Winter	£12.9.9	--	£1.4.11	=	£11.4.10
H.M. Eddowes	<u>£12.9.9</u>	--	<u>£1.4.11</u>	=	<u>£11.4.10</u>
	<u>£1417.9.5</u>		<u>£143.15.6</u>		<u>£1273.3.11</u>

The total legacy duty was £143.15.6d, £55.10.5d having previously been paid for estate duty. Despite the abatement of the legacies, the sum received by Dora Wordsworth was the equivalent of roughly £88,500 in today's money. Eddowes' legacy would be around £1,750 on top of his fee of about £12,000 in modern terms.

It is perhaps significant that Eddowes went out and bought for 4/- *A Practical Guide to the Death Duties and to the Preparation of Death Duty Accounts* by Charles Beatty Solicitor of the Estate Duty Office, Somerset House written in 1905 and published by Effingham Wilson of 54 Threadneedle Street, London E.C. in 1906. Acting as executor of an estate where there was insufficient money to pay the legacies in full may have been a new challenge for Herbert Eddowes and he needed all the help he could get.



46 High Street Sutton Coldfield
where Herbert Eddowes practised as a
solicitor from 1894 to 1936

photograph by Roger Lea (c. 2003)