

## **Frances Burney's Original Will (1839)**

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## Frances Burney's Original Will (1839)

PETER SABOR and JOHN AVERY JONES

Abstract: Frances Burney d'Arblay's original will of 6 March 1839, housed at the National Archives, Kew, has hitherto remained unseen by Burney scholars. This article provides an annotated transcription, followed by photographs of the document. We have identified, as far as possible, all the individuals named in the will and have also clarified, in our commentary, Burney's references to financial matters, while elucidating various obscurities and legal complications. We demonstrate that the will was drawn up jointly by the imaginative novelist Burney and her lawyer Alfred Turner: an odd collaboration, which produced a highly idiosyncratic document. We also indicate the relationship between the will and an undated memorandum written by Burney as a form of rudimentary testamentary instructions for Turner.

Frances Burney d'Arblay's original will of 6 March 1839 has hitherto, to the best of our knowledge, remained unseen by Burney scholars. Now housed at the National Archives, Kew, the will, with Burney's seal and signature, is not indexed under her name and can be found only by personal searching under the month probate was granted by the Prerogative Court of Canterbury in a file catalogued as PROB 10/5905: "Wills proved during February 1840, surnames B-D."<sup>1</sup> We furnish here an annotated transcription, followed by photographs of the document. The will is tied together with ribbon in the top left corner, and an affidavit of due execution is attached to the will by string. The pages are tall and wide, approximately 38 by 32 cm; they have been folded lengthways into half and then folded again. The paper is in excellent condition and is difficult to flatten, probably because it had not been opened before our photographs were taken. The will is written in a beautifully clear hand which is likely to be that of a law-writer engaged by a law stationer that Burney's solicitor used for engrossing legal documents.<sup>2</sup>

Since 1984, Burney's will has been available through Joyce Hemlow's transcription in the twelfth and final volume of *The Journals and Letters of Fanny Burney* (976-81). That transcription, however, was prepared from a copy of the original will, made by a clerk for the probate records.<sup>3</sup> In contrast to the original will, the probate copy is

difficult to read. Hemlow, inevitably, made some errors in transcription; introduced minor changes in punctuation, capitalization, etc.; and made a few silent corrections. Our transcription follows the original literally with significant variants from Hemlow's version recorded in the notes. For "eldest" nephew, for example, she has "dear" nephew (see note 35 below). Hemlow's transcription is unannotated; we have identified, as far as possible, all the individuals named in the will and have also clarified, in our commentary, Burney's references to financial matters (see especially notes 32, 33, and 69 below). Our transcription concludes with the affidavit of due execution, dated 17 February 1840: a document not copied by the probate clerk and thus not published by Hemlow. Here there are several hands, including that of Burney herself. Thus, we have provided for the first time an accurate transcription of Burney's original will, together with its hitherto unpublished affidavit of execution, as well as a commentary that aims, *inter alia*, to elucidate various obscurities and legal complications.

Burney first drafted a will shortly after the death of her husband, Alexandre d'Arblay, on 3 May 1818, and quoted a paragraph from it in a letter to her estranged friend Georgiana Waddington in July 1821 (*JL* 11: 236-39). She refers to this draft again in a letter to her nephew Charles Parr Burney of June 1827, thanking him for consenting to be nominated as joint executor together with "Alexander, my Son & Heir & Residuary Legatee" (*JL* 12: 686). She seems not to have taken legal advice about the wording of her will at this stage. By December 1833, however, she was ready to do so, following the example of her younger sister Charlotte Broome, who was then consulting a solicitor, Alfred Turner, son of the distinguished historian and solicitor Sharon Turner, about her own will.<sup>4</sup> In a letter of May 1834, Charlotte commended Frances on this decision; the will would now be "safely worded & *executed* by such a clever experienced, & Just, a hand as Alfred" (*JL* 12: 827n2). Despite her good intentions, Burney procrastinated. In a letter to Turner of August 1836, Burney apologizes for the delay, telling him that "so many things have occurred since I had the pleasure of seeing you, to alter, or to vary my testamentary intentions" (*JL* 12: 901).

Whether or not Burney, with Turner's assistance, made a formal will at this time is uncertain, but in any case the sudden death of Alexander on 19 January 1837 changed everything. When she wrote

to Charles Parr Burney two months later, Burney told him that Turner was now helping her prepare a new will—in which her sister Charlotte would be the principal beneficiary (*JL* 12: 916-17). Several extant letters by Burney show that progress was slow, and then the death of Charlotte Broome on 12 September 1838 overturned her plans once again. As Burney wrote to Charlotte Barrett in a letter of January 1839, “my beloved sister’s sudden departure involves me in a new Will—which I had not at first foreseen” (*JL* 12: 961). Then, at the age of 86, she moved rapidly. In a memorandum, undated but evidently written after the death of Charlotte Broome, Burney drew up a list of her most prized possessions, apparently as rudimentary instructions for Turner (*JL* 12: 973-74). They are rudimentary in that they do not specify a residuary legatee, or executors; they list chattels without leaving any of them specifically; they do not mention her father Charles Burney’s papers and say nothing about burial; but they do list the pecuniary legacies. In a letter to Turner of 2 March 1839, Burney asked him “to name the earliest time in his power for *once more* giving her his counsel & assistance in *once more* settling her final Earthly affairs” (*JL* 12: 963). And only four days later, on 6 March, the will was signed, sealed, and witnessed. A remaining testamentary task was for Burney to assemble the various objects that she was bequeathing to Alexander’s fiancée Mary Anne Smith and others; she did so in June 1839, as she recorded in a notebook entry: “Will Gifts arranged in Japan & Press” (*AJL* 2: 689).<sup>5</sup>

It is obvious from its wording that the will was a collaboration between the imaginative novelist Burney and the precise lawyer Turner. The first sentence, with its alliterative “omniscient, omnipotent, and omnipresent,” is surely hers, just as the traditional phrase “hereby revoking and making void every other Will Codicil or Testamentary Document whatsoever that may be found of a previous date” must be his. Only Burney could have written “Science could owe nothing to so worn and wearied a Machine, and my Soul it cannot catch!” and have asked for her funeral to be conducted “with modest quietness ... Without either parade or extravagance.” Other contributions that were characteristically Burney’s, as well as evidently Turner’s, abound. A passage near the conclusion of the will about the executors being liable only for their own defaults, for example, is clearly his.

Several of the chattels listed by Burney in her undated memorandum appear in considerably expanded and heightened form



in the will, making it an unusually personal document. The cryptic “Time Sleeper & Dog” (“Sleeper” is an error in Hemlow’s transcription for “Keeper”) is changed to the far more elaborate “my Gold Time-keeper, consisting of a Watch, an Inkstand, and a Dog, the gift to me of Her late Majesty Queen Charlotte—I had hoarded it alas, as a wedding present for my Son!” “His shower Bath” in the memorandum becomes “my Alexander’s Shower Bath,” which Burney leaves to Mary Anne Smith “with urgent hopes it may contribute to her health.” (How a shower bath could do so is unclear.) “His azure China” in the memorandum becomes “his fine Tea China of beautiful Azure blue,” while “His superb Desk” is expanded to “And also, most prized by herself and by me, his superb Desk, which being what I last saw him use, I never can relinquish but with life.” Turner would surely have preferred the original, plainer wording.

Other aspects of Burney’s drafting might also have been the subject of contention with Turner. Listing her investments, for instance, served no purpose and was likely to become out of date, as demonstrated by the will’s listing a total of £5,797.16.3 3% Consols,<sup>6</sup> while Burney’s Legacy Duty Account (in effect the tax return)<sup>7</sup> includes the sale of a holding of £5,994.18.11, and in one case a figure seems to have been wrong (the will refers to 290 3/6 French *Rentes*—it is likely that the 3/6 in the will is a misreading of 3%—but the Legacy Duty Account includes the sale of a holding of 1,290). Turner would no doubt have strongly disapproved of the use of explanation marks in three places since such marks of emphasis were (and are) never used in legal documents. It was an odd collaboration, which produced the highly idiosyncratic document reproduced below.

Alexander d’Arblay’s invigorating shower bath, his azure fine tea China, and his splendid desk have all long since vanished, as have other objects listed in the will, such as the chimney piece painted by the Locks for Camilla Cottage. Happily, however, the great horde of manuscripts written by Charles and Frances Burney has survived largely intact, although divided among three principal locations: the Berg Collection, New York Library; the Barrett Collection, British Library; and the Beinecke Library, Yale University. Charles Parr Burney chose not to edit a “small select publication” of his grandfather’s letters, but neither did he destroy them (see note 54 below); they are now, at last, scheduled to appear in a collected, six-volume edition. As for Frances Burney’s

“immense Mass of Manuscripts,” bequeathed to her niece Charlotte Barrett, a seven-volume edition of her journals and letters, edited by Barrett herself, appeared shortly after Burney’s death.<sup>8</sup> Barrett made no attempt to publish the literary manuscripts that she inherited, but Burney’s plays—four comedies and four tragedies—eventually appeared in a collected edition, too.<sup>9</sup> Burney’s minor writings, such as her occasional light verse and a juvenile translation of Bernard le Bovier de Fontenelle’s *Entretiens sur la pluralité des mondes*, “Murdered into English by Frances Burney,” are also extant and await their modern editor.

## Frances Burney d'Arblay's Will<sup>10</sup>

### In the Name of Almighty God

omniscient, omnipotent, and omnipresent<sup>11</sup>

In whom I put my Trust!

And of our blessed Mediator

### Jesus Christ

In whom I put my Hope!

**I Frances d'Arblay** now residing at Mr. Thompson's N<sup>o</sup>.<sup>12</sup> 29<sup>13</sup> Lower Grosvenor Street, Grosvenor Square,<sup>14</sup> second Daughter of Doctor Burney<sup>15</sup> and Widow of Lieutenant General Alexandre Jean Baptiste Piochard Comte d'Arblay<sup>16</sup> **Do hereby make this my last Will and Testament** hereby revoking and making void every other Will Codicil or Testamentary Document whatsoever that may be found of a previous date **And** I Frances d'Arblay do hereby will and enjoin that there be no anatomical dissection or visitation whatsoever after my decease—Science could owe nothing to so worn and wearied a Machine, and my Soul it cannot catch! And I desire that wheresoever I may die, my Corpse may be conveyed to Bath, there to be interred in like manner with my beloved Son's<sup>17</sup> and as near as possible to my dear and honoured Husband's<sup>18</sup>—This is but fulfilling a tender interchange of promise<sup>19</sup> between the kindest of Husband's and myself—I beg that the Funeral may be conducted with modest quietness—The estimate of that of my dearest Son may regulate it,<sup>20</sup> and with no exceeding beyond what circumstances which I cannot foresee<sup>21</sup> may require—Without either parade or extravagance,—I shall not, I gratefully believe, die unhonoured or unregretted—Some tributary tears will yet be shed to my manes by the affectionate survivors of the long list of feeling hearts that have brightened or soothed my varying existence—The afflicting event of the sudden departure hence of my dearly loved<sup>22</sup> Sister, Charlotte Ann Broome opens to me a new call for the immediate distribution of my small property, though ultimately it will cause no change in my intentions—While yet I had not lost my Son, my only child was still my sole heir—From the unhappy day therefore, that he became Fatherless, whatever I invested in the Funds was placed upon Compound Interest, from which I have never drawn a single sovereign,<sup>23</sup> though many a

one I have accumulated, from Legacies, the Memoirs of my honoured Father, <sup>24</sup> and various æconomical arrangements and contingencies, all nourished by the fond delusion of amassing a Bridal Gift for my son! But he, the delight of my Being, the source of my every wish, the motive of my every action, since my first and heaviest calamity in the bereavement of his exemplary Father, He is now no more! The d'Arblay Family by the side of the Piochardes, and the de la Beuleries <sup>25</sup> is now extinct, Alexander Charles Lewis <sup>26</sup> Piochard d'Arblay being the last Inheritor by Blood, as I am by Marriage—I therefore, now a solitary and mourning survivor of all my married Family; a Widow and Childless do hereby make choice of a new successor in Richard Barrett Junior Esquire of King's College Cambridge my Great Nephew and Godson, <sup>27</sup> and, subject to the legacies and upon the terms hereinafter detailed, appoint him my sole residuary legatee—I have deliberately fixed upon him from a motive in <sup>28</sup> which all my relatives will, I think, concur namely a menaced loss of eye-sight in the prime of his life, and the pursuit of his Studies <sup>29</sup>—Though this alone would not have decided me, had I not always known the integrity of his character, the purity of his religious principles, and the artlessness of his attachment to his lamented Cousin—My Income at this time is all in the Funds, English and French, except an Annuity from belonging to the Establishment of Her late Majesty Queen Charlotte, <sup>30</sup> and which I shall name no more, as it ceases with my life—But the rest passes all alike into my hands by the punctual and honorable attention of Messieurs Hoare of Fleet Street, Bankers, <sup>31</sup> for whose long active and useful advice as well as services, I offer my most willing and thankful acknowledgments That Income consists now of the Interest of Two thousand nine hundred and twenty one pounds nine shillings and eight pence in the Reduced three and a half per Cents, Four thousand seven hundred and thirty six pounds sixteen shillings and two pence Consols, also, One thousand and sixty one pounds and one penny ditto accumulating fund, Three thousand five hundred Francs French  $5/6$  Rentes; The above stands in the name of Madame d'Arblay, Two hundred and ninety Francs French  $3/6$  Rentes, <sup>32</sup> in the name of the late Reverend M: d'Arblay—The Income per annum exclusive of the accumulating fund <sup>33</sup> is Four hundred and thirty one pounds five shillings and four pence subject to some little variation from the change in the rate of exchange at which it may be remitted—From this small possession **I will and bequeath**

to my dear half Sister Sarah Harriet Burney during her natural life and to commence immediately after my decease the sum of Two hundred pounds per annum to be arranged by Messieurs Hoare of Fleet Street Bankers with my Executrix and Executors to be paid quarterly and the first payment to be made three months after my death, the said sum principal and interest upon the death of the said Sarah Harriet Burney to fall into and become part of the residue of my property **And I leave and bequeath** to Martin Charles Burney Esquire <sup>34</sup> Barrister my eldest <sup>33</sup> Nephew the sum of One hundred pounds per annum, to be paid quarterly as the preceding, during his natural life, and in like manner to fall after his death, principal and interest, into and become part of the residue of my property—I can leave no other life Annuity—My Legacies are, To my Kinsman Edward Francesco Burney <sup>36</sup> as a memorial of my long rooted friendship and esteem the sum of One hundred pounds, To Amadée Bazile <sup>37</sup> as a mark of my respect to my dear Husband's excellent Uncle the sum of Fifty pounds, To M: Le Noir <sup>38</sup> the faithful and deserving friend of General d'Arblay and his son the sum of Fifty pounds, To my Executrix Mrs. Charlotte Barrett <sup>39</sup> the sum of Fifty pounds, and my two Executors Lieutenant Colonel Henry Burney<sup>40</sup> and Alfred Turner Esquire <sup>41</sup> in apology for their, I hope, short, but most kind promised services the sum of Fifty pounds each, To Miss Harriet Wilson <sup>42</sup> the sum of Twenty pounds as four year's subscription, To the worthy M: Martel <sup>43</sup> for his good offices to my son the sum of Ten pounds, To Elizabeth Ramsay, now Elizabeth Pierce <sup>44</sup> my former most affectionate Servant the sum of Twenty pounds, To Mrs. Cartwright <sup>45</sup> my worthy Laundress the sum of Ten pounds, To my Maid <sup>46</sup> the sum of Ten pounds <sup>47</sup> ———  
 To my second Maid <sup>48</sup> the sum of Ten pounds <sup>49</sup> ———  
**And** now finally I come to my much valued intended Daughter in Law, Miss Mary Anne Smith,<sup>50</sup> who with the purity of virgin love has openly mourned with me for my son, And in my never dying remembrance of the virtuous tenderness with which she has honoured his beloved memory, I beseech her to kindly accept the sum of One hundred pounds sterling, and to bestow it upon something soothing to her feelings, that may gently, yet not tragically remind her of both Mother and Son **And** I desire that she may continue my Apartments so long as it may suit her convenience while they may be rented by my Executors or by my residuary legatee **And** I leave and bequeath to the said Mary

Ann Smith my Gold Time-keeper, consisting of a Watch, an Inkstand, and a Dog, the gift to me of Her late Majesty Queen Charlotte—I had hoarded it alas, as a wedding present for my Son! **And** I leave her, with urgent hopes it may contribute to her health, my Alexander's Shower Bath—I beg her also to accept his fine Tea China of beautiful Azure blue, **And** also, most prized by herself and by me, his superb Desk, which being what I last saw him use, I never can relinquish but with life—**And** finally I leave and bequeath to the said Mary Ann Smith, as most congenial to her own elegance, the painted Chimney piece designed for our West Hamble Cottage in happiest times,<sup>51</sup> but never put up, the last joint work, in arranging the Flowers in painting them, of the matchless Mr. and Mrs. Lock of Norbury Park<sup>52</sup> **And** to my Nephew Doctor Charles Parr Burney<sup>53</sup> I leave the entire arrangement of the correspondence of my dear Father excepting my own Letters which I give to my Niece Charlotte Barrett—I had already in the last year made it over to my beloved son, who was preparing it for the press—I now commit it to Doctor Charles Parr Burney, either for a small select publication, or for the flames<sup>54</sup>—I leave to him likewise indiscriminately and without reserve or direction, whatever composition may remain in the hand writing of my dear Father whether in prose or in verse, well assured that I cannot do more honor to his memory But the whole of my own immense Mass of Manuscripts, collected from my fifteenth year, whether personal or collateral, consisting of Letters, Diaries, Journals, Dramas, Compositions in prose and in rhyme **I bequeath** to the care and sole and immediate possession of my Niece Charlotte Barrett, with full and free permission, according to her unbiassed taste and judgment, to keep or destroy them, simply but strictly stipulating, that she faithfully bequeaths<sup>55</sup> at her death whatsoever she has not disposed of or annihilated, to her son the said Richard Barrett And subject to the legacies and annuities bequeathed by this my Will I give all my estate and effects unto the said Richard Barrett my Nephew whom I hereby appoint my heir and residuary legatee **And** I hereby appoint the said Charlotte Barrett with Colonel Henry Burney and Alfred Turner Esquire to be my Executrix and Executors And direct them to retain the expences of proving this my Will and of the Executorship And that they shall be only liable each for his own wilful defaults and chargeable only with what he shall actually receive and by no means for involuntary losses **In Witness** whereof I the said Frances d'Arblay have to this my

last Will and Testament contained in five sheets of paper set my hand and seal (that is to say) my hand to the first four sheets thereof and my hand and seal to this fifth and last sheet this Sixth day of March in the  
and thirty nine.—

**Signed** sealed published and declared<sup>56</sup> by the)  
said Frances d' Arblay the Testatrix as and for)  
her last Will and Testament in the presence of)  
us who in her presence at her request and in )  
the presence of each other hereunto subscribe)  
our Names as Witnesses<sup>57</sup>.....)

[signed] Frances d'Arblay LS<sup>58</sup>

Witnesses .....)

[signed] Catherine Minet Kingston<sup>59</sup> of 70 Mount Street  
Grosvenor Square

[signed] John Grieg Thomson                      29 Lower Grosvenor Street  
Grosvenor Square

In addition<sup>60</sup> to the legacies given by my Will I also give to Dr. Holland<sup>61</sup>—M Travers,<sup>62</sup> Martin Charles Burney, D<sup>r</sup> Charles Parr Burney—The Reverend Henry Burney<sup>63</sup> Richard Burney<sup>64</sup>—Colonel Henry Burney—Henry Barrett<sup>65</sup>—Richard Barrett—Sharon Turner<sup>66</sup> and Alfred Turner the sum of five Sovereigns each for a ring of Remembrance.  
Dated this sixth day of March 1839.

[signed] Frances d'Arblay LS<sup>67</sup>

Witnesses

[signed] Catherine Minet Kingston

[signed] John Grieg Thomson

30<sup>th</sup> Jan<sup>y</sup> 1840<sup>68</sup>

Charlotte Barrett (Wife of Henry Barrett Esq.) the niece of the Deceased Henry Burney Esq. the nephew of the Deceased & Alfred Turner the Executors within named were sworn to the truth and due performance and of the Codicil thereto; also that the Deceased died on the Sixth day of January Instant & that her Goods Chattels and Credits do not amount to fourteen thousand Pounds<sup>69</sup>

Before me [signed]

J. Addams<sup>70</sup>

[signed] <Healey><sup>71</sup>

Sub £14,000<sup>72</sup>

Testatrix Frances d'Arblay was formerly of Bolton Street Piccadilly and late of Lower Grosvenor street Grosvenor Square in the County of Middlesex Widow

17<sup>th</sup> <Feb>

Proved at London with a Codicil the 17<sup>th</sup>. Febr<sup>y</sup>. 1840. before the Worshipful Jesse Addams Doctor of Laws and Surrogate by the Oaths of Charlotte Barrett (Wife of Henry Barrett Esq<sup>r</sup>.) the Niece, Henry Burney Esq<sup>r</sup>. the Nephew and Alfred Turner the Executors to whom Admon<sup>73</sup> was granted having been first sworn duly to Administer.—

(To be regist<sup>d</sup>.)

In the Goods of Frances d'Arblay Widow deceased,  
Appeared Personally Catherine Minet Kingston<sup>74</sup> (Wife of Peter Nugent Kingston) of N<sup>o</sup>. 7 Charles Street Berkeley Square in the County of Middlesex and made oath that she is one of the Witnesses attending the execution of the Codicil to the last Will and Testament of Frances d'Arblay formerly of Bolton Street Piccadilly but late of Lower Grosvenor Street Grosvenor Square in the County of Middlesex Widow deceased bearing date the Sixth day of March one thousand eight hundred and thirty nine now hereunto annexed<sup>75</sup> And she further made oath that on the sixth day of March aforesaid the said Testatrix duly executed the said Codicil by signing her name at the foot or end thereof in the presence of this Deponent and of John Grieg Thomson (the other subscribed Witness thereto) both of whom were present at the same time And this Deponent and the said John Grieg Thomson thereupon attested and subscribed the said Codicil in the presence of the said Testatrix and of each other.

[signed] Catherine Minet Kingston

The fifteenth day of February 1840 the said  
Catherine Minet Kingston<sup>76</sup> was duly sworn)  
to the truth of this Affidavit.

Before me,

[signed] F. T. Pratt<sup>77</sup>

Sur<sup>78</sup>

Pres<sup>79</sup>

[signed] W M Pulley<sup>80</sup>

Not Pub<sup>81</sup>



## NOTES

For his assistance in the preparation of this article, we thank Nathan Richards-Velinou, Research Coordinator of the Burney Centre, McGill University. We are also grateful for the astute suggestions made by two anonymous readers for the *Burney Journal*.

<sup>1</sup>It is filed under “D” for “d’Arblay”. Although there is a series of wills of famous persons, PROB 1, which are catalogued under the deceased’s name, surprisingly Burney’s is not included.

<sup>2</sup>Chapter 10 of Charles Dickens’s *Bleak House* (1853) contains a description of the use by solicitors of law stationers and law-writers. The reason we suggest that the will was outsourced is that the “29” in her address in the first line was written in afterwards by Burney; this would have been known to her solicitor and included if the will had been engrossed in the solicitor’s office.

<sup>3</sup>This copy is available for downloading from the National Archives website under reference PROB 11/1922/332.

<sup>4</sup>See Frances Burney d’Arblay (hereafter FBA) to Charlotte Ann (Francis) Broome, [13] December 1833 (*JL* 12: 815).

<sup>5</sup>“Japan” is a varnished cabinet; the “Press” is a bookcase.

<sup>6</sup>See note 32 below for more information about Consols and *Rentes*.

<sup>7</sup>For this hitherto unpublished document, also held at The National Archives, see Avery Jones and Sabor.

<sup>8</sup>Barrett’s seven-volume edition has now been superseded by four modern editions, comprising 25 volumes in all: Troide et al., *Early Journals and Letters*, 5 vols.; Sabor et al., *Court Journals and Letters*, 6 vols.; Hemlow et al., *Journals and Letters*, 12 vols.; Cooke and Sabor, *Additional Journals and Letters*, 2 vols.

<sup>9</sup>Burney, *Complete Plays*.

<sup>10</sup>Words in Gothic script or in large letters are bolded in the transcription. On two occasions we have used angle brackets (< >) to indicate conjectural readings.

<sup>11</sup>“Omnipresent” in *Journals and Letters* (12: 976). Hereafter *JL*.

<sup>12</sup>“No.” is omitted in *JL* (12: 977).

<sup>13</sup>“29” is an insertion, probably in FBA’s hand.

<sup>14</sup>FBA moved to this address on 13 January 1839, less than a year before her death on 6 January 1840. Her landlord was John Grieg

Thomson (c.1805-49), a surgeon-dentist, one of the witnesses to her will.

<sup>15</sup>FBA (1752-1840) outlived all five of her siblings, the children of Dr. Charles Burney (1726-1814) and his first wife Esther Sleepe (1723-62): Esther Burney (1749-1832), James Burney (1750-1821), Susanna Phillips (1755-1800), Charles Burney (1757-1817), and Charlotte Ann (Francis) Broome (1761-1838). Her half-siblings, the children of Dr. Charles Burney and Elizabeth Allen (1728-96), were Richard Thomas Burney (1768-1808) and Sarah Harriet Burney (1772-1844).

<sup>16</sup>Alexandre d'Arblay (1754-1818), here given his full name and title, whom FBA had married in 1793.

<sup>17</sup>FBA's only child, the Reverend Alexander Charles Louis d'Arblay (1794-1837).

<sup>18</sup>FBA was buried in her son's grave, in the lower burial ground of Walcot Church, Bath; her husband had been buried nearby. See "D'Arblay Gravestones in Bath" (*JL* 12: 982-89).

<sup>19</sup>"a promise" in *JL* (12: 977).

<sup>20</sup>Alexander d'Arblay was buried on 28 January 1837, with the Reverend Gaius Barry, curate of Walcot Church, officiating. As Hemlow notes, "the starkness of the unlooked-for event, so devastating to his mother, is unrelieved by any account the editor has seen of last rites, epitaphs, or memorials" (*JL* 12: 983-84).

<sup>21</sup>"forecast" in *JL* (12: 977).

<sup>22</sup>"beloved" in *JL* (12: 977).

<sup>23</sup>A gold coin with a nominal value of £1 issued from 1817. Used metaphorically; one would now say "never drawn a single penny."

<sup>24</sup>*Memoirs of Doctor Burney*. Hemlow estimates that, in 1832-35, FBA was paid £1,000 in instalments by the publisher, and further payments presumably followed. Her contract with Edward Moxon is missing; see *JL* 12: 755n1, 785n1, and 792n1.

<sup>25</sup>Silently corrected to "Bruleries" in *JL* (12: 978); "Beuleries" here is a scribal error.

<sup>26</sup>Silently corrected to "Louis" in *JL* (12: 978).

<sup>27</sup>The Reverend Richard Arthur Francis Barrett (1812-81), the eldest son of FBA's niece, Charlotte Barrett: FBA's principal legatee after the deaths of first her son Alexander and then her sister Charlotte Broome. He was chosen, as FBA explains here, primarily because of the weakness of his eyesight, which could imperil his ability to earn a living.

<sup>28</sup>“in” is omitted in *JL* (12: 978).

<sup>29</sup>There are several references to Richard Barrett’s partial blindness in FBA’s letters, going back to his time as a pupil at Eton.

<sup>30</sup>Since resigning her position at Court in July 1791, FBA had received an annual pension of £100, granted to her in recognition of her five years of service as Keeper of the Robes to Queen Charlotte.

<sup>31</sup>Messrs Hoare of Fleet Street, who had been FBA’s London banker since September 1813. The head of the firm, Henry Merrik Hoare (1770-1856), was the widower of FBA’s old friend Sophia Hoare, née Thrale (1771-1824).

<sup>32</sup>The income is derived from UK and French government stock. The UK stock was Consols, or consolidated stock, derived from a consolidation in 1752 of all existing government stock into a single series of (originally) 3½% stock, the rate on which was reduced to 3% in 1757, and Reduced 3½% stock issued from 1752. The stocks had no redemption date so that the price varied with the current interest rate and was quoted in the newspapers. The French *Rentes* were similarly undated stocks issued by the French government, comprising two series of 5% (derived from a consolidation of government debt in 1797) and 3% stocks (the “/6” in the will is probably a misreading of “%”).

<sup>33</sup>“accumulated trust fund” in *JL* (12: 978). FBA lists a holding of £1,061.0.1 Consols in an accumulating fund. This probably represents the investment resulting from “whatever I invested in the Funds ... placed upon Compound Interest, from which I have never drawn a single sovereign.” She does not therefore include the income of this fund in the figure for her income.

<sup>34</sup>Martin Charles Burney (1788-1852), a barrister, the only son of FBA’s brother James.

<sup>35</sup>“dear” in *JL* (12: 979).

<sup>36</sup>FBA’s cousin, the artist Edward Francesco Burney (1760-1848), the son of Dr. Charles Burney’s brother Richard Burney.

<sup>37</sup>Jacques-Edmé-Amédée Meignen (1803-79), the grandson of Alexandre d’Arblay’s beloved uncle Jean-Baptiste-Gabriel Bazille; FBA gives Meignen the Bazille family name.

<sup>38</sup>Marie-Alexandre Lenoir (1762-1839), who died before he could receive this legacy.

<sup>39</sup>Charlotte Barrett, née Francis (1786-1870), the daughter of FBA’s sister Charlotte Ann (Francis) Broome.

<sup>40</sup>Henry Burney (1792-1845), Lieutenant-Colonel in the Bengal army, the son of FBA's half-brother Richard Thomas Burney.

<sup>41</sup>Alfred Turner (c.1797-1864), a solicitor, who helped to draft FBA's will.

<sup>42</sup>Harriet Wilson (fl. 1797-1840), an impoverished former governess, the recipient of charitable donations from FBA.

<sup>43</sup>Martel, a servant to FBA's old friend Mme de Maisonneuve.

<sup>44</sup>Elizabeth Pearce, née Ramsay (1798-1873), FBA's former servant in London.

<sup>45</sup>Elizabeth Cartwright, laundress.

<sup>46</sup>Maria Butcher, formerly Charlotte Broome's maid, who began working for FBA in January 1838.

<sup>47</sup>"Ten pounds" is an insertion in FBA's hand.

<sup>48</sup>Mrs. Reed, or Reid, FBA's cook. She is listed as "Reed" in FBA's Legacy Account, but as "Reid" in FBA's undated memorandum about her legacies (JL 12: 974).

<sup>49</sup>"Ten pounds" is an insertion in FBA's hand.

<sup>50</sup>Mary Anne Smith (?1793-post 1841), who became engaged to Alexander d'Arblay in about April 1835, and who lived with FBA after his death.

<sup>51</sup>Camilla Cottage in West Humble, Surrey, designed and built by Alexander d'Arblay in 1796-97, using the proceeds from FBA's third novel, *Camilla* (1796). The d'Arblays lived there until 1802, when they left for Paris; they let the cottage during their absence but would never live there again.

<sup>52</sup>William Lock (1732-1810) and his wife Frederica Augusta, née Schaub (1750-1832). Camilla Cottage was built on land that was part of Norbury Park, the Locks' estate; Frederica Lock was FBA's closest friend at the time.

<sup>53</sup>The Reverend Charles Parr Burney (1785-1864), the son of FBA's brother, the classical scholar Dr. Charles Burney, Jr.

<sup>54</sup>Charles Parr Burney neither published a selection of his grandfather's letters nor destroyed them.

<sup>55</sup>"bequeath" in JL (12: 980).

<sup>56</sup>The Wills Act 1837, which is still in force, had recently been passed, requiring the signature of the testator and two witnesses. Previously three witnesses were required for wills of real (landed) property, and none for wills of personal property (including leaseholds) and in the latter case the testator did not need to sign if he or she had

written the will. This attestation clause (starting “Signed sealed”) strictly fulfils the requirements of the Act. Sealing was not necessary but added to the formality of this will. Nor was the reference to publication necessary.

<sup>57</sup>In addition to writing their signatures here, Catherine Minet Kingston and John Grieg Thomson signed each page of the will, in the left margin near the foot of the page, while FBA added her signature below the last line of text. This was not a requirement of the Wills Act but was good practice.

<sup>58</sup>FBA’s signature here is followed by her wax seal.

<sup>59</sup>Catherine Minet Kingston, née Raper (1808-82), FBA’s great niece, the daughter of Frances Raper, née Phillips, who was the daughter of FBA’s beloved sister Susanna.

<sup>60</sup>This paragraph is a codicil to the will, in FBA’s hand.

<sup>61</sup>Sir Henry Holland (1788-1873), a fashionable physician and an old acquaintance of FBA.

<sup>62</sup>Benjamin Travers (1783-1858), a surgeon and oculist. The “M” here for Monsieur is an error; the scribe presumably supposed that Travers, an Englishman, was French.

<sup>63</sup>The Reverend Henry Bannerman Burney (1819-90), the eldest son of FBA’s executor Henry Burney.

<sup>64</sup>Richard Burney (1790-1845), the eldest son of Richard Thomas Burney, Captain in the Bengal army.

<sup>65</sup>Henry Barrett (1756-1843), the husband of Charlotte Barrett.

<sup>66</sup>Sharon Turner (1768-1847), solicitor and historian, the father of Alfred Turner.

<sup>67</sup>FBA’s signature is again followed by her wax seal.

<sup>68</sup>This document and those that follow are not transcribed in *JL*.

<sup>69</sup>The £14,000 refers to a band of probate duty rates; the duty was £220 in the band £12,000 to £14,000 of the value of the estate. Probate duty dates from 1694 as a fixed duty with a progressive scale of rates being introduced in 1779. It lasted until 1894 when it was replaced by estate duty. It still has some relevance as a case in 1974 about estate duty on a yacht registered in Jersey and berthed in Southampton turned on whether it would have been liable to probate duty. The then current rates are in the Stamp Act 1815 (55 Geo. 3 c. 184) in Pt III of the Schedule. The tax was based on the personal estate in the UK. The £14,000 was therefore the wrong band as it included French *Rentes*

which were sold after death for £3,544. Taking the value of the estate from Burney's Legacy Duty Account in The National Archives IR 59/27 as £13,135 as a guide (which is not strictly accurate as probate duty was on the value on death and legacy duty on the value on the date of the Account paying it), excluding the French *Rentes* would reduce the value for probate duty to the £9,000 to £10,000 band on which the duty is £180, resulting in an overpayment of duty of £40 (section 40 of the Act provides for repayment). This is confirmed by an entry in FBA's Legacy Duty Account for "Probate or Administration" of £203 comprising £243 less returned duty £40; the £243 must include the £220 probate duty.

<sup>70</sup>Jesse Addams (1786-1871), advocate practising in Doctors' Commons and Surrogate, author of many editions of *Reports of Cases Argued and Determined in the Ecclesiastical Courts at Doctors' Commons, and in the High Court of Delegates* (1823) and other legal works.

<sup>71</sup>Apparently the signature of the examiner of the will for probate duty, a Mr. Healey.

<sup>72</sup>i.e., "less than £14,000."

<sup>73</sup>i.e., "administration": a legal contraction.

<sup>74</sup>Peter Nugent Kingston (1805-82), a physician.

<sup>75</sup>"now hereunto annexed" is a superscript insertion.

<sup>76</sup>"Kingston" is a superscript insertion; "Thomson" is deleted.

The alteration is initialled "F.T.P", for F.T. Pratt.

<sup>77</sup>Frederic Thomas Pratt (1799-1868), advocate practising in Doctors' Commons, Surrogate, and author.

<sup>78</sup>A contraction for "surrogate."

<sup>79</sup>A contraction for "in the presence of."

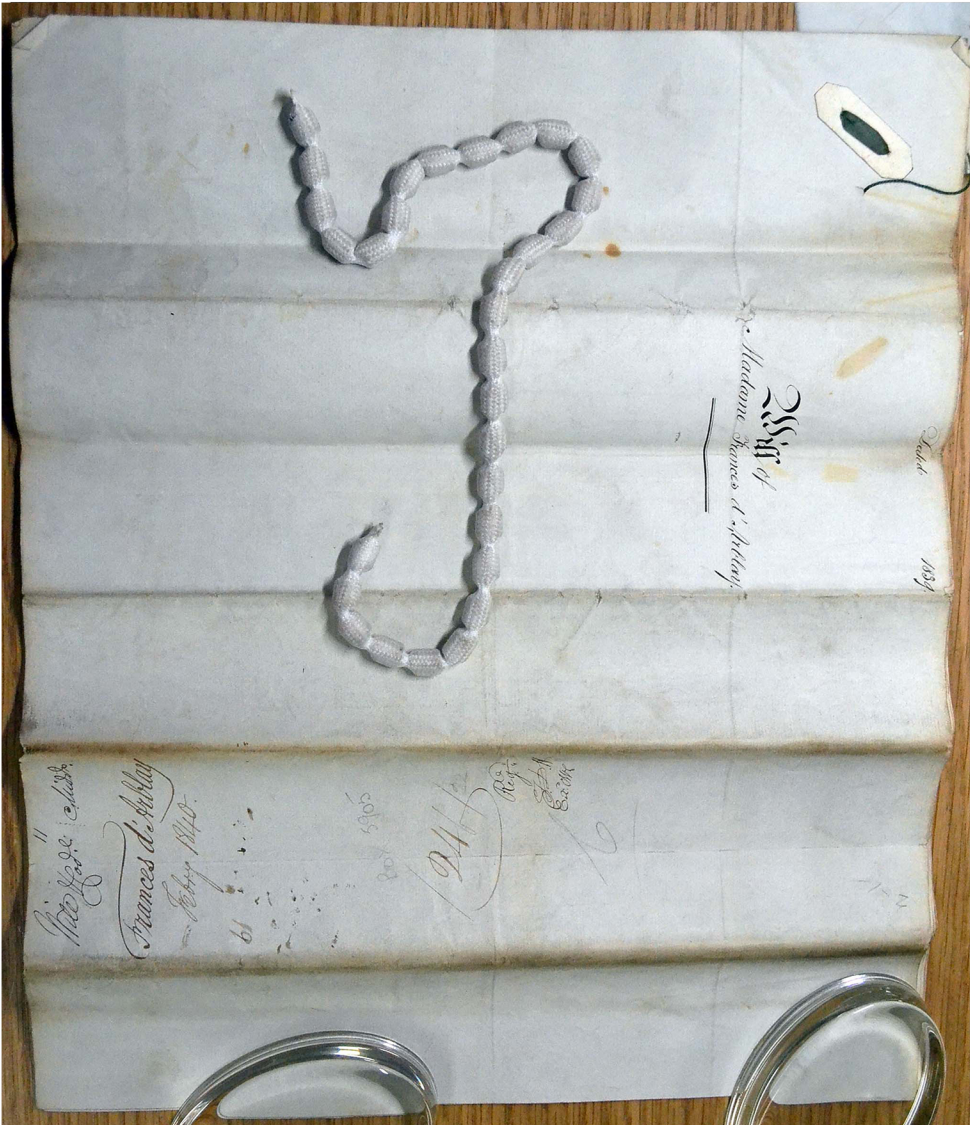
<sup>80</sup>William Mills Pulley (c.1786-1847), Proctor in Doctors' Commons and notary public. A Proctor is described to the hero in chapter 23 of Dickens's *David Copperfield* (1850): "'he is a sort of monkish attorney,' replied Steerforth. 'He is, to some faded courts held in Doctors' Commons—a lazy old nook near St. Paul's Churchyard—what solicitors are to the courts of law and equity'" (242). Steerforth might have added that proctors were also equivalent to attorneys who practised in the common law courts. The three branches were merged by the Judicature Act of 1873.

<sup>81</sup>A contraction for "notary public."

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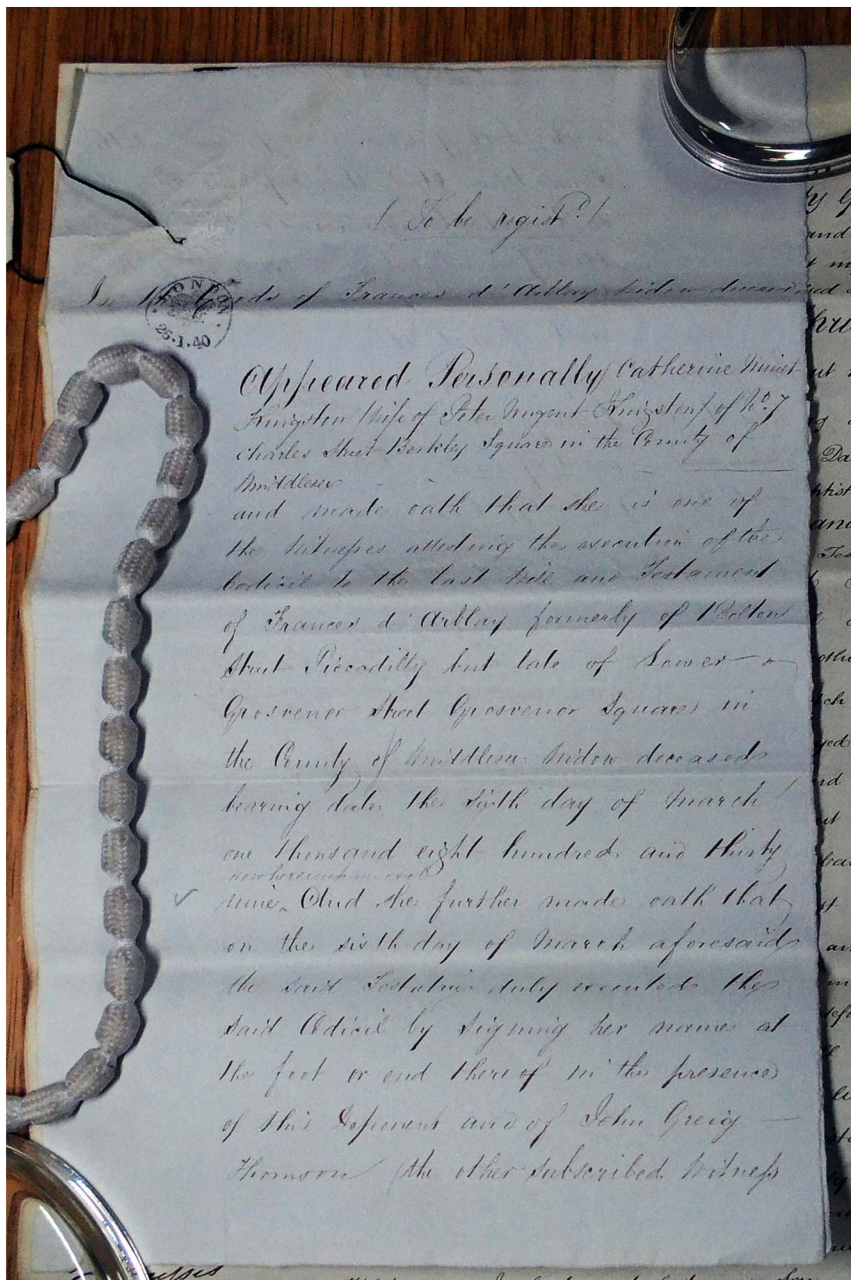
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Cover  
Copied from the UK National Archives, Kew





there both of whom were present at the  
 same time And this Depoent and the  
 said John Greig Thomson  
 thereupon attested and subscribed the said  
 Affidavit in the presence of the said Testator  
 and of each other.

The fifteenth day of February 1850 the said Catherine Minet  
<sup>Kington</sup> Kingston was duly sworn  
 to the truth of this Affidavit.

Before me,

F. T. Pratt

Witness My Seal  
 Notary



In the Name of  
Almighty God

omnipotent, omnipresent, and omnipotent,

In whom I put my Trust!

And of our blessed Mediator

Jesus Christ

In whom I put my Hope!

I Francis d'Arblay now residing at Mr. Thompson's No. 29 Lower  
Greenwich Street, Greenwich Square, second Daughter of Peter Burney and Widow  
of Lieutenant General Alexandre Jean Baptiste Rochas Comte d'Arblay Do  
hereby make this my last Will and Testament hereby revoking and  
making void every other Will Codicil or Testamentary Document whatsoever that  
may be found of a previous date. And I Francis d'Arblay do hereby will  
and assign that there be no anatomical dissection or violation whatsoever  
after my decease. Science could do nothing to be roven and revealed a  
Machine, and my Soul it cannot catch! And I desire that whosoever  
I may die, my Corpse may be conveyed to Bath, there to be interred in  
the manner with my beloved Son and as near as possible to my dear  
and beloved Husband's. This is but fulfilling a tender interchange of  
promise between the kindest of Husbands and myself. I beg that the  
Funeral may be conducted with modest quietness. The estimate of state  
of my dearest Son may regulate it, and with no exceeding beyond what  
circumstances which I cannot foresee may require. Without either parade  
or extravagance—I shall not, I gratefully believe, die unheeded or  
unregretted. True tributary tears will yet be shed to my name by  
the affectionate survivors of the long list of feeling hearts that have so  
brightened or soothed my varying existence. The afflicting event of the  
sudden departure hence of my dearly loved Sister, Charlotte Ann Tompkins  
opens to me a new call for the immediate distribution of my small  
property, though ultimately it will cause no change in my intentions.  
While yet I had not lost my Son, my only child was still my old  
Catherine's eldest Son. From the untimely day therefore, that he became Fatherless, relatives  
I have never drawn a single sovereign, though many a one I have so  
accumulated, from Legacies, the Manners of my beloved Father, and

Francis d'Arblay.

(1.)

various economical arrangements and contingencies, all ministered by the  
 prudent decision of arranging a Dotal gift for my son! But he, the  
 delight of my being, the source of my every wish, the motive of my  
 every action, since my first and heaviest calamity in the bereavement  
 of his exemplary Father, he is now no more! The d'Albany Family  
 by the side of the Rockwells, and the de la Beaulieu is now extinct,  
 Alexander Charles Lewis Rockwell d'Albany being the last Survivor of  
 them, as I am of the Rockwells. I therefore, now a solitary and now  
 mourning survivor of all my married Family; a widow and childless  
 do hereby make choice of a new successor in Richard Barrett Junior  
 Esquire of King's College Cambridge my Great Nephew and Godson, and  
 subject to the legacies and upon the terms hereinafter detailed, appoint  
 him my sole residuary legatee. I have deliberately fixed upon him from  
 a motive in relation to all my relatives well, I think, correct, namely a con-  
 sideration of his eye-sight in the prime of his life, and the pursuit of  
 his Studies. Though this alone would not have decided me, had I  
 not always known the integrity of his character, the purity of his  
 religious principles, and the ardour of his attachment to his own  
 limited Profession. My Income at this time is all in the hands, in  
 English and French, except an Annuity from belonging to the same  
 Establishment of Her late Majesty Queen Charlotte, and which I shall  
 name no more, as it ceases with my life. But the rest passes all debts  
 into my hands by the punctual and honorable attention of Messieurs  
 Howard of Fleet Street, Bankers, for whose long active and useful services  
 as well as services, I offer my most willing and thankful acknowledgments.  
 That Income consists now of the Interest of Two thousand nine hundred  
 and twenty one pounds nine shillings and eight pence in the  
 Reduced three and a half per Cent, Four thousand seven hundred and  
 thirty six pounds sixteen shillings and two pence Consols, also, One  
 thousand and sixty six pounds and one penny due accumulating fund  
 thousand five hundred francs French 50 Rentes. The above stands in  
 the name of Madame d'Albany, Two hundred and ninety francs  
 French 50 Rentes, in the name of the late Reverend Mr. d'Albany.  
 The Income per annum exclusive of the accumulating fund is Four  
 hundred and thirty one pounds five shillings and four pence subject to  
 some little variation from the change in the rate of exchange at which

(2.)

Frances d'Albany

Weir  
 Catherine Anne Tompkins  
 John Henry Thompson



it may be omitted. From this small disposition I will and bequeath to my dear half Sister Sarah Harriet Burney during her natural life and to commence immediately after my decease the sum of Two hundred pounds per annum to be arranged by Messrs Hoare of First Street Bankers with my Executors to be paid quarterly and the first payment to be made three months after my death, the said sum principal and interest upon the death of the said Sarah Harriet Burney to fall into and become part of the residue of my property. And I leave and bequeath to Martin Charles Burney Esquire Executor my eldest Nephew the sum of One hundred pounds per annum, to be paid quarterly as the preceding, during his natural life, and in like manner to fall after his death, principal and interest, into and become part of the residue of my property. I can leave no other life Annuity. My Legacies are, To my Friendman Edward Ransome Burney as a memorial of my long rock'd friendship and esteem the sum of One hundred pounds, To Amadeo Baglio as a mark of my respect to my dear Husband's excellent Uncle the sum of Fifty pounds, To M<sup>rs</sup> Le Noir the faithful and deserving friend of General d'Arday and his son the sum of Fifty pounds, To my Executor M<sup>rs</sup> Charlotte Barrett the sum of Fifty pounds, And my two Executors Lieutenant Colonel Henry Burney and Alfred Turner Esquire in apology for their I hope, short, but most kind promised services the sum of Fifty pounds each, To Miss Harriet Weston the sum of Twenty pounds as four years subscription, To the worthy M<sup>rs</sup> Martel for his good offices to my son the sum of Ten pounds, To Elizabeth Ransome, now an Elizabeth Perce my former most affectionate Servant the sum of Twenty pounds, To M<sup>rs</sup> Bartholomew my worthy Landlady the sum of Ten pounds, To my Maid the sum of Ten pounds. To my second Maid the sum of Ten pounds. And now finally I come to my much valued intended Daughter in Law, Miss Mary Anne Smith, who with the purity of virgin love has greatly mourned with me for my son, And in my never dying remembrance of the virtuous tenderness with which she has honoured his beloved memory, I beseech her to kindly accept the sum of One hundred pounds sterling, and to bestow it upon me something soothing to her feelings, that may graciously

Frances d'Arday

*Witnesses*

*Miss Anne Smith*  
*Henry Burney*

remind her of both Mother and Son And I desire that she may continue  
 my Apartment so long as it may suit her convenience while they may  
 be ruled by my Executors or by my residuary legatee And I leave unde-  
 bequeath to the said Mary Ann Smith my gold Time-keeper, consisting  
 of a Watch, an Inkbottle, and a Pen, the gift to me of her late Majesty  
 Queen Charlotte - I had bequeathed it also, as a wedding present for my Son  
 And I leave her, with urgent hopes it may contribute to her health,  
 my Alexander's Hairer Bath - I beg her also to accept his fine Hair  
 of beautiful azure blue, And also, most prized by herself and by me,  
 his superb Dish, which being what I last saw him use, I never con-  
 sidered but worth life - And finally I leave and bequeath to the said  
 Mary Ann Smith, as most congenial to her own elegance, the painted  
 Chimney piece designed for our best Hamble Cottage in happiest times, but  
 never put up, the last joint work, in arranging the Flowers in painting  
 them, of the matchless Mr and Mrs Cook of Strawberry Park And to  
 my Nephew Doctor Charles Barr Burney I leave the entire arrangement  
 of the correspondence of my dear Father excepting my own letters which  
 I give to my Niece Charlotte Barrett - I had already in the last year  
 made it over to my beloved Son, who was preparing it for the press - I  
 now commit it to Doctor Charles Barr Burney, either for a small select  
 publication, or for the flames - I leave to him likewise indiscriminately  
 and without reserve or direction, whatever composition may remain in the  
 hand writing of my dear Father whether in prose or in verse, well-  
 assured that I cannot do more honor to his memory But the whole  
 of my own immense Mass of Manuscripts, collected from my fifteenth  
 year, whether personal or collateral, consisting of Letters, Diaries, Journals,  
 Dramas, Compositions in prose and in rhyme I bequeath to the care  
 and sole and immediate possession of my Niece Charlotte Barrett, with  
 full and free permission, according to her unbiased taste and judgment  
 to keep or destroy them, simply but strictly stipulating, that she or  
 faithfully bequeathed at her death whatsoever she has not disposed of  
 or annuitized, to her Son the said Richard Barrett And subject to  
 the legacies and annuities bequeathed by this my Will I give all  
 my estate and effects unto the said Richard Barrett my Nephew whom  
 I hereby appoint my heir and residuary legatee And I hereby appoint  
 the said Charlotte Barrett with Colonel Henry Burney and Alfred Turner

Frances Burney



✓ I Enquire to be my Executors and Executors And direct them to retain the  
 expense of proving this my Will and of the Executorship And that they  
 shall be only liable each for his own wilful defaults and chargeable  
 only with what he shall actually receive and by no means for involuntary  
 losses In witness whereof I the said Frances d'Arbigny have to this  
 my last Will and Testament contained in five sheets of paper set my  
 hand and seal (that is to say) my hand to the first four sheets thereof  
 and my hand and seal to this fifth and last sheet this Sixth  
 day of March in the year of our Lord one thousand eight hundred and  
 thirty nine.

Signed sealed published and declared

by the said Frances d'Arbigny the Testatrix as  
 and for her last Will and Testament in the presence  
 of us who in her presence at her request and in  
 the presence of each other hereunto subscribe our  
 Names as Witnesses

Frances d'Arbigny

Lathmer Priest Kingston of 40 Mount Street Grosvenor Square  
 John Grey Thornton 24 Lower Grosvenor Street Grosvenor Square

In addition to the legacies given by my Will I also give to  
 Dr. Holland - Mr. Frawers, Martin Charles Burney, Dr. Charles  
 Parr Burney - The Reverend Henry Burney Richard  
 Burney - Colonel Henry Burney - Henry Barrett.  
 Richard Barrett - Marion Turner and Alfred  
 Turner the sum of five Sovereigns each for a ring  
 of remembrance. Dated this sixth day of March  
 1839.

Witnesses

Lathmer Priest Kingston  
 John Grey Thornton

Frances d'Arbigny



Close-up of Seal