

Correspondence between Thomas Wharton Jones, F.R.S. ... and James Whatman, F.R.S. ... respecting a portrait of Mr. Wharton Jones' great-grandmother, Mrs. Mary Philips, (née Freeman), and certain papers relating to the above family of Philips, now represented by Mr. Wharton Jones, in the possession of Mr. Whatman.

Contributors

Jones, Thomas Wharton, 1808-1891.
Whatman, James, 1813-1887.
Tweedy, John, 1849-1924
Royal College of Surgeons of England

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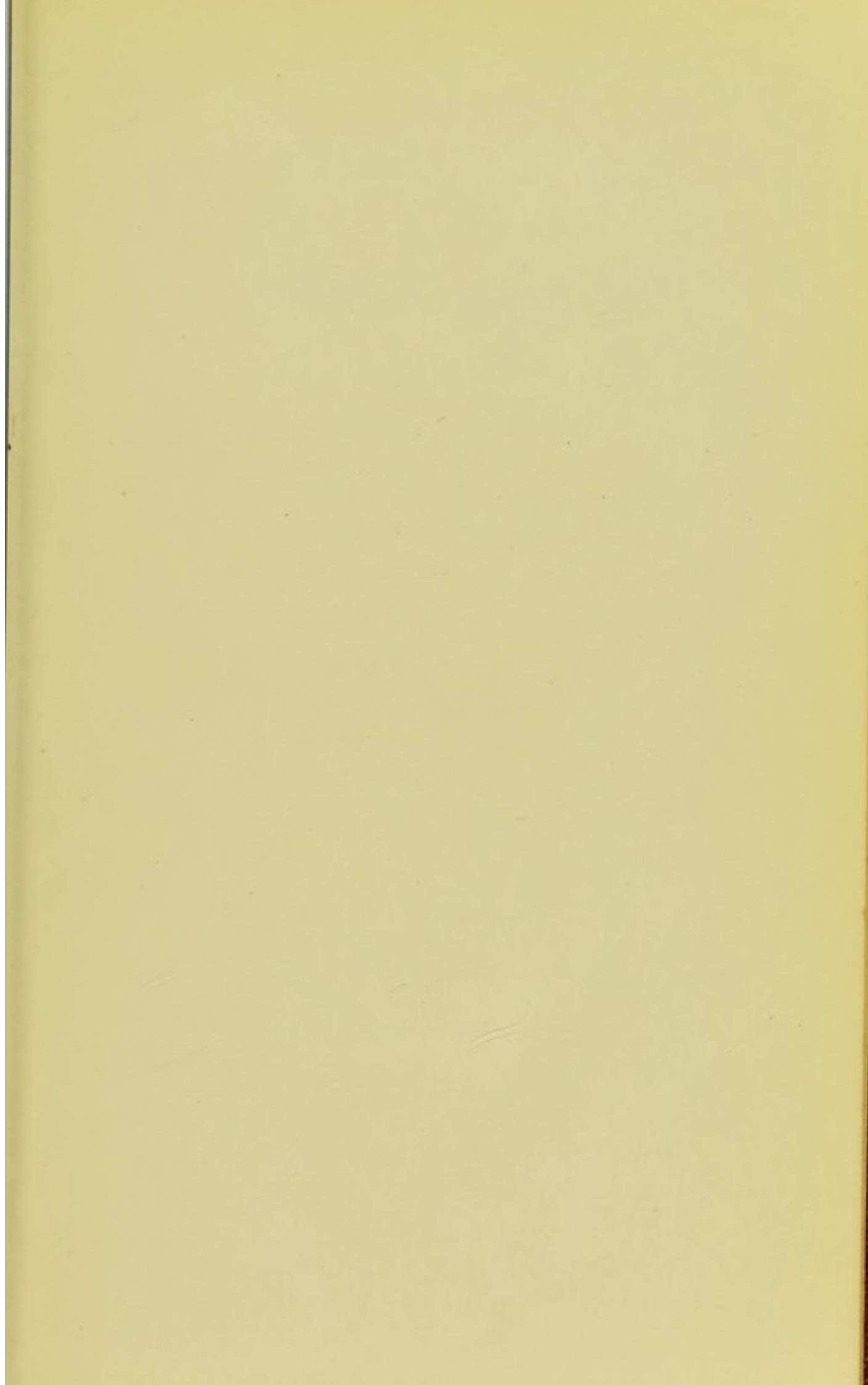
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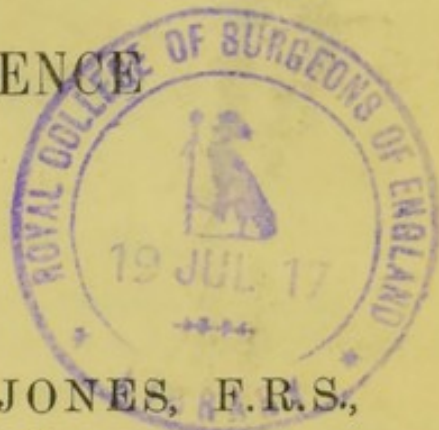
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J. Meedy
100 Harley St
W

Tracts 1779. (1)

CORRESPONDENCE

BETWEEN



THOMAS WHARTON JONES, F.R.S.,
OF 35, GEORGE STREET, HANOVER SQUARE, LONDON;

AND

JAMES WHATMAN, F.R.S.,
OF VINTERS, NEAR MAIDSTONE, KENT;

RESPECTING A PORTRAIT OF MR. WHARTON JONES' GREAT-
GRANDMOTHER, MRS. MARY PHILIPS,
(NÉE FREEMAN);

AND

CERTAIN PAPERS RELATING TO THE ABOVE FAMILY OF
PHILIPS, NOW REPRESENTED BY
MR. WHARTON JONES,

IN THE POSSESSION OF MR. WHATMAN.

EXHIBIT

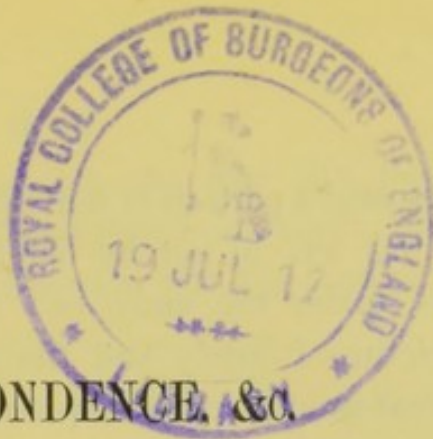
THE STATE OF NEW YORK
IN SENATE

JANUARY 18, 1907

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
ON THE PROGRESS OF THE LANDS BELONGING TO THE STATE

ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS
1907

IN THE SENATE



CORRESPONDENCE, &c.

Mr. Wharton Jones to Mr. Whatman.

35, George St., Hanover Square, W.,
London, July,* 1862.

DEAR SIR,

HAVE you any memoranda in your possession from which you could ascertain for me the date and place of death of my great-grandmother, Mary Philips, *née* Freeman—the mother of the late Commissioner Philips, of Edinburgh? If so, you would oblige me if you would supply the information. I am desirous of the information in order to explain the meaning of some memoranda of my grandmother which I have, bearing on another branch of the family.

I have applied to certain members of the Freeman family with whom I have recently become acquainted, and they have kindly given me all the information in their power, and have, besides, placed at my disposal their very curious and interesting pedigrees; but I have failed to acquire the exact information mentioned above as that which I desire. I have found at Doctors' Commons the will of my great-grandfather, Charles Philips, her husband, from which I learn that she was living when he died, in 1747. Whilst from the Freeman pedigree, as well as from a paper in my possession, giving an account of the distribution of the estate of Robert Freeman (who died intestate), I learn that she was dead in 1787.

* This letter is printed merely from the original draft, an exact copy of it as sent not having been preserved. There may, therefore, be some slight verbal differences. The date was some day about the end of July.

I possessed a portrait of her eldest brother Arthur Freeman, which was left to her by her husband, Charles Philips, in his will, under the name of "Brother Freeman's Picture." This picture I lately had the satisfaction of presenting to the great-grandson and representative of Arthur Freeman, by whom and the various members of the family it has been received with pleasure and interest. In his will, Charles Philips also bequeathed to his wife, Mary Philips, the portrait of his mother, her own and "the children's pictures," as well as "Brother Freeman's." The picture of his mother, Martha Philips, *née* Elliston, I have; but the picture of Mary Philips, herself, you have. I do not know where the "children's picture" is. Have you it?

The acquaintance which I have recently formed with the Freeman family—all people of rank and position—and the interest they have taken in Arthur Freeman's portrait, as also in the fact, which I told them of, that the portrait of my great-grandmother, Mary Philips, *née* Freeman, still exists, have raised in me anew the desire which I have long had to possess the picture. It would be conferring a very great favour on me, therefore, as well as on the Freeman family, if you would kindly give me the picture, which, after all, can be of no real value to you or your family. I have a very fine miniature of her husband, my great-grandfather, Charles Philips.

If you would like to talk with me on the subject, I will be happy to call on you any time you may appoint, or if you prefer it, I shall be happy to see you here.

I remain, dear Sir,

Yours truly,

T. WHARTON JONES.

P.S. My late aunt told me that she believed Mary

Philips married a second husband, the Rev. Mr. Beighton, of Egham. I have examined that gentleman's will, but there is no indication in it of his connection with the family.

To this letter Mr. Whatman wrote in reply:—

Mr. Whatman to Mr. Wharton Jones.

Vinters, Maidstone,
August 5th, 1862.

DEAR SIR,

I DELAYED writing to you until I should be able to search for the information you want about the life and death of Mary Philips, *née* Freeman. I am sorry to say that I cannot find any mention at all of her. Charles Philips, her husband, appears to have died in November, 1747, and his sister, Carola, about 1781. Martha Byam Philips is stated to have married, secondly, "Thomas Beighton, Clerk," and to have been living on December 16th, 1751: *where* is not mentioned.

You probably already possess more information of other contemporary members of your family than I do. There are not many of these old papers here. There is a small portrait profile, which has always been called the mother of Mr. R. E. Philips. It is drawn too large in proportion to the canvas and therefore looks worse than it is. You are quite welcome to it. Had it been more ornamental I should not be able to give it, because my father made everything of that kind heir-looms, and amongst these a larger portrait of Mrs. Philips. Should you wish, however, to have it copied, you have only to send whom you please to do it. I do not know anything of the "picture of children" which you mention.

I am, dear Sir,

Yours truly,
JAMES WHATMAN.

Mr. Wharton Jones to Mr. Whatman.

IN reply to the preceding letter, Mr. Wharton Jones wrote, asking how the picture offered him by Mr. Whatman could be forwarded to London, and inquiring if there was a photographer at Maidstone competent to take a photographic copy of the "larger portrait" of Mrs. Mary Philips (Mr. Wharton Jones' great-grandmother). Mr. Wharton Jones, at the same time, begged Mr. Whatman to give him a description of this "larger portrait."

N.B.—Mr. Wharton Jones not having preserved a copy of his letter to Mr. Whatman, cannot give the exact words, but the above is the sum and substance of the letter.

Mr. Whatman's reply was as follows:—

Mr. Whatman to Mr. Wharton Jones.

Vinters, Maidstone,
August 14th, 1862.

DEAR SIR,

I CAN put Mrs. Philips' portrait into a proper box and send it to you at any time. There is a very good photographer at Maidstone (Week Street). He exhibits annually at the Photographic Gallery, and some smaller works just now at the International Exhibition, up stairs.

John Cruttenden, jun., Week Street, Maidstone.



Life size; dress, white; body, dark; background rather

dark, with some foliage; face slightly turned to the right, and altogether an elegant picture in good condition. I conclude that you possess the names of Mr. R. E. P.'s father, grandfather, and great-grandfather. If you care to send me an outline of what you have, I will with pleasure add anything I can from the few papers here.

Believe me,

Yours truly,

JAMES WHATMAN.

By return of post Mr. Wharton Jones wrote the following letter, and enclosed the documents referred to in it:—

Mr. Wharton Jones to Mr Whatman.

35, George Street, Hanover Square, W.,
London, August 15, 1862.

DEAR SIR,

IF you will cause the picture to be put into a box and forwarded to me, I shall be much obliged.

I shall write to Mr. Cruttenden about the photograph.

I enclose you an outline of the four families of Elliston, Philips, Freeman, and Byam, and will be much obliged by any additions you can make to it in regard to names, dates, &c.

I also enclose for your perusal a copy of Mr. R. E. Philips' father's (my great-grandfather's) will. I have, by searching at Doctors' Commons, at last discovered the date of my great-grandmother's (Mrs. Mary Philips') death, as you will see from the outline.

I remain, dear Sir,

Yours truly,

T. WHARTON JONES.

Mr. Wharton Jones wrote to Mr. Cruttenden respecting a

photograph of the picture in question, but waited to hear from Mr. Whatman before giving any order. Mr. Whatman, however, not having answered the preceding letter, nor returned the documents mentioned therein as enclosed, up to November 18, 1862,—a period of three months,—no order was given.

On that day (Nov. 18, 1862) Mr. Wharton Jones again wrote to Mr. Whatman as follows:—

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.
London, November 18, 1862.

DEAR SIR,

IN your letter to me of the 14th of August last, you were kind enough to say that you could put my great-grandmother's (Mrs. Philips') portrait into a box and send it to me at any time. You were also kind enough to say that if I sent you an outline of the Philips' genealogy, so far as I knew it, you would add anything you could from the few papers you have.

In answer, I enclosed you a genealogical outline, and also a copy of the will of my great-grandfather, Charles Philips, with a request to have them returned with any remarks you had to make.

I have been expecting to hear from you ever since; and not having heard, I now write to remind you.

Yours very truly,

T. WHARTON JONES.

P.S. I would have written to you sooner, but the illness and death of my dear and much-respected mother prevented me from attending to such matters.

T. W. J.

To this letter Mr. Whatman replied as follows :—

Mr. Whatman to Mr. Wharton Jones.

Vinters, Maidstone,
November 23, 1862.

DEAR SIR,

I WAS prevented returning your papers and sending you the picture as soon as I had hoped to do, and then seeing in the newspaper the loss you had sustained, I postponed my intention a little too long. However, I expect to send to you within a very few days.

I am,

Yours very truly,

JAMES WHATMAN.

Not having heard from Mr. Whatman, as promised, up to April 28th, 1863,—a period of five months,—Mr. Wharton Jones again wrote to him as follows :—

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.,

London, April 28, 1863.

DEAR SIR,

I BEG to remind you that you have not yet returned me the copy of my great-grandfather's (Charles Philips') will, which I sent you last August for your perusal, nor the genealogical sketch of the family of Philips (including those of Elliston, Freeman, and Byam), which I sent at the same time, to receive such additions and corrections as you said you might be able to make from the Philips' papers in your possession.

Not having received the above-mentioned documents back, I wrote to you on the 18th of last November, reminding you of them; and in your reply, dated the 23rd of the same

month, you said you expected to return the papers within a few days. Since then I have been in daily expectation of hearing from you.

Yours very truly,

T. WHARTON JONES.

In answer to this, Mr. Whatman at last returned the documents, with the following singular letter and apology :—

Mr. Whatman to Mr. Wharton Jones.

6, Carlton Gardens, S.W.,

May 1st, 1863.

DEAR SIR,

I HAVE this moment received from Vinters your letter of April 28th. I think I informed you of the delay occasioned by the illness of my mother at Ramsgate.

Shortly before coming to London I took down the picture, and then, to my surprise, became aware that the portrait was not that of the lady whom you and I had supposed it to be. That was the reason I did not send it to you.

I had put your papers together in one envelope, and I thought that I had put my Philips' notes with them, and, fortunately, I brought the packet here with me. On opening it now, I regret very much to find that it contains only your papers. I will send you the others whenever I can, but you will not find the additions important or many.

Apologizing for this delay, I am,

Yours very truly,

JAMES WHATMAN.

Having waited until the 15th of July, 1863,—a period of two months and a half,—without receiving from Mr. Whatman the communication promised in the preceding letter of his, dated May 1st 1863, Mr. Wharton Jones wrote to him as follows :—

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.,
July 15, 1863.

DEAR SIR,

SINCE the receipt of your note of the 1st of May, I have been anxiously waiting your promised communication. As I am engaged in the compilation of Genealogical Notices of the Philips Family, it would save me much trouble if you would at once communicate to me—not merely the extracts which you offered, and which I have been expecting now nearly a year—but the papers themselves, that I may myself judge as to what they may contain suitable to my purpose.

The papers, I need scarcely remark, can be of no use to you. Though they may be very few in number, and to the eyes of an uninterested person, appear not to contain much, I have no doubt but that they would still help me materially in my inquiries.

By recent researches, I have succeeded in discovering, from very slender *data*, much that is both curious and interesting in the early history of the Philips' family, and I expect to trace much more.

As to the portrait which you mistook for one of my great-grandmother, Mrs. Mary Philips, *née* Freeman, of course there is nothing more to be said about it.

The picture however I care about, and must always care about, is that portrait of my great-grandmother, Mrs. Mary Philips, which, as you saw in the copy of my great-grandfather's (Charles Philips') will, which I sent you to look at, was bequeathed to her by him on his death-bed. This picture, I most earnestly again ask you to restore to me. Assured that you cannot but sympathise with me, I do hope that on

reconsideration you will no longer see any impediment in acceding to my request. I remain, dear sir,

Yours very truly,

T. WHARTON JONES.

P.S. May I beg the favour of an early reply?

A whole year having elapsed without receiving any answer to the preceding letter, Mr. Wharton Jones again wrote to Mr. Whatman as follows, enclosing a copy of the preceding letters of Mr. Whatman, dated respectively August 5, 1862; August 14, 1862; November 23, 1862; May 1, 1863.

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.,
London, July 14, 1864.

SIR,

As you have not favoured me with an answer to my letter of July 15, 1863, I presume that you have not now any intention of replying to it, or acceding to the request which I therein ventured again to make. I, therefore, enclose you a copy of your own letters to me, and beg to know how I am to construe them; for without some explanation from you I confess that I feel it difficult to refrain from the conclusion, which I would willingly avoid, that your correspondence with me is open to a charge of disingenuousness.

In the hope that you will lose no time in removing any cause that may exist for such an impression on my part, I refrain on this occasion from making any analysis of our correspondence respecting either the picture of my great-grandmother, on which I place so great a value, or the papers relating to the Philips' family. I consider myself bound however, to inform you that I lately met in Bath, at the

house of Colonel Wickham Freeman, your relative Sir Charles Style, and, in the course of conversation, represented to him the falseness of the position which you occupy by retaining possession of the portrait of my great-grandmother (Colonel Wickham Freeman's grand-aunt), under the idea that your father had made, or indeed could make it, an heirloom.

Trusting that your own good sense will suggest that you cannot allow your correspondence with me to remain open to the charge I have above hinted at, and that you will not fail in what is due to your own reputation as a man of honour and candour, I remain, sir,

Your obedient servant,

T. WHARTON JONES.

To this Mr. Whatman wrote the following answer :—

Mr. Whatman to Mr. Wharton Jones.

Vinters, July 17, 1864.

SIR,

I HAVE to acknowledge the receipt of your letter of July 14th. Its uncourteous tone would fully justify me in not answering it. The tone of your letter of July 15th, 1863, was the reason I left that unanswered. I promised you a certain picture ; but, as I have already explained, I found, on taking it down, that it was not the picture of the lady I had supposed it to be, and therefore it was, as you said, of no value to you. I have two pictures of Mrs. Philips, and therefore I do not see how you can positively claim one as *the* one mentioned in the will you name. I have no reason to suppose, as you seem to think, that Mr. R. E. Philips disposed of property to which he had no right, and therefore I cannot admit your claim to my picture. You are quite welcome to show

my letters provided you show your own with them. Unless you are disposed to apologize for the manner in which you have written to me, I must decline any further correspondence.

I am, Sir,

Your obedient servant,

JAMES WHATMAN.

T. WHARTON JONES, Esq.

In reply to this letter of Mr. Whatman, Mr. Wharton Jones wrote as follows:—

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.,
London, August 13, 1864.

SIR,

I HAVE intentionally refrained from acknowledging the receipt of your letter dated July 17th, 1864, until I could carefully scan, and that more than once, every phrase of my letter to you of July 15th, 1863, the "tone" of which you say was the reason you left it unanswered.

I confess that I can find in it nothing whatever which, in my view, justifies any complaint against it. But, if you will be good enough to point out anything in it which is objectionable, I shall hasten, knowing that there was no intention on my part, when writing the letter, to give offence, to express my regret for it.

I enclose you a copy of the letter, in case you may not have the original at hand.

It is obvious that, until *this* ground of misunderstanding be removed, I ought not to refer to any other portion of your last letter to me.

I remain, sir,

Your obedient humble servant,

T. WHARTON JONES.

To the preceding letter, Mr. Whatman not having made any reply up to December 28th,—a period of more than four months,—Mr. Wharton Jones again wrote to him, as follows:—

*Mr. Wharton Jones to Mr. James Whatman, Vinters,
Maidstone, Kent.*

35, George Street, Hanover Square, W.,
London, December 28th, 1864.

SIR,

I REGRET to find that I am still without a reply to the note which I addressed to you on the 13th of August last.

I was entitled, I imagined, to expect an answer in course of post. For it seems to me, though I may be wrong, that, in ordinary circumstances, a gentleman, making a complaint against another, and who *really* felt aggrieved, would have lost no time in responding to the offer of an apology, which I made, on the cause of offence being pointed out.

I have now only to add, that unless I am shortly favoured with a reply, I must conclude that you decline to state what it is you complain of in respect to the "tone" of my letter to you of July 15, 1863, and that you leave it to *others* to draw the inevitable inference. Meantime

I remain,

Sir,

Your obedient humble servant,

T. WHARTON JONES.

JAMES WHATMAN, Esq.,
Vinters, Maidstone, Kent.

To this letter Mr. Whatman made the following reply by return of post:—

Mr. James Whatman to Mr. Wharton Jones.

Vinters,

December 28th, 1864.

SIR,

THIS evening's post has brought me your letter asking for an explanation. If you received letters charging you with improperly detaining property belonging to another person, which property you believed to have rightly descended and to have been rightly bequeathed to yourself, would you consider such a charge complimentary to yourself or to your predecessor? That is the way in which you have treated me, and unless you withdraw this, I decline to meet you in any way. I have more portraits of Mrs. Philips than you imagine, and I am not aware of any foundation for the charge you were pleased to insinuate, and subsequently to state more clearly. Had I had the smallest idea that you would make such use of the information I gave you at your request, I should not have sent it. I am,

Sir,

Your obedient servant,

JAMES WHATMAN.

In continuation of this correspondence, Mr. Wharton Jones sent the following letter to Mr. Whatman :—

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.,

London, March 16, 1865.

SIR,

I HAVE taken some time to consider your last note, before venturing to reply to it. Indeed, I have gone further ; for, distrusting my own judgment, I have had the correspondence printed, and laid before friends on whose opinion I can depend. They cannot, more than I, discover anything in my letters to justify the construction you put upon them. Your legal possession of the portrait of my great-grandmother, Mrs. Mary Philips (*née* Freeman), I have never disputed. I have only pointed out that while to me, who am her direct representative, the portrait is of peculiar interest, to you, who are no relative at all, it can, at best, have a merely commercial value. And I had hoped that you would have sympathized with my very natural desire to possess it.

In conclusion, allow me to say that, should I not hear from you shortly, I shall consider it to be your desire that this correspondence, of which I enclose you a copy, should close, and that you retain the position you have taken in your letters.

I remain

Sir,

Your obedient humble servant,

T. WHARTON JONES.

JAMES WHATMAN, Esq.,
Vinters, Maidstone, Kent.

The following was Mr. Whatman's reply :—

Mr. Whatman to Mr. Wharton Jones.

Vinters, March 20, 1865.

SIR,

I HAVE to acknowledge the receipt of your letter of March 16th, with printed "correspondence," to which, of course, you will add that letter and my reply. By seeing the letters printed together, I perceive that the intervals between some of your letters and my replies were longer than I had intended, but I was very much occupied at those times by various more important matters. The expressions in your letters to which I principally referred as requiring explanation are in page 11, "This picture I most earnestly again ask you to *restore* to me;" and in page 13 you say, "I represented to him the *falseness of the position which you occupy* by retaining possession of the portrait of my great-grandmother, under the idea that your father had made, or indeed could make it, an heir-loom."* I cannot understand these paragraphs in any other way (and friends to whom I have shown this *printed* correspondence are of the same opinion) than that you accuse me of improperly retaining the picture, and that my father had no power or right to make it an heir-loom. I think that I was justified in considering this uncourteous, and in requiring a withdrawal of it. Your letter of March 16th says, "My friends cannot, more than I, discover anything in my letters to justify the construction you put upon them." Thus you appear to maintain what you had previously written, but you then add, "your legal possession of the portrait I have never disputed,"† which seems quite inconsistent with the para-

* Mr. Whatman here gives an incomplete quotation. See Mr. Wharton Jones' letter itself of July 14, 1864.

† Here, again, Mr. Whatman gives an incomplete quotation. See Mr. Wharton Jones' letter of March 16, 1865.

graph I have referred to in your letter of July 14, 1864, page 13. I must therefore inquire whether you withdraw the former expressions or not.

I am,

Sir,

Your obedient servant,

J. WHATMAN.

In answer to the preceding letter, and in conclusion of the correspondence, Mr. Wharton Jones sent the following communication in print along with all the rest of the correspondence:—

Mr. Wharton Jones to Mr. Whatman.

35, George Street, Hanover Square, W.,
London, June 15th, 1865.

SIR,

I READ your last letter with feelings other than those of surprise, and I have, on that account, taken time to consider it, along with our whole correspondence, before replying. I am glad, in any case, that you have specified the expression, in my letter of the 15th of July, 1863, at which you took offence; for I find myself, thereby, in a position to give the explanation which I offered in my letter of August 13, 1864. At the same time, I cannot refrain from considering certain questions, raised in your letters of the 17th of July and 28th of December, 1864, and into which I have hitherto declined entering.

I should have felt better satisfied if you had, in your last letter, taken the opportunity of giving me some explanation, such as I requested in my letter of July 14, 1864, as to how your letter to me of the 1st of May, 1863, and preceding letters, were to be construed and reconciled with the course you have pursued. But as you have not seen fit to do so, I proceed to address myself to your complaints, prefacing a

few observations on the facts of the case, which, judging from your letters, you are either not fully informed of, or choose to disregard. I commence with a history of the portrait of my great-grandmother, Mrs. Mary Philips, (*née* Freeman),* and how it came into your possession.

Mr. Charles Philips, of Great Queen Street, in the parish of St. Giles, London, who was born in 1708 and died on the 20th of November, 1747, by his will dated the 20th of the preceding month, and proved in the Prerogative Court of Canterbury, November 23rd, 1747, directed, among other things, all his paintings, drawings, &c. (with the exceptions mentioned below), to be sold, and the proceeds to be divided equally among his four children, viz. Charles, Nathaniel, Martha Byam, and Richard Elliston.

The pictures which he directed not to be sold, were:—1st. The portrait of his own mother,—2nd. The portrait of “brother Freeman,”—3rd. The portrait of his wife,—4th. The picture of the children. *These four pictures he specially left to his “dear wife, Mary.”*†

Mrs. Mary Philips, the relict of Charles Philips, married, secondly, the Rev. Thomas Beighton, vicar of Egham, county Surrey, but died in 1755, without having had any issue by him. She left no will, and Mr. Beighton administered to her effects.

In process of time the four children of Charles and Mary Philips grew up. The two eldest, while comparatively young men, died,—married, but without issue.

Martha Byam Philips, the third child and only daughter, who was born in 1742, married, in 1761, Mr. Richard Jones,

* Second daughter of Mr. Thomas Freeman of Antigua, and his wife, Rebecca, daughter of Colonel William Byam, also of Antigua. Born 1720.

† The miniature portrait of my great-grandfather, Charles Philips, which I possess, and which is at present in the Loan Collection at the South Kensington Museum, appears to have been presented by him to my great-grandmother about the time of their marriage in the beginning of the year 1738.

of St. Dunstan's-in-the-East and Norwood, merchant, and had one son, Richard, whose eldest surviving son I am.

Richard Elliston Philips, the youngest child, married Susannah Elizabeth Whatman, your late father's aunt, but, like his brothers, died without having had any issue. My father thus became, as I now am, the representative of the Philips family.

Of the four pictures above mentioned, the first and second came into my possession many years ago, having been delivered to me, as the representative of the family (along with some other family pictures), by my aunt, with whom they had remained from the time of her mother's death in 1801.

The first of the pictures, viz., that of my great-great-grandmother, Mrs. Martha Philips (*née* Elliston),* I still possess.† The second I some time ago presented to Mr. F. F. Thomas, of Ratton, county Sussex, the great-grandson of Mr. Arthur Freeman, whom it represents.

The other two pictures came, apparently after the death of his elder brothers, into the possession of my granduncle, Mr. Richard Elliston Philips, Commissioner of Her Majesty's Customs for Scotland, the youngest child of Charles and Mary Philips, and after his death, without issue, in 1813, remained in the possession of his relict, Mrs. Susannah Elizabeth Philips (*née* Whatman), to whom, by his will, he left everything he had.

Mrs. Susannah Elizabeth Philips, your late father's aunt, who thus came into possession of the portrait of my great-grandmother and the children's pictures (that is, the picture representing my grandmother and her three brothers, while still children), by her will, appointed your father her executor

* Daughter of Mr. John Elliston, of West Malling, co. Kent, who was buried there January 27th, 1707, and whose representative I am.

† I also possess the portrait of her husband, my great-great-grandfather, Mr. Richard Philips.

and residuary legatee. At her death in 1820, accordingly, your father came into possession of the said pictures, along with the papers relating to the Philips family, and other goods and chattels.

Here let me intercalate the remark, that, from this it appears, the portrait of my great-grandmother *did not pass directly from my granduncle, Mr. Richard Elliston Philips, to your father*, as expressions in your letters, dated July 17, and December 28, 1864, might be interpreted as implying.

Of the two pictures in question, No. 4, "the children's pictures," you say, in your letter of the 5th of August, 1862, that you do not know anything of. I have been told that it was among the articles which came under the auctioneer's hammer when your father sold off certain effects after Mrs. S. E. Philips' death.

Picture No. 3, the portrait of Charles Philip's "dear wife, Mary," my great-grandmother, is that which is in your possession at Vinters, and which you say your late father made an "heir-loom" of.

It would thus appear:—1st. That the portrait of my great-grandmother became, by the bequest of her husband, Charles Philips, on his death-bed, her own absolute property.—2nd. That on her marriage with the Rev. Thomas Beighton, it passed to him.—3rd. That, as we find the picture afterwards still in the Philips family, it would appear that Mr. Beighton, after his wife's death in 1755, without any issue by him, had restored it to the guardians of her children, viz., Mr. Nathaniel Philips, "citizen and mercer," her first husband's uncle, and Colonel John Burbydge, of Chertsey, Egham, and Old Windsor, the husband of Charles Philips' only sister.

The eldest of the children, Charles, was at the time of his mother's death only sixteen, and the youngest, Richard Elliston, only ten years old.

That Mr. Beighton had, in his lifetime, given back the portrait of his deceased wife, as well as the three others bequeathed to her by my great-grandfather,* may be inferred from the fact, that there is no mention of the pictures in his will, nor, indeed, of his stepchildren, as I mentioned in the postscript to my letter to you of July, 1862, which was written before I discovered at Doctors' Commons Mr. Beighton's administration to his wife's effects. It also appears:—4th. That the portrait of his mother could have come into the possession of my grand-uncle, Richard Elliston Philips, only after the death of his last surviving brother, Major Nathaniel Philips, who died in 1784 at Chelsea, shortly after his return from America, where he had served on the Staff. His relict, Mrs. Bridget Philips, administered to his effects, and, I presume, restored the picture to Mr. Richard Elliston Philips, who, by his brother's death, without issue, came to represent the family.

In saying that the Rev. Mr. Beighton "restored" or "gave back" the pictures to the family of his deceased wife by her first husband, Charles Philips, from whom they came, I believe that I make use of the expressions most applicable to the circumstances of the case. By right of marriage, the pictures became legally Mr. Beighton's property, so that he could, indeed, have done anything he chose with them,—sold them, burnt them, or given them to any relation of his own, even to the making "heir-looms" of, had they been so inclined. Nevertheless, I think that it would have been using inapplicable language had I said that Mr. Beighton "gave" or "presented" the pictures to his step-family, which their father had, on his death-bed, bequeathed to their mother in such affectionate terms.

In using the words "restored" and "gave back," I feel

* As also the miniature-portrait of my great-grandfather himself, before alluded to in a note.

that I am casting no reflection on the memory of the "honest vicar of Egham," who is eulogised in the epitaph on his monument in Egham church, written by his friend Garrick, as having been the "friend and comfort of the sick and poor;" as having had "no foe;" and as having had for a friend, the Lord Chancellor Camden. A copy of this epitaph, you may remember, I showed you in 1842, and that the name Camden, being written "Campden," you remarked on the orthographical mistake.

Entertaining such a feeling in regard to the use of the word "restore," I cannot see that, whilst not questioning your legal possession of the portrait of my great-grandmother, Mrs. Mary Philips (*née* Freeman, afterwards Beighton), I have, by asking you to "restore" it to me, her direct representative, made use of an expression calculated to give any just cause of offence. I have already said that in using it I intended none (as is evident from the context and whole tenour of my letter), and such an acknowledgment is usually accepted as satisfactory. But be this as it may, I am quite ready, while maintaining the correctness of the facts stated, to adopt any other expression which may seem to be more applicable.

I have already observed that, of the two pictures out of the four specially bequeathed by my great-grandfather, Charles Philips, to my great-grandmother, which came into my possession, I some time ago "presented" one (that mentioned in the will under the name of "Brother Freeman's picture") to Mr. F. F. Thomas, of Ratton, the great-grandson of Arthur Freeman, whom it represents. In this case, I could not have made use of the word "restored," as the picture had never belonged to Mr. F. F. Thomas, or other branch of the Freeman family. It was originally the property of my great-grandfather, and descended to me in the

manner above related. Had the picture originally belonged to Mr. F. F. Thomas's family, and had it only come into my possession in some chance way, though legally enough, I could not have appropriately employed any other expression than "restored." I repeat, therefore, that I cannot see how my using that word can justly be made the subject of complaint.

And it was not with surprise only, that I learn from our correspondence that, because I happened to use the word "restore" in reference to the portrait of my great-grandmother, you, as confessed in your letter of July 17th, 1864, considered the "tone" of my letter of the 15th July, 1863, so objectionable as to warrant the very strong course, for one gentleman to adopt towards another, of leaving my letter designedly and advisedly unanswered.

I must now, in common candour, avow that I am driven reluctantly to think that you have made this complaint as an excuse for adjourning, *sine die*, the fulfilment of the engagements contained in your letter of August 14th, 1862—an adjournment carefully intimated in your subsequent letter, dated the 1st of May, 1863.

Your next complaint is against the uncourteous tone of my letter of July 14th, 1864, and particularly the statement that I had represented to your relative, Sir Charles Style, whom I met at Colonel Wickham Freeman's house in Bath, "the falseness of the position which you occupy by retaining possession of the portrait of my great-grandmother (Colonel Freeman's grand-aunt) under the idea that your father had made, or indeed could make, it an heir-loom."

Whilst my letter of July 15th, 1863, in which the word "restore" occurs, was written without the slightest intention to offend, my letter of July 14th, 1864, was written with the object of recalling your attention to the position in which you

stood towards me. You had not answered my letter of July 15th, 1863, and your correspondence appeared, as I perhaps too frankly avowed, open to a charge of disingenuousness. It was surely, under these circumstances, not for you to complain of want of courtesy on my part, if I suggested that your delay, if nothing more, called for some explanation.

Again, in representing to Sir Charles Style that, in my view, you occupied a false position by retaining possession of my great-grandmother's portrait, on the theory of its being an "heir-loom," I may repeat the observation, which I have more than once made, that I never meant to question the legal right of your father to do anything he chose with that picture. How could I, when, at the very outset of our correspondence, I expressly recognised you as the owner, by alluding to certain occurrences which had excited anew the desire which I had long felt to possess the picture; and by adding that it would be conferring a very great favour on myself, as well as on the Freeman family, if you would kindly give me the picture in question?

Let us look, then, for a moment, at the whole circumstances: that you have legal possession of, and legal right to, the picture, and may call it an "heir-loom" if you please, no one can dispute. But you cannot call the lady it represents *a relative*, and so you cannot call the portrait a *family picture*. What, then, is the meaning of the word "heir-loom" as applied to the portrait of *my* great-grandmother, Mrs. Mary Philips, which was bequeathed to her by my great-grandfather, Charles Philips, which was restored to the family, after her death, by her second husband, Mr. Beighton, and which came into your possession—a stranger in blood—merely because your grand-aunt happened to survive her husband?

I leave it to you to answer this question. I confess I cannot. For, although I do not dispute your legal right

to hold my great-grandmother's portrait as an "heir-loom" of the Whatman family, if you think fit, I respectfully but decidedly deny your moral right to hold the portrait as if it was a family picture, as well as the good taste and propriety of doing so.

I assume, of course, that neither you, your late father, nor other member of your family ever allowed any visitors at Vinters, who may have admired my great-grandmother's portrait (you told me in 1842 that it had been much admired), to go away under the impression that the lady was *represented by*, and that her portrait, therefore, was a *family picture* of, the Whatmans.

But be this as it may, I cannot avoid maintaining—and, in doing so, I disclaim any intention to give offence—that the circumstances of the case appear to show that I did not incorrectly represent to Sir Charles Style the position in which you stand towards me.

My estimate may be erroneous. We are all liable to error, and most of all, when matters of feeling are unavoidably introduced into any controversy. But, in any case, the facts stand and will speak for themselves, and by them I must be judged.

I have thus answered your complaints—whether or not satisfactorily is not for me to decide. Perhaps, therefore, I ought now to close this letter. But the termination of our correspondence in this way has compelled me to reperuse it more carefully than in ordinary circumstances I would have done; and this examination leads me to think that it is still due to myself to notice briefly certain statements in your letters which might be construed as implying an inaccurate account of the matters to which they refer.

In your letter of July 17, 1864, you say: "I have no

reason to suppose, *as you seem to think*,* that Mr. R. E. Philips disposed of property to which he had no right, and, therefore, I cannot admit your claim to my picture." The opinion regarding my grand-uncle, Mr. R. E. Philips, which you here attribute to *me*, is not to be found in any of my letters, nor is there a single expression in them which could be so interpreted. Your words also convey, by implication, an allegation which I have already shown to be incorrect, viz., that the picture came directly to your father from Mr. Richard Elliston Philips.

The statement that *I* seem to think that Mr. R. E. Philips disposed of property to which he had no right, I consider a grave and uncalled-for accusation.

You may probably not be aware that, in consequence of the early death of my grandfather, Mr. Richard Jones, in 1767, my father came under the guardianship, first of his grand-uncle, Colonel John Burbydge, and subsequently of his uncle, Mr. R. E. Philips. From Mr. R. E. Philips my father always experienced the kindness of a father. I have before me, at this moment, letters to my father from him of dates extending over a long period. One, on the occasion of my own birth, in which he congratulates my father and mother in the most affectionate terms. Others written shortly before his death, in which the same kindness is manifested. The last letter, when on his death-bed, was written by his wife; but the faltering handwriting of the frank shows how unable he was to do more than trace his initials. I have, consequently, been accustomed from my childhood to regard Mr. R. E. Philips with feelings of the sincerest affection, and he was, I know, held in the highest estimation by my father and mother, and, indeed, by all who knew him.

It is due, therefore, to his memory as well to myself, that I should repudiate your insinuation that I could have

* The italicising is mine.

supposed it probable that *he* disposed of property to which he had no right.

The mode in which the portrait of his mother came into the possession of Mr. R. E. Philips has been explained. In leaving all that he had to his wife, he did nothing but what was usual and right. But of one thing I feel assured, that, in so doing, he never contemplated the possibility of her taking such an advantage of his confidence in her as to alienate from his own family, with whom he had, down to his death, maintained such affectionate relations, his own mother's portrait, which had been bequeathed to her in his father's will with such tender solicitude. Mr. Richard Elliston Philips was the very last person capable of supposing that his widow would ignore his own family, and, addressing your father in her will, speak of the Philips portraits under the name of "the family pictures."*

It may no doubt be said, and I will, for her sake, assume, if you wish it, that she, as a member of the Philips family, had a right to use the expression. But then, your father could only accept these portraits, such as they were. According to your account, however, he treated them as pictures of the Whatman family, and you have, as yet, evinced no disposition to do otherwise.

Again, in your letter of December 28, 1864, you say: "Had I had the smallest idea that you would make such use of the information I gave you at your request, I should not have sent it."

What information, allow me to ask, have you given me?

The correspondence shows clearly that I have obtained

* In justice to Mrs. Susannah Elizabeth Philips I ought here to mention that she did not thus alienate the miniature-portrait of my great-grandfather, Charles Philips, but bequeathed it to my aunt, by whom it was delivered to me.

from you no information whatever. So far from your having supplied information respecting the Philips papers, the object of all my letters, it will be seen, was to reiterate requests for the information which you as often delayed.

In your letter of August 5, 1862, there is some semblance of information being given, but the statement confounds Mrs. Martha Byam Jones (*née* Philips) with her own mother, Mrs. Mary Philips (*née* Freeman), so that, had I not known better, I should have been misled.*

A few words, in conclusion, on the tone of your letters, to which my attention has also been unavoidably directed. I have observed:—

1st. The care taken to avoid mention of my great-grandmother, Mrs. Mary Philips (*née* Freeman, afterwards Beighton), by any other designation than “Mrs. Philips”—thus not distinguishing her from Mrs. Martha Philips (*née* Elliston), her husband’s mother, or from Mrs. Susannah Elizabeth Philips (*née* Whatman), the wife of her son, Mr Richard Elliston Philips.

2nd. The care taken to avoid any direct acknowledgment of my being the representative of my great-grandfather and great-grandmother, Charles and Mary Philips, and the manifest disinclination displayed to refer to the will of my great-grandfather, Charles Philips, a copy of which I sent you for perusal, in which he bequeaths to his wife her own portrait, that, namely, which has given rise to this controversy, if it may be dignified with such a name.

3rd. The confounding, in your letter of August 5, 1862, of my great-grandmother, Mrs. Mary Philips, with her own daughter, my father’s mother.

* I ought here to remark that the knowledge which I now possess regarding the family about two hundred years ago, has been, by considerable trouble, obtained from wills, parish registers, &c.

4th. The care taken to avoid any acknowledgment of Mr. Richard Elliston Philips as my grand-uncle.

5th. The endeavour, in your letters dated August 14, 1862, July 17, and December 28, 1864, to confound the identity of that portrait of my great-grandmother which was bequeathed to her by her husband, Charles Philips.

These peculiarities, considered by themselves separately, might have been accidental, but taking them together, and especially in conjunction with the facts, 1st, of your retaining possession of my great-grandmother's portrait, under the plea that your late father had made it an "heir-loom," as if it was a family picture of the Whatmans, and 2nd, of your withholding from me information from the papers relating to the Philips branch of my family; I cannot altogether resist the impression that they evince a desire to ignore me as the representative of the Philips family, although what object you could have in view in desiring any such thing is a question which immediately arises.

Such a question it seems difficult to answer. It might, indeed, be suggested that your object is to appear as the representative of the Philips family yourself. And now, that I think of the communication which took place between us in 1842, the supposition might not appear so far-fetched.

You will doubtless remember that in the early part of that year, you wrote to me inquiring if my grandmother's maiden name was "Martha *Bryan* Philips," and if I would grant you an interview. I replied that my grandmother's maiden name was "Martha *Byam* (*not Bryan*) Philips," and added that I would be happy to see you if you would call. Your object you may perhaps not remember at this moment; but it was to ask me, as the representative of the Philips branch of my family, to sanction the then proposed assumption by you of the name of Philips.

Your father was living at the time, and I presume this application to me was made with his concurrence.

Herein, you necessarily acknowledged my position as the representative of the Philips* family, although it was for the purpose, apparently, of inducing me to relinquish it, so far as that could be done, in order that you might assume the semblance of it yourself.

I find it, however, difficult to believe that you and your late father ever entertained the idea of being considered the representatives of the Philips branch of my family.

I must, therefore, reject the hypothesis above hinted at, and will not attempt to elucidate the question any further, for I confess that I cannot, either in this or in other respects, perfectly appreciate or understand the principles which have dictated your line of action.

I remain,

Sir,

Your obedient humble Servant,

T. WHARTON JONES.

P.S. I have printed, as you desired, my last letter to you, with your reply. And, as the present communication is the last with which I shall venture to trouble you on the subject, I have thought it as well to send it to you in print also.

JAMES WHATMAN, Esq.,
Vinters, Maidstone, Kent.

* Or rather "Philipps," as it was written by my ancestor (time of the Commonwealth and Charles II.), Charles Philipps, of Nashleigh, co. Bucks, the great-grandfather of my great-grandfather, Charles Philips.

J. Tweedy
100 Harley St
W

(2)



ADDITIONAL CORRESPONDENCE

BETWEEN

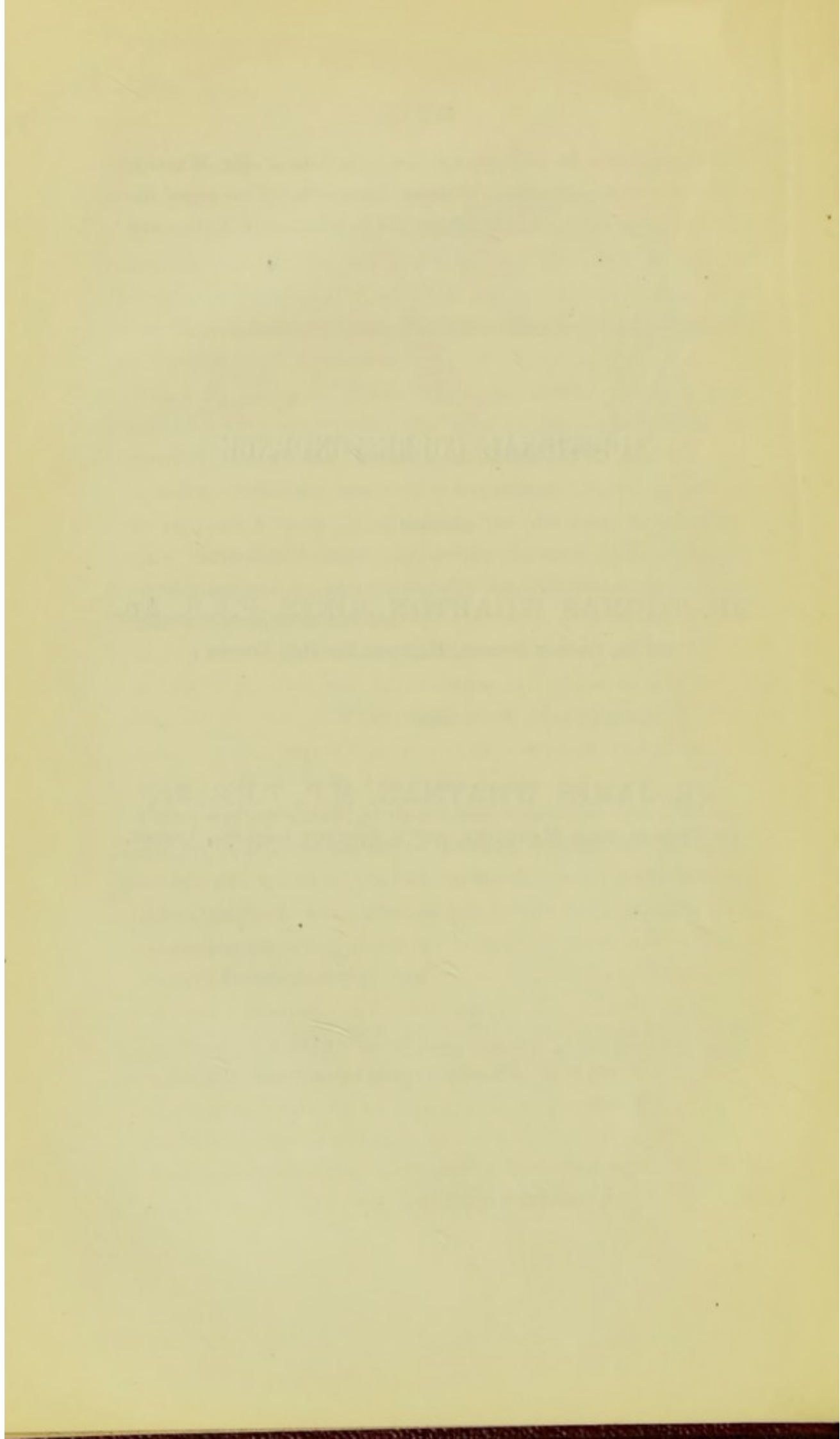
MR. THOMAS WHARTON JONES, F.R.S., &c.,

OF 35, GEORGE STREET, HANOVER SQUARE, LONDON;

AND

MR. JAMES WHATMAN, M.P., F.R.S., &c.,

OF VINTERS, NEAR MAIDSTONE, AND 6, CARLTON GARDENS, LONDON.



Twenty-one months had elapsed from the date of Mr. Wharton Jones' last letter, when Mr. Whatman unexpectedly re-opened the correspondence. The following are Mr. Whatman's letter and Mr. Wharton Jones' reply.

Mr. James Whatman to Mr. Thomas Wharton Jones.

6, Carlton Gardens,
March 24th, 1867.

SIR,

JUST before I came to London, last month, I found the pamphlet which you sent me containing a correspondence which passed between us. Considering your treatment of my letters, which were, I confess, too carelessly written, and of course were never intended for publication, but were supposed to be part of a private correspondence between two gentlemen, I was content to let the matter drop; and not to say that which might be offensive to you, I did not further reply. Now, you ought to be aware, though perhaps you are not, that I am well acquainted with the position of your family in Edinburgh, whilst Mr. and Mrs. R. E. Philips lived there, and that after the death of the latter, my father continued to them, and to yourself in particular, that pecuniary assistance which gave you a start in life. I never alluded to this before, nor do I willingly do so now. If I recollect right, you began the correspondence by sending me some papers, which I read and returned to you with information which you asked for. Beyond complying with your request I paid no particular attention to your papers, as they did not otherwise concern or interest me. Finally, on the strength of the information so obtained, you demanded as of right a portrait which belongs to me. In doing this you overlook the fact that Mr. Philips had, and I have, two portraits of this same lady, and that you could not identify either of them, even if you

had a right to one of them. I must now remind you that your family in Edinburgh must have known these portraits hanging up in Mr. and Mrs. Philips' house there, and yet they never claimed either of them. I believe I have mentioned enough to show the unreasonable nature of your demand, as well as the strange course you have adopted. It is needless to notice your other remarks.

I am, sir,

Your obedient servant,

JAMES WHATMAN.

T. W. JONES, Esq.

Mr. Thomas Wharton Jones to Mr. James Whatman.

35, George Street, Hanover Square, W.,
November 19th, 1867.

SIR,

Your letter, bearing date the 24th of March last, and which was dropped into the letter-box of my door on the afternoon of that day, between four and five o'clock, duly reached my hands.

In the concluding paragraph of my letter, dated June 15th, 1865,* I took leave of you, and the question between us, and thus gave you an opportunity to allow our correspondence to come to an end. Up to this time you have availed yourself of that opportunity; but now, an uneasy consciousness of the position in which you stand towards me seems to have urged you to come forward again, in order, apparently, to relieve your mind by saying something "which might be offensive to" me. This attempt, however, can only recoil on yourself in a manner similar to that in which your recent *escapade*†

* Printed correspondence, page 32.

† See the 'Parliamentary Reports,' and leading articles in the 'Standard' and 'Times' for April 10, 1867.

in the House of Commons did. I might well, therefore, have refrained from any notice of your letter, were it not that by leaving certain statements therein uncontradicted, I might seem to admit their accuracy. It is this consideration alone, which has at last compelled me to take my pen in hand. And, certainly, it is by no means an agreeable task on which I enter, viz., an examination in detail of your allegations and insinuations.

You begin by saying that just before you came to London, in February, you "found the pamphlet containing our correspondence;" but that, "considering" my "treatment" of your "letters," you were "content to let the matter drop; and, not to say that which might be offensive" to me, you "did not further reply."

You here express yourself so obscurely, that I cannot understand whether you mean that it was only in February last your attention was given to the printed copy of our correspondence, which I sent you in June, 1865; or whether, having read it again before coming to London, you altered a resolution you had made two years ago to let the matter drop, and accordingly determining, at all hazards, "to say that which might be offensive," wrote the letter which I have now before me.

The "treatment" of your letters by me, of which you complain, I presume consists in my having had them printed; for you go on to remark that they "were too carelessly written, and of course were never intended for publication, but were supposed to be part of a private correspondence between two gentlemen."

I will not affect surprise at the character you give your letters of being "carelessly written;" but when you speak of them as "never intended for publication, but part of a private correspondence between two gentlemen," I would recall your

attention to the singular character of your letter to me, dated May 1, 1863,* and to the circumstance that you left unanswered my letter to you dated, July 15th, 1863.†

Though I had reason, therefore, to consider that you had forfeited all claim to have your letters “supposed to be part of a private correspondence between two gentlemen,” I still gave you an opportunity in my letter, dated July 14th, 1864,‡ to put yourself right. This, however, you not only failed to do, but, in your reply, dated July 17th, 1864,§ said, “You are quite welcome to show my letters, provided you show your own with them;” and in your other letter, dated March 20th, 1865,|| in reply to mine of the 16th of the same month,¶ enclosing a printed copy of the first part of our correspondence, you said, “I have to acknowledge the receipt of your letter of March 16th, with printed ‘Correspondence,’ to which, of course, you will add that letter and my reply.”

So much, and no more, for the inference you attempt to raise, that *your* part of our correspondence was entitled to that consideration which the private correspondence of a gentleman is entitled to; and that I had, without due warning, and without your full knowledge and consent, improperly given publicity to your letters.

As to the letter now before me, I must assume that you do not expect it to be treated with that consideration which the private correspondence of a gentleman is entitled to, that you do not consider it “carelessly written,” and that you “intend” it “for publication.”

Your next allegation is in these terms:—

“Now, you ought to be aware, though perhaps you are not, that I am well acquainted with the position of your

* Printed correspondence, page 10. † Ibid., page 11. ‡ Ibid., page 12.

§ Ibid., page 13. || Ibid., page 18. ¶ Ibid., page 17.

family in Edinburgh whilst Mr. and Mrs. R. E. Philips lived there, and that after the death of the latter my father continued to them, and to yourself in particular, that pecuniary assistance which gave you a start in life. I never alluded to this before, nor do I willingly do so now."

By this statement, which I should say *is* "carelessly written," you obviously intend to imply, *in the first place*, that whilst 'Mr. and Mrs. R. E. Philips' lived in Edinburgh my father and his family lived there also, and were in receipt of "pecuniary assistance" from them.

I do not know from what source you have derived this information, which I must confess I was not before possessed of. It could not have been from your late father, if the statements in a letter from him to me, dated March 8th, 1832, and now before me, are to be relied on. But whatever may have been the source of your information, I shall venture to supplement it by a short narrative of facts, and references to documents in my possession.

In the first place, let it be premised that Richard Elliston Philips, the youngest of the three sons of Charles Philips, of Great Queen Street, St. Giles, London, was born in 1745,* and was married to Susannah Elizabeth Whatman, at Boxley, County Kent, in 1773.†

My father's mother, Mrs. Martha Byam Jones, *née* Philips, was the only sister of Richard Elliston Philips, and the only one of the Philips family who had any children.

My father's father, Mr. Richard Jones, of the parish of St. Dunstan in the East, London, and of Norwood, in the parish of Streatham, died suddenly in 1767, at the early age of 39, when my father was an infant.

* See the parish register of St. Giles-in-the-Fields.

† See the parish register of Boxley.

My father's mother, who administered to her husband's estate, was left by his premature death in *no want* of money. Her own portion she could not touch, as it was secured to the children by the settlement on the marriage with my grandfather, her first husband.

No "pecuniary assistance" was thus required or derived from any one, much less from Mr. R. E. Philips, for my father's early education in Dorsetshire; which was conducted chiefly under the auspices of his mother's uncle and aunt, Colonel and Mrs. Burbydge, who were people of wealth.

One of his schoolfellows near Bridport was Sir Samuel Hood, as I have heard my father say, and as appears from a letter to him from that distinguished Admiral, now before me, dated "Courageux, Longreach, 31st May, 1800."

Another early acquaintance was Admiral Aiskew Paffard Hollis, who died in 1846. Being a relation of the Burbydge family, my father used to call him "cousin," though there was no blood relationship.*

In a letter, now before me, from my late aunt, Mrs. Carola Eliza Gleen, dated West Cowes, 27th February, 1832, she remarks that she remembered perfectly well of my father, while a boy, receiving a legacy to a considerable amount from one of his own father's family, and that he was always kept well supplied by his mother and stepfather. But this, I may remark, was only derived from his own father's property.

When my father grew up to be a young man of about eighteen, in 1782, he was at first destined for the army; but in consequence of objection on the part of his mother, his uncle, Mr. Richard Elliston Philips, who was then Secretary

* To Major-General Sir Thomas Aiskew Larcom, the distinguished Resident Secretary for Ireland, nephew and representative of Admiral Hollis, I am indebted for information respecting the relationship between the Burbydge and Hollis families.

to the Board of Customs in Edinburgh, obtained for him an appointment in the Custom House there. This took my father to Edinburgh, where he had associated with him for some time as fellow-clerk in the Secretary's office, under his uncle, Mr. Richard Elliston Philips, the late Sir Coutts Trotter, Bart., afterwards the eminent banker in London.*

My father, who thus had at an early period of his life an income from a government appointment, became, in 1799, Head Clerk in the Secretary's office, or Assistant Secretary (with a corresponding increase of income), when Mr. R. E. Philips obtained his seat at the Board, and Mr. Morris West, the previous Head Clerk, became Chief Secretary.†

His position about this time may be further illustrated by the letters above referred to, as well as letters from Mr. Monypenny, afterwards Lord Pitmilley, Captain Crauford of the Revenue Service, Mr. Abraham Walton of New York, and various documents of an official nature in my possession.

In 1802 my father married, and about 1804 had a severe illness, which soon after, viz., in 1806, necessitated his relinquishment of office, after more than twenty years' service, on a retiring pension.

From the time of his retirement from the Custom House to his death at Musselburgh, in 1821, my father *never* lived in Edinburgh; but resided, first for a few years at St. Andrews, then for a few years at Stirling, then for a few years at South Queensferry, and lastly, at Musselburgh, where he lies buried.‡

* See a letter from Sir Coutts Trotter to my father, now before me, dated 8th January, 1814.

† Mr. Richard Elliston Philips' letter, dated Edinburgh, 3rd June, 1799 now before me, to my father, who was at that time resident at Alloa, having been detached thither on a temporary mission by the Board of Customs.

‡ I have before me letters of condolence and apology for being unable to attend the funeral from Lord Pitmilley, the Rev. Archibald Alison, Commissioner Bruce of the Excise, Commissioner Osborn of the Customs, &c.

He changed his place of residence from time to time for the benefit of his health.

My father's position during this last period of his life may be illustrated by correspondence, now before me, with Mr. Thomas Wharton, Chairman of the Board of Excise, after whom I was named, his uncle, Mr. Richard Elliston Philips, Captain Crauford, Sir Coutts Trotter, Mr. Morris West, &c., &c.

I have before me various banking accounts and letters relating to them, which show that Mr. R. E. Philips sometimes, Mr. Morris West sometimes, and Mr. Rutherford sometimes acted for my father, while living in the country, in transacting his money affairs in Edinburgh.

The very last letter bearing the *frank* of Mr. R. E. Philips, which I find among my father's papers, is one received by him when resident in Stirling, and written by Mrs. S. E. Philips, dated Saturday, 5th Dec., 1812 (Mr. R. E. Philips died about a month after, and was, at the time, too ill to do more than trace his initials), containing an account, from Messrs. Ramsays, Bonars, and Co., the bankers, of dividends due to my father, on Consols and South Sea Annuities.

Your allegation that my father and his family lived in Edinburgh during the latter years of Mr. R. E. Philips' life is thus shown to be contrary to fact. Your further allegation that they received "pecuniary assistance" from him is shown to be equally destitute of foundation.

But supposing Mr. Richard Elliston Philips had been in the habit of giving my father sums of money, or, as you elegantly express it, "pecuniary assistance," it would only have been an additional manifestation of that paternal kindness which Mr. R. E. Philips always displayed towards my father, his only nephew and nearest relation, who had at so early a period lost his own father—a kindness which my

father reciprocated with the sincerest respect and affection. Would it, let me ask, have been anything but honourable to both parties? Is it, or has it ever been anything unusual for an uncle, without a family of his own, to give his only nephew sums of money should he require it?

The benevolent uncle without children, and his only nephew, who has lost his father in infancy, are popular characters in novels and plays, and the incident of the uncle affording the nephew "pecuniary assistance" is always received with sympathy by the reader of the novel or by the audience of the play. The beneficent intentions of the uncle, it is true, are often represented by the ingenious but tantalizing author as being thwarted by his wife, who, because she has a nephew of her own, conceives a violent jealousy of, and hatred to her husband's nephew, and strives by calumny to alienate her husband's affections from him.

But to return from this digression.

In the preceding remarks I have argued as if you had said that the alleged "pecuniary assistance" was derived from Mr. R. E. Philips, but you really say that it was derived from "Mr. and Mrs. R. E. Philips."

By thus coupling the name of Mr. R. E. Philips and that of his wife, Mrs. Susannah Elizabeth Philips, you seem to imply that Mr. Richard Elliston Philips had nothing of his own to give—that he had no right to have any regard or affection for his own family, that he was entirely the property of his wife and her family—and that if he had given anything to his own relations, it would have been tantamount to being generous at the expense of the Whatmans.*

Your allegation above quoted is obviously intended to

* In a letter I lately had occasion to address to Sir Bernard Burke, Ulster King of Arms, respecting the birth and parentage of Mrs. S. E. Philips, her father's will is quoted in the Appendix. From it the amount of her dowry may be ascertained.

imply, *in the second place*, that after Mr. Richard Elliston Philips' death, in 1813, his widow, Mrs. Susannah Elizabeth Philips, *continued* "pecuniary assistance" to my father and his family, such as you have insinuated had been afforded them in Mr. R. E. Philips' lifetime.

The preceding narrative is sufficient evidence, I hope, that this statement diverges from the truth as much as the last.

Having made these suggestions of unfounded character, you go on to say that after Mrs. S. E. Philips' death, your "father *continued* to my family, and to myself in particular, that 'pecuniary assistance' which gave" me a "start in life."

As I have shown that no "pecuniary assistance" was ever given to my father and his family by his uncle, Mr. R. E. Philips, and still less by his widow, your father's aunt, the expression that your father *continued* "pecuniary assistance" to my family and to myself is *something more than unwarranted*.

The question, however, remains, Did your father really give me that "pecuniary assistance" which gave me a start in life?

In reference to this, let me first inquire in what relation your father stood to my family after Mrs. Philips' death—a point you have, for some reason, curiously enough passed entirely unnoticed.

Mr. R. E. Philips at his death left a considerable amount of money and property to his wife; who also received as his testamentary heir, some time after, a legacy of a large amount, which had been left to Mr. R. E. Philips by his old friend, Mr. Henry Hope,* the banker of Amsterdam, but not hitherto paid.

* In a letter dated Edinburgh, 15th March, 1811, now before me, Mr. R. E. Philips, writing to my father, then resident at St. Andrews, says, "You will most likely have seen by the papers that I have lost my much respected friend, Mr. Henry Hope. We have put on mourning for him, to which he was entitled for his kind services to us."

In thus leaving everything to his wife, Mr. R. E. Philips could never have contemplated the possibility of her taking such an advantage of his generosity towards her, as to leave almost everything he had given her past his own family. But so it was.

As my father was Mr. R. E. Philips' nearest male relation, and as he had been always treated by him more as a son than as a nephew merely, a general outcry of indignation was raised among Mr. R. E. Philips' old friends, when it was found that his widow, who had been always treated so handsomely by him and his family, disregarding the respect due to her late husband's memory, left nothing to my father (his nephew and representative), and only 1200*l.* among his six children.

Can it be possible that the bequest of 1200*l.* by Mrs. Philips among my brothers, sisters, and myself, out of the large amount she received from her husband, was referred to by you under your expression of "pecuniary assistance?" It may be so. But, in my view, and, I will venture to say, in the opinion of every right-minded man, this sum was but a fraction of what by every moral obligation we were entitled to.

On the occasion of the death of Mrs. S. E. Philips, your father, who was her executor and residuary legatee, wrote to my father in reference to the funeral, and said that it would not be in his (your father's) power to attend the ceremony, but that he would be in Edinburgh shortly after, to discharge his duties as executor, when he hoped to have the pleasure of meeting my father.

Your father and my father were already acquainted, having met at Mr. R. E. Philips' house when your father was resident in Edinburgh for his education in 1794-5.

My father, though an invalid, and residing at South Queensferry, nine miles distant from Edinburgh, attended the

funeral of Mrs. S. E. Philips, as the representative of his uncle her late husband, in the capacity of chief mourner.*

Though your father's letter, just referred to, was expressed in such terms as to lead my father to expect that he would communicate with him on arriving in Edinburgh, your father did not do so. Nor did he renew his acquaintance with any of Mr. R. E. Philips' old friends, whom he had known when resident in Edinburgh before.

Your father came privately to Edinburgh, and swept away all that had belonged to Mr. R. E. Philips; and my father heard nothing of his visit until after he had returned to England.

In the incident here referred to, your father's evasive behaviour towards my father was so gross that I will not trust myself to comment on it.

Not a single memorial of his late uncle did my father receive.

My father died at the end of the following year, 1821.

A few years after this, viz., in 1825, my elder brother, Richard Elliston Jones, having, through the interest of my father's old friend, Sir Coutts Trotter, obtained a cadetship, went to India. He died, however, a few years afterwards, on his passage back to England on sick certificate.

Not long after my brother's death, now nearly forty years ago, I received, though grudgingly, from your father, on two different occasions, fifty pounds. Herein I did not feel that I was coming under any obligation for "pecuniary assistance." I considered, on the contrary, that your father was only rendering back to me a mite of that which my father, as Mr. R. E. Philips' heir, ought to have had.

Such, I presume, was the "pecuniary assistance" which

* In illustration of this fact, I have a letter now before me from the Hon. George Norton to my father, apologising for his father, Baron Norton's being unable to attend the funeral on account of absence from home.

you say "gave me a start in life." Know this, however, that your father was twice or three times appealed to, to lend me a few hundred pounds to give me "a start in life," *but he refused.*

Here, I cannot help remarking that you, knowing your late father's turn of mind, must feel well assured that he was not the man to give anything without a consideration; and that in giving even what he did, he acknowledged my claim upon him for a restoration of a portion of the Philips property. And I can remember that I told him, at the time, of the position in which he stood towards me.

In reminding me of "pecuniary assistance" which, you allege, gave me "a start in life," I have thus shown that, for some reason, you have disingenuously passed entirely unnoticed the position in which your father stood towards me,—the then representative of Richard Elliston Philips, so much of whose property he had come into possession of, though a stranger in blood.

You have also passed unnoticed the fact that your father's two half sisters, Lady Style, the mother of the present Sir Charles Style, and Mrs. Philippa * Bosanquet, the mother of the present Mr. Samuel Richard Bosanquet of Dingestow Court, Monmouth, also shared in the partition of the Philips property. They, as well as your father, thus received, to retort your own phrase, "pecuniary assistance" from it, to the prejudice of my father (the heir and representative of Mr. Richard Elliston Philips), and my father's family of young children, whose fate it was to be left orphans and unprovided for the following year!

I will not inquire into the motives which could have induced you to address me in the terms you have chosen;

* PHILIPPA, the Christian name of Mrs. Bosanquet, as well as of one of your own daughters, I believe, is derived from *the family of Philips.*

nor will I venture to express any opinion of your conduct. I can only regret that you should have raised up recollections which, for the sake of the memory of your late father and his aunt, Mrs. Susannah Elizabeth Philips, you ought rather to have left buried in oblivion, and forced from me explanations which, for your own sake, and that of your family, you ought to have deprecated. Your father, had he been living, would, I am sure, have blushed for your indiscretion.

Before leaving this part of your letter, I cannot, however, omit to remark that after the ungenerous treatment which my father and his family had experienced from yours, it was something remarkable that you, with, I presume, your father's concurrence, should have come to me in 1842 to ask *my* permission to assume the name of Philips; and still more remarkable that you should have fawningly introduced yourself by saying that *we* (that is, you and I) were *relations*—a claim which I met by the suggestion that we were only *connections*.

I must now deal categorically with the rest of your letter, to which I unwillingly return.

You next say:—

“If I recollect right, you began the correspondence by sending me some papers, which I read and returned to you with information which you asked for. Beyond complying with your request, I paid no particular attention to your papers, as they did not otherwise concern or interest me.”

At the time you wrote these words, if you had not the “printed correspondence” *actually before your eyes*, you had, according to your own acknowledgment, *only very shortly before referred to it*. You must, therefore, have been *perfectly well aware* that the correspondence *did not* begin as you here pretend.

“*If I remember right*” is but a shallow means of hedging yourself from a charge of misrepresentation.

How, therefore, am I to characterise your allegation ?

Refer to the printed correspondence (page 3), and you will see that at the end of July, 1862, I first wrote to ask if you had "any memoranda in your possession from which you could ascertain for me the date and place of death of my great-grandmother, Mrs. Mary Philips, *née* Freeman, the mother of the late Commissioner Philips of Edinburgh."

Your reply to this was dated August 5th, 1862,* and my answer to that again was followed by your letter to me, dated August 14th, 1862,† in which you said :—

"If you care to send me an outline of what you have" (viz., respecting the genealogy of the family of Philips), "I will with pleasure add anything I can from the few papers here."

It was on this invitation that I sent you enclosed in my letter, dated August 15th, 1862,‡ the following papers :— 1st, a genealogical outline of the four families of Elliston, Philips, Freeman, and Byam ; 2nd, a copy of the will of Charles Philips, the father of Mr. R. E. Philips, and my great-grandfather.

The printed correspondence shows how you fulfilled your voluntarily contracted engagement ; and that it was not until I had written to you twice, viz., on November 18th, 1862, and again on April 28th, 1863,§ urging you to send me back the papers, that you did return them on the 1st of May, 1863, after the lapse of eight months and a half from the time I sent them to you !

I have thus shown that *I did not*, as you say, begin the correspondence by sending you any papers, but that the papers were sent *on your own invitation*, given in a *subsequent*

* Printed correspondence, page 5.

† Ibid., page 7.

‡ Ibid., page 6-7.

§ Ibid., pages 8, 9.

part of the correspondence ; and that, though you allege that the papers, when thus afterwards sent, “did not otherwise concern or interest you,” you manifested an extraordinary disinclination to part with them, and subsequently an almost superstitious dread to refer to them—especially the will of my great-grandfather, Charles Philips—as if you felt misgivings as to the lawfulness of your property in the portrait of my great-grandmother, and such other articles as are therein mentioned which you may have in your possession.

Your next allegation runs thus : “ Finally, on the strength of the information so obtained you demanded, as of right, a portrait which belongs to me.”

You know well that you gave me *no information whatever*, but, on the contrary, sent me, in answer to my first inquiry, a statement calculated to mislead me, had I not known better. In your letter to me of May 1st, 1863,* you drew back from your engagement to supply me with the information which you had offered in your letter of August 14th, 1862. And yet, in your letter of December 28th, 1864,† you made the assertion *curiously the reverse of the fact, which you here repeat*, that you had sent me the information.

This persistent endeavour on your part to make it appear that you sent me information *which you did not send*, shows how conscious you are of the false position into which you have brought yourself, and the desperate efforts you make to conceal it. Is it in a somewhat similar vein of misrepresentation that you endeavour to make it appear that your father afforded me “that pecuniary assistance” which gave me a “start in life?”

Again, that I demanded the portrait of my great grandmother as of *right*, is shown by the whole correspondence to be unfounded. Why you should venture to persist in the

* Printed correspondence, page 10. † Ibid., page 16.

endeavour so to misrepresent me, I am utterly at a loss to conceive.

It is equally divergent from the fact that I demanded the portrait on the strength of any information obtained from you. It was in my first letter to you, dated July, 1862, that I asked for it. After inquiring if you had any memoranda in your possession, from which you could ascertain for me the date and place of death of my great-grandmother, Mrs. Mary Philips, *née* Freeman, the mother of the late Commissioner Philips of Edinburgh, I said that "*it would be conferring a very great favour on me if you would kindly give me the portrait in your possession, of my great-grandmother, Mrs. Mary Philips, which,*" I added, "*could be of no real value to you or your family.*"*

Again, you say :—

"In doing this" (that is, demanding as of right the portrait of my great-grandmother), "you overlook the fact that Mr. Philips had, and I have, two portraits of this same lady, and that you could not identify either of them, even if you had a right to one of them."

This is merely a reiteration of what you have so unmeaningly stated on the subject, in your previous letters, printed in the "Correspondence," pp. 13 and 16.

In your letter, dated Aug. 5th, 1862, you made me an offer of a picture which, you said, was a portrait of my great-grandmother, Mrs. Mary Philips, *née* Freeman, but in your letter of May 1st, 1863, you withdrew it. This, however, I did not care about.

The portrait I cared for was that mentioned in the will of my great-grandfather, Charles Philips, about which so much is said in the printed correspondence, that it would be supere-

* Printed correspondence, page 4.

rogatory for me to say more—except that it is quite as gratuitous on your part to say that I could not identify it, as to say, as you did in your letter of the 1st of May, 1863, in reference to that other portrait, which you alleged represented my great-grandmother, that I, who had never heard of it before you mentioned it, had supposed anything at all respecting it.

I know the portrait of my great-grandmother, Mrs. Mary Philips, which is mentioned in her husband's will, sufficiently to tell you that the sketch you sent in your letter of August 14th, 1862, purporting to be a diagram of it, does not represent the picture.

In 1842, when I spoke to you about the portrait of my great-grandmother, you understood perfectly well which portrait it was I referred to. And again, it is evident from the printed correspondence that you admitted that you knew the portrait I referred to, when you said your father had made it an "heirloom."

Why you should afterwards attempt to confound the identity of the picture, I am at a loss to understand.

Suppose you have *another* portrait of my great-grandmother, it must have originally belonged to my family, and must be equally valueless to you—an utter stranger in blood.

I do not quite comprehend what argument you desire to found on the following words:—

"I must now remind you that your family in Edinburgh must have known those portraits hanging up in Mr. and Mrs. Philips' house there, and yet they never claimed either of them."

I have already shown that during the last six years of Mr. R. E. Philips' life, and that from the time of his death to that of the death of his widow, Mrs. Susannah Elizabeth Philips, my family did not reside in Edinburgh. They

occasionally visited that city, it is true, in the course of the period mentioned, and were acquainted, as you suggest, with the portrait of my great-grandmother (my father's grandmother, and Mr. R. E. Philips' mother). And it was from the description derived from my mother and sisters that I became so well acquainted with it, that I should be able to recognize it if I saw it.

You must of course mean to say, in the words I have quoted, that it was after Mrs. S. E. Philips' death my family did not claim the picture. It was only after Mrs. Philips' death they could have properly done so. I beg to remind you, however, of the fact before mentioned, that on the occasion of Mrs. S. E. Philips' death, in 1820, your father came privately to Edinburgh, and without letting my father know, swept away all that had belonged to Mr. R. E. Philips, selling off by auction what he did not carry away with him to England. As I have said in the printed correspondence, p. 22, the "children's pictures" (that is, a picture representing my *father's mother* and her brothers when children) was one of the articles he consigned to the hammer, whilst the portrait of my great-grandmother was one of the articles which he carried away. My father thus had no opportunity of asking your father for the portrait of his—my father's—grandmother, or for any other memorial of his family.

My father died the following year, 1821, and none of his children were old enough to move in the matter, even supposing there had been the smallest reason to expect from your father any attention to their request.

Under circumstances such as those in which your father found himself placed, a gentleman of any good feeling or any sense of honour would have presented my father with his grandmother's portrait. But no! Your father, an utter stranger in blood to the family, carried it off to

hang up in his house at Vinters as an "heir-loom" of the Whatmans!

Thinking that you might, perchance, be influenced by more liberal and generous feelings, I asked you, in 1862, to restore me the portrait, and thus afforded you an opportunity to repair your father's omission. I have since seen that I made an erroneous estimate of your character.

You conclude your letter in the following words:—

"I believe I have mentioned enough to show the unreasonable nature of your demand, as well as the strange course you have adopted. It is needless to notice your other remarks."

On which side, yours or mine, *unreasonableness* and *strangeness* are shown, I am content to let the reader of our former correspondence, and of the present letters, form his own opinion. I cannot, however, allow to pass unchallenged your observation that it is *needless* to notice my other remarks.*

My other remarks contain the very gist of the question between us, and, above all, comprise a summary exposure of the evasions which give so painfully *peculiar* a tone to your letters.

To conclude:—

I have not answered your letter of the 24th of March last sooner, as I was engaged, at the time I received it, in preparing, for entry at the College of Arms, pedigrees of the Philips and Elliston families:—the Philips pedigree being a continuation backwards of that which I entered some time since; the Elliston pedigree being a continuation downwards from that entered in the Heralds' Books at the Visitation of Essex in 1634.

The documents relating to them I have at last success-

* Printed correspondence, pp. 30, 31, 32.

fully traced, notwithstanding your lack of assistance in the matter.

But I need not apologise for the tardiness of my acknowledgement. When I consider that my letter, to which your favour of the 24th of March last purports to be a reply, was addressed to you two years ago, I venture to think that eight months' delay on my part will not be deemed unreasonable.

I remain,

Sir,

Your obedient humble Servant,

T. WHARTON JONES.

P.S.—You will receive this letter in print, as I consider it necessary that it, together with your letter, to which it is a reply, should be added to the “printed correspondence.”

JAMES WHATMAN, Esq., M.P.,
6, Carlton Gardens.

The enclosed contains the first of my papers
which I trust will be of some use to you
I have been thinking of writing to you
for some time but have not had time
to do so. I am sorry to hear that
you are not well. I hope you will
soon be able to go on your journey.

I remain
Sir,
Your obedient servant,

W. Harrison Jones

MS.—You will receive this letter in time, as I consider it
necessary that it should be sent to you in order
that you may be enabled to see the enclosed papers.

LONDON

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