

THE OXFORD COMPANION TO J.M.W. TURNER

2001

WILL AND BEQUEST

382

masterpiece, *Chelsea Pensioners* (Apsley House, London), commissioned by the Duke of *Wellington and showing the arrival of the Waterloo dispatch at the Royal Hospital, showed a new ability to incorporate national events into a familiar situation, and by its immense success in the 1822 RA set standards of popularity unmatched by Turner. That year Wilkie and Turner were both in Scotland to document *George IV's visit, the ceremonial for which was devised by their mutual friend Walter *Scott. Following a breakdown in 1825, Wilkie travelled extensively on the Continent, his experience of Masters such as Correggio and Velasquez substantially changing his later style, while his inclination towards serious historical subjects was also developed.

Though they were never intimate, Turner by now regarded him with respect. Wilkie had become an establishment figure, appointed Painter in Ordinary to George IV on the death of *Lawrence in 1830 and knighted in 1836. Despite this, and the pressure of official commissions not always sympathetic to him, he retained a capacity to reinvent his art. In 1835 he visited Ireland in search of new subjects and in 1840 left for the *Holy Land, planning biblical subjects researched from authentic sources—a journey he recommended to Turner in 'an oft-repeated joke' (Cunningham 1843, iii, p. 443). His death off Gibraltar on his way home moved Turner to paint **Peace—Burial at Sea* (RA 1842; BJ 399); Turner told *Stanfield he wished he could have painted the ship's sails blacker to match his sorrow. DBB Cunningham 1843.

William Chiego, Hamish Miles, and David Blayney Brown, *Sir David Wilkie of Scotland*, exhibition catalogue, Raleigh, North Carolina Museum of Art, and New Haven, Yale Center for British Art, 1988.

WILL AND BEQUEST. Ever since his death, controversy has surrounded Turner's will and the treatment of what has become known as the Turner Bequest. 'A very stupid Will', Lady *Eastlake called it. Within a month of the death, Turner's cousins, with whom he was not on close terms, sought a court decree that he was of unsound mind and incapable of making a valid will. Their action failed. A grant of probate was issued on 6 September 1852. Then, they argued in court that the will was technically void in attempting to establish a charity for destitute artists. A compromise, reached after three years of litigation, was made effective by a court decree on 19 March 1856. Turner's intentions were frustrated by this compromise: his main charitable scheme was not carried out; his relatives received his engraved works, properties, including the *Queen Anne Street gallery, and most of his investments; a modest bequest to the *Royal Academy was increased to £20,000; his testamentary gift of 'finished pictures' to the National Gallery, *London, was en-

larged to include 'all the Pictures, Drawings and Sketches by the Testator's hands without any distinction of finished or unfinished'. The National Gallery thus became entitled to all the artist's own works, but not engraved works, still in his possession at his death—and this body of work is usually called 'the Turner Bequest'. Subsequent debate has focused on Turner's desire that his pictures should be kept together and housed in a room or rooms to be called 'Turner's Gallery'. These issues were examined by a select committee of the House of Lords in 1861, and have been considered in books, articles, and letters to newspapers, from then until now. Successive attempts by governments, galleries, and curators to honour Turner's wishes and work (as they would put it) or fulfil the nation's obligations (as critics would say) have met mixed receptions. This story is unlikely to be over yet.

Turner's first will was executed on 30 September 1829, the day after his father's funeral. Modest legacies and annuities were given to relatives and the *Danby family, £500 to the *Artists' General Benevolent Institution, and a fund to the Royal Academy to provide a Professorship of Landscape Painting and a *Turner Medal. The residue was to found a charity for 'decayed English artists (Landscape Painters only) and single men' to be built on Turner's land at Twickenham (see SANDYCOOMBE LODGE) and contain a picture gallery. Two paintings—**Dido building Carthage* (BJ 131) and *The Decline of the Carthaginian Empire* (BJ 135)—were to go to the National Gallery, opened just five years earlier, to hang next to works by *Claude. The 1829 will was replaced by a more carefully prepared one, drawn up by the solicitor George *Cobb, and executed on 10 June 1831. It was this, varied by codicils, that was admitted to probate after Turner's death. There were five codicils dated 10 June 1831, 20 August 1832, 29 August 1846, 2 August 1848, and 1 February 1849, but the third was revoked.

It was for Turner's executors to see that his will was carried out. Altogether, ten executors were named: W. F. *Wells, the Revd Henry *Trimmer, Samuel *Rogers, George *Jones, and Charles *Turner in the will itself, Thomas *Griffith, John *Ruskin, Philip Hardwick, and Henry *Harpur in the 1848 codicil, and H.A.J. *Munro of Novar in the 1849 codicil. Of these, the Revd Henry Trimmer, George Jones, Charles Turner, Philip Hardwick, and Henry Harpur proved the will. Wells had died in 1836. Munro reserved power to come in later as an executor. Rogers, Griffith, and Ruskin formally renounced their appointment, although Ruskin later sorted and numbered the works on paper, dismantling sketchbooks, selecting items for exhibition, mounting and encasing many, and destroying certain erotic drawings.

Cash gifts to Turner's father's two surviving brothers (£50 each) and specified cousins (£25), and modest annuities to Hannah Danby, Sarah Danby, and her daughters, Evelina and Georgiana (who died in 1843), were all revoked in 1848. Annuities of £150 each were directed in 1849 to Hannah Danby and Sophia *Booth. The daughters of W. F. Wells—Clara Wheeler (see WELLS, CLARA), Emma *Wells and Laura Wells—were given £100 each in 1849. No other individuals were named by Turner, but each executor was to receive 19 guineas 'for a ring'.

Turner left £1,000 for a monument in St Paul's Cathedral 'where I desire to be buried among my Brothers in Art'. This desire was fulfilled, Turner's body resting in the crypt close to the tombs of *Reynolds and *Lawrence. The marble statue of Turner, by Patrick MacDowell, RA, stands on the south side of the nave under the dome (see MONUMENTS TO TURNER).

In the second will of 1831, as in the earlier will, two pictures were specifically bequeathed. This time, **Sun rising through Vapour* (BJ 69) and **Dido building Carthage* (BJ 131) were left to the National Gallery, on condition that they were always to hang between Claude's *Seaport* and *Mill* (i.e. *Seaport with the Embarkation of the Queen of Sheba* and *The Marriage of Isaac and Rebecca*). Barring brief intervals, the four pictures have hung there together ever since.

The scheme of the will for the remainder of Turner's estate, including his other pictures, was straightforward: the executors were to sell everything and invest the proceeds to endow the intended charity for 'poor and decayed male artists being born in England and of English parents only and lawful issue'. However, Turner certainly never intended this dispersal of pictures. In 1832 an unwitnessed codicil (pace Cummings, this was validated by a subsequent codicil)—which it is generally supposed he drew up himself and which may have been influenced by a similar complex at Dulwich—directed that the charity was to be carried into effect by using part of his investments for the erection of the Gallery to hold my Pictures and places, Houses or Apartments for one two or three or more persons according to circumstances or means which my executors may find expedient keeping in view the first objects I direct namely is to keep my Pictures together so that they may be seen known or found at the direction as to the mode how they may be viewed Gratefully I leave to my executors and that the Building may for their reception be respectable and worthy of the object which is to keep and preserve my Pictures as a collection of my works.

That the preservation of the collection for viewing together was indeed Turner's first object was further emphasized by a provision in the 1832 codicil which catered for the eventuality that it would be found impossible to establish the

charity. In that case, all the pictures and property in Queen Anne Street were to be kept 'intire and unsold' with Hannah Danby retained as custodian for life 'with the object of Keeping my works together and to be seen under certain restrictions which may be most reputable and advisable'.

By 1848, doubtless influenced by Robert *Vernon's 1847 gift of modern British pictures to the National Gallery, Turner had decided on a different home for, at least, his 'finished Pictures'. The codicil of that year gave these to the National Gallery in addition to *Dido* and *Sun rising* 'provided that a room or rooms are added to the present National Gallery to be when erected called "Turner's Gallery" in which such Pictures are to be constantly kept deposited and preserved'. He directed that until this condition was met, the pictures should remain at Queen Anne Street, with its lease being renewed if necessary by his executors

to the intent and purpose that such pictures may always remain and be one entire Gallery and for the purpose of regulating such Gallery it is my wish that so many of the Pictures as may be necessary shall be seen by the public gratuitously so that from the number of them there may be a change of pictures either every one or two years as my said Trustees shall think right.

He also directed what should happen if this fallback plan failed because the lease at Queen Anne Street could not be renewed: in that case the pictures were to be sold. By a short codicil added on the same date in 1848, he gave the National Gallery a time limit for carrying out his conditions, failing which his gift would be void. This time limit was changed by the final, 1849, codicil to a term of ten years after his death.

Turner's residuary estate—investments and cash—was to be used to found his charitable institution, which was to go by the name of 'Turner's Gift'. In the 1832 codicil he dealt with the destination of the residue should the charity not be brought into being within five years after his death. In that event, it was to pass to the Royal Academy subject to their holding an annual dinner on his birthday and—if funds permitted—establishing a professorship of landscape or a 'Turner's Medal' for landscape painting, to be awarded every two years. Should the RA not accept these conditions, residue was to go to Turner's daughter, Georgiana. Nothing in the later codicils disturbed these provisions for dealing with residue.

At the time of Turner's death the law forbade gifts by will for charitable purposes unless the intended bequest had been registered in the Court of Chancery and the relevant deed had been delivered to the intended trustees at least a year before the donor's death. Turner's unexplained failure to comply with the latter rule opened the way for his relatives' second challenge to his will and brought about the collapse of his intended charity.

In the summer of 1854, while litigation was proceeding, Turner's works were transported from Queen Anne Street to the National Gallery for safe keeping, and following the court decree the Gallery's Trustees took legal possession on 25 September 1856. This year is accordingly usually given as the accession year of Bequest items. The finished oil paintings given by Turner's will numbered 100 (including the two bequeathed specifically), but in addition the Gallery received under the decree 182 oils regarded as unfinished and over 19,000 watercolours and drawings. A list of the oil paintings included in a Schedule of 21 June 1854, with notes of modifications made on 19 March 1856, is included in Davies 1946, pp. 185-91. Display space was a problem. Initially, a selection was hung in rooms at Marlborough House, then in use as an annex of the National Gallery; and in 1859 103 oils and 97 drawings were displayed at the South Kensington Museum (see VICTORIA AND ALBERT MUSEUM). By 1861 attention had been drawn to the risk that the National Gallery might forfeit the Bequest through failing to meet the will's condition about building 'Turner's Gallery' within ten years of his death. The Trustees had thought they took the Bequest under the decree free of any such condition, but they bowed to the opinion of the former Lord Chancellor, Lord St Leonards, who had always argued that the condition still applied. The matter was debated in the House of Lords, and the government appointed a select committee 'to consider in what manner the conditions annexed by the Will of the late Mr. Turner RA to the bequest of his pictures to the Trustees of the National Gallery can best be carried out'. The Trustees submitted evidence:

The Trustees and the Director are of opinion that having undertaken the Care and ordering of these Pictures under the decree of the Court of Chancery, and by virtue of the Powers assigned to them by the Legislature, they are bound to the Extent of the Powers committed to them to see that Provision is made for their Custody, Preservation and Exhibition according to the Intentions of the Testator, unmistakably evinced by the Language of his Will. They apprehend those Intentions clearly to have been that the Works of the Artist should be exhibited to the Public in proximity to and in immediate Connexion with the other Pictures forming the National Gallery . . . The Trustees . . . would submit . . . that, whether that Trust be considered as created by the Will itself, or by the Decree of the Court of Chancery, or as dependent upon the combined authority of both, these Pictures are held by them under an Obligation, binding alike on legal and moral Grounds, to see that the undoubted Object of the Testator is fulfilled.

The committee concluded that

the nation ought . . . to carry out the conditions annexed to the gift in like manner as the conditions annexed to the gift of the two pictures now between the two Claudes have been complied with . . . Turner died in December 1851 and . . . no further delay should take

place in providing a room or rooms for the reception and exhibition of his pictures and drawings, now the property of the nation, in connexion with the National Gallery, to be called 'Turner's Gallery'.

What actually happened was that the largest room in the Gallery was designated 'Turner's Gallery' and crammed with most, though not all, of his finished oils; while selections of watercolours and drawings were exhibited at the National Gallery, South Kensington Museum, and, after 1869, museums outside London. An 1889 Act of Parliament permitted the National Gallery to lend to other public galleries 'pictures which can be spared' and some Turner oils were immediately sent to the provinces. In 1905 it proved convenient to move 'surplus' oils to the *Tate Gallery, and by 1910, amid public debate and protest, most of the Bequest was moved there and shown in the newly built Duveen wing, leaving at Trafalgar Square a small 'representative sample'. In 1954 legal ownership of the Bequest was split, legislation vesting in the Tate Gallery the works situated there. Following the 1975 bicentenary exhibitions, the newly formed *Turner Society and others campaigned for the establishment of an independent 'Turner Gallery' to house the entire Bequest in accord with the artist's aims. Instead, the National Gallery retained its works from the Bequest, while the Tate kept its works, recovered the watercolours and drawings that had since 1931 been housed in the *British Museum, and opened in 1987 yet another newly built wing, the 'Clare Gallery', as a home for its 'Turner Collection'. Here, the vast majority of Turner's Bequest has received an unprecedented level of conservation, care, scholarly attention, and public exposure.

The Bequest was initially catalogued by court-appointed assessors, *Eastlake and J. P. *Knight, whose task was to identify works by Turner's own hand. Although no single published catalogue of the Bequest as such exists, all works on paper are listed in *Finberg 1909 and all oils are discussed in B.J. A not implausible attempt by Whittingham at estimating its monetary value in 1992 reached a total of £500,000,000. However, the Bequest is unique and truly priceless.

Thornbury 1862, pp. 620-33, with reprint of will.

Finberg 1961, pp. 441-55.

Turner Society, *The Case for a Turner Gallery*, n.d. [1979], with reprint of will.

Cummings 1986, pp. 3-8.

Selby Whittingham, *An Historical Account of the Will of*

J. M. W. Turner, R.A., 1989.

Selby Whittingham, *The Fallacy of Mediocrity*, 1992.

Bailey 1997, pp. 402-16.

WILLMORE, James Tibbits (1800-63). English line-engraver, who was born near and trained in Birmingham.