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**In His Majesty's High Court of Justice of the Isle of Man.**

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COMMON LAW DIVISION.--(TESTAMENTARY JURISDICTION).

At Greeba Castle the 5<sup>th</sup> day  
of September 1931

The annexed paper writings dated respectively  
the 19<sup>th</sup> day of August 1930, the 10<sup>th</sup> day of  
November 1930, the 30<sup>th</sup> day of August 1931  
and the 30<sup>th</sup> day of August 1931

\_\_\_\_\_ having been proved to be the last Will  
and Testament with three bodicils thereto of  
Sir Thomas Henry Hall Baine (generally known  
as Sir Hall Baine) late of Greeba Castle

in the Isle of Man, *i. e.*, K. B. C., \_\_\_\_\_

deceased, who died there on the 31<sup>st</sup> day of August  
1931. Lady Mary Hall Baine, the Relict and  
Gordon Ralph Hall Baine and Berwent Hall Baine, son  
of deceased, all at present residing at Greeba Castle  
aforesaid, Ramsey Signal Moore of 'Brookdale'  
Cronkbourne Road in the borough of Douglas, His Majesty's  
Attorney General for the Isle of Man and William Percy  
Bowley of Ballaughton in the parish of Braddan,  
High Bailiff of Ramsey and Peel, the \_\_\_\_\_

\_\_\_\_\_ executors named in the said Will are sworn  
well and truly to fulfil and execute the said Will  
and bodicils and to administer the personal  
estate of the said deceased according to Law

*J. L. Quayle*

Chief Clerk  
Rolls Office

THIS IS THE LAST WILL AND TESTAMENT of me HALL CAINE of Greeba Castle in the Isle of Man Companion of Honour and Knight Commander of the British Empire I DECLARE that I am domiciled in the Isle of Man and desire to emphasize that although my wife Lady Hall Caine has bought and furnished a residence in London (which residence is rendered necessary owing to her illness) and I am on this account from time to time temporarily residing in my wife's house (the whole of the contents of which are her property) my own residence is and will continue to be Greeba Castle in the Isle of Man in which I have for so long resided and wherein everything belongs to me (except certain silver belonging to my wife) and which holds for me so many ties of family and descent AND I again DECLARE that any residence on my part in my wife's house is not intended to and shall not be deemed to imply any variation of my intention to preserve my Manx domicile I REVOKE all former Wills and other testamentary dispositions by me at any time heretofore made or executed and DECLARE this only to be my Will I APPOINT my wife Lady Mary Hall Caine my two sons Gordon Ralph Hall Caine and Derwent Hall Caine my friend Ramsey Bignall Moore His Majesty's Attorney General for the Isle of Man and my Advocate William Percy Cowley (hereinafter referred to as and included in the expression "my Trustees") to be Executors and Trustees of this my Will I GIVE AND BEQUEATH to my two sons Ralph and Derwent equally between them all the copyright in my published or unpublished works and all my literary dramatic and film rights in such works and the benefit of all royalties or other moneys which may become payable to my estate after my death in respect thereof together with the exclusive right for my said sons and persons deriving title under them to

*This is the last will and testament of Sir Thomas Henry Hall Caine referred to in the annexed affidavit of William Evan Morrison sworn before me this 5<sup>th</sup> day of September 1931.*

*J. E. Deacyle*  
*Chief Clerk,*  
*Manx Office.*



publish any future editions of any of my published works and all other rights to which I may be entitled under the law relating to copyright I DEVISE AND BEQUEATH all the rest residue and remainder of my real and personal estate which I can dispose of by Will in any manner I think proper either as beneficially entitled thereto or under any general power unto my Trustees UPON THE TRUSTS hereinafter set forth and contained concerning the same that is to say UPON TRUST:-

1. To release and discharge my said son Ralph from any obligation in respect of moneys which have been advanced by me to him upon the security of shares or debentures in the Greycaine Book Manufacturing Company Limited AND I DIRECT my Trustees to return to him the Scrip for such shares freed from all charges whatsoever subject to the condition that he shall obtain a release of my estate from all liability in respect of any guarantee or guarantees entered into by me for him in respect of any loan or loans obtained by him from Bankers.

2. I DIRECT my Trustees to hold and stand possessed of my residence known as Greeba Castle and the furniture and household goods and effects therein and my Manuscripts and literary documents and papers UPON TRUST:-

(1) So far as possible to divide equally the original Manuscripts of my own books and such original letters from D. G. Rossetti and others as may be there between my two sons Ralph and Derwent but if either of them should predecease me then to hand over the same to the survivor of them;

(2) To hand over to my brother William Ralph Hall Caine the Silver Goblet which usually stands on the Dining Room Mantelpiece at Greeba Castle aforesaid.

(3) (SUBJECT as hereinafter appearing) to keep and maintain my residence and the residue of the contents thereof in good order and condition and generally manage and deal with the same at their uncontrolled discretion and having regard to the following expression of my wishes, that is to say:-

(a) I DESIRE that from my said residence my wife (who cannot live there owing to the condition of her health) shall take Frederic Shields well-known picture "Mercy at the Gate" and any Silver which she may consider her own;

(b) that my residence and the remainder of its furniture including the Black Oak with historic associations with Dante Gabriel Rossetti, George Eliot and others, and the remainder of the contents of my said residence and all lands pertaining to it shall be first offered to my dear elder son Gordon Ralph Hall Caine rent free (all rates and taxes and other outgoings and the maintenance and repair of such residence and the contents thereof being paid and discharged by my Trustees out of the income of the Trust Fund hereinafter defined) on condition that and so long as he personally occupies the same for at least four months of every year and if my said son so elects he shall have and exercise such right for such period as he cares to so occupy the same BUT if my said son shall not so elect or shall cease to personally reside in the same for at least four months of every year then his rights shall ipso facto cease and determine and my said residence and the residue of the contents and all lands pertaining to it shall be offered to my dear second son Derwent Hall Caine on the same conditions BUT if my said son Derwent does not elect to exercise such right or shall cease to personally occupy the same for at least four months of

every year then the same shall be offered at her coming of age or marriage to my daughter Elin (who has always lived there from her earliest childhood and is deeply attached to it) subject to, the same conditions/ BUT if my said daughter Elin does not elect to exercise such right or ceases personally to occupy the same for at least four months of every year the same shall be offered to my dear grandson Derick on his coming of age on the same conditions as those applicable to Elin BUT if he does not elect to exercise such right or ceases to personally occupy the said residence for at least a period of four months in every year THEN I DIRECT that the same shall be offered to my dear younger grand-daughter Mary on her coming of age or marriage on the same conditions as those applicable to Elin - SUBJECT as aforesaid I DIRECT that my said residence and the residue of the contents thereof and the grounds shall form part of the Trust Fund (hereinafter defined) and be subject to the trusts and powers thereof.

3. AS to all the real and personal estate not hereby or by any Codicil hereto otherwise specifically disposed of UPON TRUST that my Trustees shall sell the said real estate (including chattels real) and call in sell and convert into money such part of my personal estate as does not consist of money with power to postpone such sale and conversion for such a period as my Trustees without being liable to account may think proper and for the purposes aforesaid to sell and dispose of the same in any way or manner at public or private sale with power to execute valid deeds of conveyance or lease thereof in fee simple or for any less estate or term without any obligation on the part of the purchasers or

lessees to see to or be responsible for the application of the purchase money and with power as regards any real estate agreed to be sold in my lifetime to perfect the title thereto and convey the same to the purchasers thereof.

I DIRECT that the income of my real and personal estate however invested shall from my death be treated and applied as income and no part thereof shall be added to capital MY Trustees shall out of the money to arise from the sale and conversion of my said real and personal estate and out of my ready money pay my funeral and testamentary expenses and my debts (which shall as far as possible be paid out of assets in the Country where such obligations are actually payable) and shall out of the money to arise from such sale and conversion pay or provide for the following bequests and legacies (which shall be exclusively paid or provided out of the proceeds of sale and conversion of property (whether real or personal) collectible by my Trustees by virtue of the Grant of Letters Testamentary out of the Courts of the Isle of Man) namely:-

- (1) To my dear wife Lady Mary Hall Caine the sum of One thousand pounds (£1,000) to be paid to her as soon as possible after my decease.
- (2) To the said Ramsey Bignall Moore the sum of Five hundred pounds (£500) as a legacy for his valuable services and kindly interest in my affairs through many years.
- (3) To my friend and repeated travelling companion in Palestine, Dr. Robert Marshall, as a friendly remembrance the sum of Two hundred and fifty pounds (£250)
- (4) To my god-daughter Greeba Jackson (now Mrs Williams) with my affectionate remembrance the sum of One hundred pounds (£100);

(5) To my servant, Mrs William Long, if alive at the time of my death, in recognition of her care of my daughter Elin at various times during her childhood the sum of Fifty pounds (£50);

(6) To the said William Percy Cowley on condition that he takes probate and acts in the trusts of this my Will the sum of Two hundred and fifty pounds (£250)- AND shall invest the residue of the said money in their names or under their control in or upon any of the investments authorized by the law of the Isle of Man for the investment of trust moneys with power for my Trustees at their discretion to change such investments for others of a like nature.

4. MY TRUSTEES shall stand possessed of the investments hereinbefore directed to be made or authorised to be retained (including any part of my residuary estate remaining unconverted) and the investments representing the same (in my Will referred to as "the Trust Fund") and of the annual income thereof UPON THE TRUSTS following that is to say:-

(1) IF MY SAID WIFE SURVIVES ME then during the residue of her life:

(a) to pay out of the said income all rates and taxes and other outgoings and the maintenance and repair of Greeba Castle and the contents thereof as hereinbefore provided which may be payable during such period as the same or any part thereof shall not be converted into money and form part of the Trust Fund;

(b) to pay to my said wife during the residue of her natural life an annuity of Three thousand five hundred pounds (£3,500) by equal half-yearly payments the first payment to be made at the expiration of Six calendar

months from the date of my death; and

(c) as to the balance of the said income to apply such balance in manner following that is to say:-

i. to pay to my daughter Elin the sum of Two hundred and fifty pounds (£250) yearly and every year while living.

ii. to pay to my grandson Derick the sum of Two hundred and fifty pounds (£250) yearly and every year while living.

iii. to pay to my grand-daughter Mary the sum of Two hundred and fifty pounds (£250) yearly and every year while living.

iv. SUBJECT as hereinafter appearing to pay the balance of the said income to my said sons Ralph and Derwent in equal shares SUBJECT to the conditions following that is to say:-

(a) IN the event of my said son Ralph dying in the lifetime of my said wife leaving issue him surviving UPON TRUST to pay to his widow (if any) an annuity or yearly payment of Five hundred pounds (£500) per annum payable half-yearly while she shall remain his widow and SUBJECT thereto UPON TRUST to pay the share of income of the Trust Fund which would have been payable to him during his mother's lifetime to his child or children (if more than one) equally between them share and share alike.

(b) IN the event of my said son Derwent dying in the lifetime of my said wife leaving issue him surviving UPON TRUST to pay to his widow (if any) an annuity or yearly payment of Five hundred pounds (£500) per annum payable half-yearly while she shall remain his widow and SUBJECT thereto UPON TRUST to pay the share of income of the Trust Fund which would have been payable to him during his



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mother's lifetime to his child or children (if more than one) equally between them share and share alike.

(c) IN the event of the death of my said son Derwent in the lifetime of my said wife without leaving issue him surviving then UPON TRUST to pay to his widow (if any) an annuity or yearly payment of Five hundred pounds (£500) per annum payable half-yearly while she shall remain his widow and SUBJECT thereto UPON TRUST to pay the share of income of the Trust Fund which would have been payable to my said son during his, mother's lifetime to my said daughter Elin and my said son Ralph equally or to the survivor of them if either of them shall die during the lifetime of my said wife.

(2) IF MY SAID WIFE SHALL PREDECEASE ME or if she shall survive me then after her death I DIRECT that the capital and income of the Trust Fund shall be held by my Trustees at the death of the survivor of myself and my said wife (hereinafter called "the vesting period") UPON TRUST:-

- (a) as to one-tenth part or share of the Trust Fund UPON TRUST for my said daughter Elin if she shall attain the age of twenty-one years or marry absolutely;
- (b) as to one-tenth part or share of the Trust Fund UPON TRUST for my said grandson Derick if he shall attain the age of twenty-one years absolutely.
- (c) as to one-tenth part or share of the Trust Fund UPON TRUST for my said grand-daughter Mary if she shall attain the age of twenty-one years or marry absolute.
- (d) During the minority of each of them the said Elin Derick and Mary or until the marriage under twenty-one years of the said Elin or Mary my Trustees shall retain such one-tenth shares and invest the same and may pay

or apply the income and interest arising therefrom or so much thereof as my Trustees in their discretion may deem proper in and towards his or her maintenance education and advancement in life or until he or she attains the age of twenty-one years. Any unexpended income of such shares shall fall into and form part of the capital of the share from which it shall have accrued and follow the destination thereof.

(e) If any of them the said Elin Derick and Mary shall die before attaining the age of twenty-one years or in the case of Elin or Mary marrying his or her tenth share as the case may be and all accumulations of unexpended income arising therefrom shall revert to and shall go in augmentation of the residue of the trust funds hereinafter bequeathed to my two sons.

(f) AS to the remaining seven-tenths of the Trust Fund and any augmentation thereof which may have accrued under the last preceding clause UPON TRUST if both my said sons Ralph and Derwent be then living in equal shares for such two sons absolutely.

(g) In case either of my said sons shall die before the vesting period leaving issue such issue shall take through all degrees according to their stocks in equal shares the share or shares which their parent would have taken if living at the vesting period BUT SUBJECT in either case to the payment to the widow (if any) of either of my said sons during her widowhood of an annuity or yearly sum of Five hundred pounds (£500) payable half-yearly.

(h) IN case my said son Derwent shall die before the vesting period without leaving issue him surviving my Trustees shall hold the share which my said son would have taken if living at the vesting period UPON TRUST to pay to

his widow (if any) out of the income thereof an annuity or yearly sum of Five hundred pounds (£500) payable half-yearly during her widowhood and SUBJECT THERETO shall hold such share IN TRUST for my said daughter Elin and my said son Ralph in equal shares the interest of my said daughter Elin to vest only on her attaining the age of twenty-one years or marrying.

5. MY Trustees may at any time and from time to time raise any part or parts not exceeding together one-half of the presumptive or vested share of my said daughter Elin or any grandchild under the trusts herein declared and pay or apply the same for the advancement or benefit of such <sup>daughter</sup> grandchild or grandchildren as my Trustees think proper.

HC.  
W. J. K.  
W. H. N.

6. Should any son of mine be made bankrupt or have assigned or charged or affected or attempt to assign or charge his share in the income or share in the corpus of my estates before such income or share shall actually become vested in him in that event or on the happening of any event prior to the vesting period whereby if the said income or share belonging to him absolutely he would be deprived of the personal receipt and enjoyment thereof then during the remainder of the lifetime of such child of mine the foregoing provisions of income or shares in favour of such son shall be null and void and absolutely revoked AND I hereby declare that in such an event my Trustees shall stand possessed of all such interest and right or benefit to which such child would have been entitled UPON TRUST to apply the whole or such part thereof as they in their absolute and uncontrolled discretion deem advisable during the lifetime of such child unto and

for the personal support and benefit of such child and his wife and children or any of them to the exclusion of others in such shares and manner as my Trustees in their absolute and uncontrolled discretion think proper AND upon the death of such son my Trustees shall hold any such interest right or benefit and all accumulations of income thereof UPON TRUST for the wife and children of such son in such shares proportions and manner as he may by Will or deed appoint and SUBJECT to such appointment and in so far as the same shall not extend or in default thereof TO HOLD the same UPON TRUST for the child or children living at his death if more than one equally between them share and share alike Should any such son leave no child him surviving then my Trustees shall hold the said interest right and benefit and accumulations, of income thereof upon the like trusts and powers for my other son as are herein declared with reference to the share of the Trust Fund devised and bequeathed to him.

7. In the execution of any of the trusts or powers hereof my Trustees may as between the representatives of the deceased tenant for life and his or her successors in title or otherwise decide what money represents income and what represents capital and may allot or apportion any money or investment or other chattels the trusts whereof are hereby declared in or towards satisfaction of any legacy or share or interest in my estates or otherwise to or between the parties entitled thereto at the mesne market price of the day or at a valuation as to my Trustees may seem just and reasonable according to the respective rights and interests of the persons interested and notwithstanding the funds held on different trusts have been blended and for the purpose as aforesaid may ascertain

and fix the value of the respective parts of the said investments and chattels and every such decision allotment apportionment and valuation shall be as binding upon all persons then or thereafter to be interested in the premises as if the same had been duly made by a Court of competent jurisdiction.

8. Where a Trustee in purported exercise of the trusts and powers hereby or by any Statute conferred acts on the advice of any counsel advocate solicitor engineer surveyor land-agent actuary cashier accountant or other expert such Trustee shall not be responsible for any loss which may result from acting on such advice but the act or omission shall be deemed to be authorized and proper and the advice shall operate to protect the Trustees in like manner as if the act or omission had been directed or authorized under an Order of a Court of competent jurisdiction.

9. I DECLARE that any vacancy in the number of my Trustees shall be filled by nomination of the majority of the remaining Trustees and that in the event of difference of opinion or disagreement among my Trustees the powers conferred by my Will shall be exercised by the majority of my Trustees as if the minority Trustees had not been appointed but that such majority shall include where three of my family are living two of such family Trustees and where only two of my family Trustees are living the majority shall include both of them and where only one of my family Trustees is living the majority shall include that one BUT where any powers are so exercised by a majority of my Trustees the minority shall not incur any personal responsibility or liability by reason of any act done by such majority.

10. As regards any property out of the Isle of Man or the United Kingdom my Trustees may appoint Attorneys Agents and Managers with such remuneration as they shall think proper and may delegate to any such persons all or any of the powers hereby vested in them and may advance to them any money out of my estate for any purpose connected with the management of the said property without being answerable for any loss arising thereby.

11. Any Executor or Trustee in the conduct of the trust business may instead of acting personally employ and pay an agent whether being an advocate solicitor or any other person to transact all business and do all acts required to be done in the trusts including the receipt and payment of money AND any executor or trustee being an advocate or other person engaged in any profession or business shall be entitled to be paid all usual professional or proper charges for business transacted time expended and acts done by him or any partner of his in connection with the trusts hereof including acts which an executor or trustee not being in any profession or business could have done personally.

HC  
W. J. A.  
W. J. A.

13. I DESIRE that my dear wife and my sons Ralph or Derwent or both together should be charged with the duty of furthering the best interests of my literary and other works so as to keep them alive in the public mind by arranging for the publication of any new editions of my books fresh revivals of my plays and fresh releases of my films and that they should be paid the usual agents' fees for all such services always remembering that it is a very dear wish of my heart that so far as the public interest in them may permit (although I well know how short is the public memory) the recollection of my literary labours

should be kept alive.

14. I FURTHER DIRECT my Trustees as soon as convenient after my decease and the position of my estate has been approximately ascertained to inform my wife if she survives me of her relative interest under my Will and her right as my widow under the laws of the Isle of Man in order that she may elect to take the provisions herein named for her or her widowright and if she elects to take her rights as my widow then all the provisions I have herein made for her shall become null and void and my Will shall be read and construed as if my wife had predeceased me.

FINALLY, I desire that if there should be nothing intervening which my Trustees consider a serious difficulty I should be buried in a suitable place in the Isle of Man my own home and the home of my paternal ancestors to which I am deeply attached and with which my name has long been associated in the mind of the Public.,

IN WITNESS WHEREOF I have hereunto set my hand this 19<sup>th</sup> day of August One thousand nine hundred and thirty (1930)...

Hall Caine

SIGNED PUBLISHED AND DECLARED by the abovenamed HALL CAINE as and for his last Will and Testament in our presence (both present at the same time) who at his request in his sight and presence and in the presence of each other have hereunto subscribed our names as witnesses:-

W J Kennell  
13 Athol St  
Douglas  
W. W. Harrison  
13 Athol St  
Douglas