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THE

Last Will and Testament

OF

John DeMonte, Esq.,

OF

Madras

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IN THE MATTER

OF THE

LAST WILL AND TESTAMENT

OF

John DeMonte, Esq.

PROBATE

In the Supreme Court of Judicature at Madras.

S.

Be it known to all Men, that on the *Eighteenth* day of *May*, Anno Domini 1821, the Last Will and Testament and Codicil of *John DeMonte, Esquire, late of Madras, Merchant, Deceased*,

(true copies of which are hereunto annexed) were exhibited, read, and proved before this Court. The Administration of all and singular, the Goods, Chattels and Credits of the Deceased in any wise belonging, was and is hereby committed to *Emmanuel Bilderbeck, one of the* Executors in the said Last Will and Codicil named, being first sworn well and truly to administer the same and to pay the lawful Debts of the said Deceased, and the Legacies in the said Will and Codicil contained, as far as the Goods, Chattels, and Credits of the said Deceased shall extend, and the Law requires, and also to exhibit in the said Court a true and perfect Inventory of all and singular, the said Goods, Chattels, and Credits, and also a just account of all the Effects of the said Deceased, when he shall be thereto lawfully required. *Probate of the said Will and Codicil granted to George, Arbuthnot, James Morgan Strachan, John Binny, and William Scott, Four of the Executors in the said Last Will and Codicil, named on the twenty-eighth day of the same Month and Year aforesaid — reserving a power of granting the like Probate to the Executrix and Executor in the said Will and Codicil named.*

Given Under the Seal of the said Court at Madras, aforesaid, this *Twenty-eighth* day of *September*, One Thousand Eight Hundred and *Twenty-Seven*.

(Signed) C. E. CLAY,

Dy. Registrar.

(Signed) ING. JEREMIAH,

Proctor.



The Will and Testament

IN THE NAME OF GOD, AMEN.— I, *John D'Monte* of Madras, Merchant and Inhabitant, being of sound and disposing memory —Praised be God for the same—and considering the uncertainty of this life, do make this last Will and Testament in manner and form following.

First, I recommend my Soul to God who created it and humbly beg for a remission of all my transgressions. And as to my body, I request it may be interred in the Church at Covelong. And with regard to my worldly affairs, I will and desire that immediately after my death my Interest as a Partner in the House or Firm of Arbuthnot D'Monte and Co., shall cease and terminate, and that my Executors and Trustees hereinafter mentioned shall and do ascertain the sum or balance due to me by the said Firm, as may appear by the Books of accounts kept by the said Firm and by my Ledger or Memorandum Book, and that they shall collect, recover and receive such balance within the Periods stated in the Articles of Co-partnership entered into between me and my Partners, and invest the whole, or so much thereof as shall be needful or necessary for the Trusts hereinafter mentioned, in the Securities of the Government of Fort St. George, Calcutta or Bombay, and for the payments of the Legacies and bequests hereinafter mentioned and given.

The *Extent* of my *Fortune* or *Property* which God has been pleased to bestow on me and the Funds which I have already applied for *Pious* and *Charitable Establishments* may be ascertained by my Executors from my accounts, and particularly by my Ledger and Memorandum Book marked A, and B.—It is my Will and desire to apply the said Property for the following uses and purposes, namely:—

First.— I desire that the sum of Three Hundred (300) Star Pagodas be laid out for my Funeral expenses, and a further sum of Two Hundred (200) Pagodas be distributed on the day of my decease to the poor and orphans, and also amongst the Priests for performing Masses, in such proportion and manner as my Executors hereinafter named and the Bishop or Vicar General of St. Thome shall think proper.



The Will and Testament

IN THE NAME OF GOD, AMEN.— I, *John D'Monte* of Madras, Merchant and Inhabitant, being of sound and disposing memory —Praised be God for the same—and considering the uncertainty of this life, do make this last Will and Testament in manner and form following.

First, I recommend my Soul to God who created it and humbly beg for a remission of all my transgressions. And as to my body, I request it may be interred in the Church at Covelong. And with regard to my worldly affairs, I will and desire that immediately after my death my Interest as a Partner in the House or Firm of Arbuthnot D'Monte and Co., shall cease and terminate, and that my Executors and Trustees hereinafter mentioned shall and do ascertain the sum or balance due to me by the said Firm, as may appear by the Books of accounts kept by the said Firm and by my Ledger or Memorandum Book, and that they shall collect, recover and receive such balance within the Periods stated in the Articles of Co-partnership entered into between me and my Partners, and invest the whole, or so much thereof as shall be needful or necessary for the Trusts hereinafter mentioned, in the Securities of the Government of Fort St. George, Calcutta or Bombay, and for the payments of the Legacies and bequests hereinafter mentioned and given.

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First.— I desire that the sum of Three Hundred (300) Star Pagodas be laid out for my Funeral expenses, and a further sum of Two Hundred (200) Pagodas be distributed on the day of my decease to the poor and orphans, and also amongst the Priests for performing Masses, in such proportion and manner as my Executors hereinafter named and the Bishop or Vicar General of St. Thome shall think proper.

Second.—I further will and desire that the sum of Five Hundred (500) Star Pagodas be laid out for a Tomb Stone to be placed over my Grave and for a Tomb Stone to be placed over my Wife's Grave, whichever her demise may happen.

Third.— I do hereby give and bequeath the sum of Fifty Thousand (50,000) Star Pagodas to my Executors hereinafter named and the Survivor of them—upon Trust that my said Executors and the Survivor of them shall, and as soon as conveniently can or maybe after my death, lend and place the sum of Fifty Thousand (50,000) Pagodas upon one or more Securities of the said Governments of Fort St. George, Fort William and Bombay, with full power and authority for them, as occasion shall or may require, to call in and place out anew the aforesaid sum upon any new Government security or securities as aforesaid, so as the best and utmost annual or other Interest be made thereof without lessening such original Principal money — upon Trust to allow, permit and suffer my wife *Mary D'Monte* to receive the Interest of the said Fifty Thousand Pagodas for and during the term of her natural life, and which Interest I desire to be paid to her every three or six months as she may wish, into her own hands for her own use, and not into the hands of any Assignee, my Intention being that the Interest so given her shall be for her personal benefit and for her certain maintenance in all events, and not to be in her power to assign or in any ways to dispose of or encumber the same. It is my further Will and desire that out of the said sum of Fifty Thousand Pagodas it shall be lawful for my said wife *Mary D'Monte*, and I hereby give her full power and authority by her Will in writing or any Codicil or Codicils to her Will, to dispose of the sum of Fifteen Thousand (15,000) Star Pagodas in such manner as she shall direct, and the other Thirty-five Thousand (35,000) Star Pagodas shall after the death of my said wife be carried and added to the rest and residue of my Estate. I further desire that in case my said wife does not dispose of the aforesaid sum of Fifteen Thousand (15,000) Star Pagodas by her Will or Codicil in writing, then the said sum shall be paid and assigned over for the use of the Hospital and Charity House which I have founded at the Luz near my Garden as hereinafter mentioned, to be added to the Fund which I have allotted for the purpose of defraying the expenses of the charitable Institution.

Fourth.—I give and bequeath unto my said wife *Mary D'Monte* my large House and ground at Covelong with all and Singular the Fixtures thereunto belonging, together with all

Household Furniture, Pictures and Plate, which shall be in the said House, at the time of my decease, which said House, Grounds and Premises, Household Furniture, Fixtures, Pictures and Plate, are to be enjoyed by my said wife *Mary D'Monte* during her life, and after her death, I give the same to *Emmanuel Bilderbeck* the eldest son of the late *Mr. Christopher Bilderbeck* for and during his life only, and after his death, I give, devise and bequeath the same to his Brother *Joseph Bilderbeck*, and his heirs for ever. But on this express condition that the said House and Grounds and all the Property therein contained shall not on any account or pretence whatever be sold or mortgaged, and that the Title Deeds thereof shall remain in the possession of my Executors and Trustees — and I do hereby declare, order, and direct that the abovementioned Premises and the Fixtures, Household Goods, Plate and Furniture of and belonging and in and upon my said House shall not be considered as any part of my personal Estate, or be subject or liable to any of the bequests in this my Will contained respecting my personal Estate, but the same shall be considered as if they were of the nature of an Estate of Inheritance to be enjoyed and inherited by my wife and on her death by the said *Emmanuel Bilderbeck*, and after his death by his brother *Joseph Bilderbeck*, and his heirs for ever, subject, nevertheless, to such alteration and change as the person so in possession may have occasion to make therein.

Fifth.— It is my will and desire that, immediately after my death, my Executors shall lay out and invest the sum of Five Thousand (5,000) Star Pagodas in any of the said Government Securities, in the joint names of themselves or the survivor of them and of the Bishop or Vicar General of Saint Thome for the time being, with power to call in and place out anew the same as occasion shall or may require for the following uses, intents and purposes, that is to say—upon Trust that my Executors hereafter named and the Survivors of them shall and do allow, permit and suffer the said Bishop of St. Thome or the Vicar General for the time being and his successor to receive the interest of the said sum of Five Thousand Star Pagodas and to apply the same in the manner following:— Two-thirds of the interest of the said sum of Five Thousand Star Pagodas to be paid in defraying the expense of a Requiem or funeral oration to be performed for me and my wife every year on the anniversary day of our death, at the Churches of Saint Thome and Covelong, and for defraying the

expense of the like ceremony at those Churches on the anni
sary day of the death of my late son *Christopher Bilder*
D'Monte, who departed this life in Europe on the 8th d
February in the year of our Lord 1816, and the other one-
of the Interest of the said sum or Five Thousand Pagodas to
distributed by the said Bishop or Vicar General for s
Masses every week at the aforesaid Churches for my soul an
my family and relatives.

Sixth.— I give to the Church of Saint Thomas' Mount
Thousand (2,000) Star Pagodas, which sum I request may be
invested in Government Security in the joint names of
Executors and the Bishop or Vicar General of Saint Thome
the time being and the Interest to arise on the said sum of
Thousand Pagodas to be applied as follows:- One-half
Masses and the other half to keep the said Church alway
repair.

Seventh.—I give to the Church which I lately built
Poondamallee the sum of Two Thousand and Five Hun
(2,500) Star Pagodas to remain as a Fund in Governm
security, and the interest thereof to be applied for maintai
a Priest at the said Church of Poondamallee and for defra
other expenses and keeping the building in proper repair.

Eighth.—I also will and desire that the sum of
Thousand (1,000) Star Pagodas be paid to the Managers
Church Wardens of Saint Mary's Church in Fort St. George
years after my decease—the interest of which said sum of
Thousand Pagodas I request may be distributed by t
annually among the poor and orphans.

Ninth.— I also will and desire that the sum of One T
sand and Five Hundred (1,500) Star Pagodas be paid to the C
mittee and Managers of the Monegar Choultry two years
my death, to remain with the other Funds of the said Ch
for the benefit of the poor, belonging to the same in such ma
as they may think proper.

Tenth.—I also will and desire that two years after
decease the sum of One Thousand (1,000) Star Pagodas be pa
the Committee for the time being of the Bible Society instit
at Madras on the Fifth Instant, to be invested by them in Gov
ment security and the interest thereof to be applied for
benefit of the said Institution.

Eleventh.—I also give and bequeath the sum of Five Thousand (5,000) Star Pagodas to my Executors and the Survivors of them—upon Trust that they will invest this sum as soon as it may be expedient in Government securities and the interest arising therefrom shall be divided and paid every two or three months to the different English or Protestant Schools and Charities which have been lately established at Madras, and to which said several Institutions I am now one of the Subscribers.

Twelfth.—I do hereby give, devise and bequeath the sum of Twenty-five Thousand (25,000) Star Pagodas to my Executors hereinafter named and the survivors of them — upon trust that they will immediately after my death invest the said sum upon one or more Government securities, and that the interest arising therefrom shall be paid to my Niece *Mary Bilderbeck*, the daughter of the said *Christopher Bilderbeck*, and she is hereby authorised to receive and take the same until her marriage, and on her marriage, I will and desire that the said sum of Twenty-five Thousand Pagodas be assigned over to Trustees, of three or four respectable persons for that purpose to be chosen, and appointed for the following intents, and purposes, that is to say, to be settled on the said *Mary Bilderbeck*, with authority and power for her to receive the interest thereof during her life for her own sole, separate and exclusive use and benefit, and not subject to the control of her Husband, it being my intention that her receipt alone shall be sufficient; and after her death it is my will and desire that the said Interest shall be applied towards the maintenance, support, and education of the child or children of the said Mary Bilderbeck lawfully begotten of such marriage, until he, she, or they shall respectively attain the age of twenty-one years, when the said Principal sum of Twenty-five Thousand Pagodas or the securities upon which the same shall be placed out or invested, together with the residue of Interest (if any) shall be paid, assigned, and transferred to such child or children, and in case the said *Mary Bilderbeck* shall be married, and die without leaving issue of her marriage, then I will and desire that her Husband do receive the interest of the said sum of Twenty-five Thousand Pagodas during the term of his natural life, and after his death the said sum shall be paid and assigned over by the Trustees of the said marriage settlement for the use and benefit of the before mentioned Hospital and Charity House founded by me at the Luz near my garden, to be added to the Fund belonging to the same for the purpose of extending the said charity and defraying the expenses thereof.

Thirteenth.—It is my desire that my new dwelling
and garden grounds, buildings, and premises situated at the
shall not be sold, I do therefore hereby give, devise and beq
the same to my said Niece, *Mary Bilderbeck*, together with
the Household Furniture, Fixtures, and Plate thereunto belo
for her and during the term of her natural life, whether fem
sole or under coverture, and if covert, not subject to the co
of her husband, and on the death of the said *Mary Bilderbe*
shall be lawful for her, and I hereby give her full authorit
her Will or Codicil in writing, to give and bequeath the
Premises and all the property therein contained to any of
children lawfully begotten by marriage, male or female as
may judge best, and his or her heir, and in failure of such i
or having such issue. If male before attaining the age
Twenty-one years, or if female without attaining the like a
marriage whichsoever event shall first happen, then it is
will and desire that the aforesaid House and Garden toge
with the Household Furniture and Fixtures shall be re
and the rents thereof, after paying for the repairs so as to
the said premises always in repair, and good condition,
be carried and placed among the residue of my other Pr
for Plate and charitable uses as hereinafter mentioned.

Fourteenth.—I give and bequeath to the said Emma
Bilderbeck and *Joseph Bilderbeck* sons of the said *Christo*
Bilderbeck, the sum of Ten Thousand (10,000) Star Pagod
each of them, and to *Charles* and *John Bilderbeck* the other
sons, the sum of Five Thousand (5,000) Star Pagodas to each
them, to be paid on their respectively attaining the said ag
Twenty-five years, but in case they or either of them
happen to die before attaining the said age of Twenty-five y
his, or their shares so dying, to fall into and form the res
of my Estate.

Fifteenth.—I give and bequeath unto the said Jo
Bilderbeck my house and Garden situated at Egmore near
Pantheon, known by the name of Underwood's Garden, t
enjoyed by him and his heirs for ever. But he is hereby
tricted from selling or mortgaging the same, and I request
my Executors and Trustees will put him in possession of
said property, when he shall be of the age of Twenty-one ye
and in case of his death before he attains the said age,
aforementioned House and Garden to be and remain among
residue of my other property.

Sixteenth.—I give and bequeath to the three sons of *Thomas Pereira* named *Thomas*, *Antonio*, and *Edward Pereira* the sum of Eighteen Thousand (18,000) Star Pagodas, that is to say, to each of them Six Thousand Pagodas, and request my Executors to place this sum immediately after my death in Government securities to remain as a Permanent Fund, and the Bonds or Promissory notes so taken or obtained, are to be lodged with the Bishop or Vicar General of St. Thome, for the time being, and his successors, or with the Accountant General and Treasurer of Fort St. George, and the Interest arising therefrom, to be received by the said *Thomas*, *Antonio*, and *Edward Pereira*, in equal proportion of one-third each, and after their death the same to be paid to and received by their respective heirs—It being my wish that the Principal shall be secured in order that they and their children may not be left destitute for support, particularly in the event of their being without employment.

Seventeenth.—I also give and bequeath to my God Daughters *Charlotte* and *Elizabeth Farley*, the Daughters of *Mr. Joseph Swasey Farley*, by *Harriet* his wife, the sum of Six Thousand (6,000) Star Pagodas, that is to say, to each of them Three Thousand Pagodas, which sum I desire to be paid to, and placed under the care and management of the parents of the said children one year after my decease.

Eighteenth.—I also give and bequeath to *Coutts Trotter Arbuthnot* (my God-son), the son of *George Arbuthnot Esq.*, the sum of Two Thousand (2,000) Star Pagodas to be paid to him on his attaining the age of Twenty-one years, but in case the said *Coutts Trotter Arbuthnot* shall depart this life before he attains the said age, I will and desire this bequest to fall into the residue of my property.

Nineteenth.—I also give and bequeath to *William Lys* (my God son), the son of *George Lys Esq.*, the sum of Two Thousand (2,000) Star Pagodas to be paid to him when he attains the age of Twenty-one years, and in case of his death, the said sum to be at the disposal of his Father to be left by him to any other of his children as he may think best and proper.

Twentieth.—I also give and bequeath to *Vencatachellum*, my writer, the sum of Two Thousand (2,000) Star Pagodas, which sum I desire to be paid to him two years after my decease.

Twenty-first.—I also give to *Yagapah Chitty* my servant, Two Thousand (2,000) Star Pagodas to be paid to him two years after my decease.

Twenty-second.—I also give and bequeath unto Eleanor
a child of five years who is brought up in my house, the sum
Two Thousand and Five Hundred (2,500) Star Pagodas, to
paid to her on her attaining the age of Twenty-one years,
which sum is to be also laid out in Government security,
the interest or income arising therefrom to be applied for
maintenance and education, until she becomes entitled to
Principal, but in case the said Eleanora departs this life bef
she attains the said age of 21 years I Will and desire this
quest to fall into the residue of my property.

Twenty-third.— I also Will and desire, that one mon
after my decease, all the servants who shall be in my service
Madras and Cuvelong of whatever description, be paid twe
months pay.

Twenty-fourth.— I also Will and desire, that one mon
after my decease, the sum of One Thousand (1,000) Star Pagod
be distributed among the *Clerks, Writers,* and *Servants* of
firm of *Arbuthnot D'Monte* and Company which said distributi
is to be made according to the direction that may be given
the members of the said Firm.

Twenty-fifth.— I do hereby give and bequeath unto *Geor*
Arbuthnot, John Morgan Strachan, John Binny and William Sco
of Madras Esquires, Four of my Executors hereinafter name
the sum of Eight Thousand (8000) Star Pagodas, that is to sa
to each of them, Two Thousand (2,000) Pagodas), as a token
my friendship, and I request that the said sum may be con
sidered by my Executors, as in full compensation, and in li
of commission for their trouble in managing the affairs of m
Estate.

Twenty-sixth.—I Will and desire that a sum of Fi
Thousand (5,000) Pagodas in Government security be lodge
and deposited by my Executors in the General Fund of th
Cathedral of Saint Thome to remain with the other property
the Church, the interest whereof the Bishop or Vicar Gener
of Saint Thome for the time being, and his successors is t
commence receiving one year after my death, and which I giv
as a token of my gratitude, for the trouble and labour which
have imposed on him, for conducting and superintending th
different Charitable Institutions, and the affairs of my Estate.

Twenty-seventh.—It is my will and desire that none of my
landed property, nor any part of my Plate, Furniture and
Fixtures shall be sold, and I request my Executors and Trustees
to Let all my Houses, Gardens, and Grounds on the best and
most advantageous terms that can be obtained and the Rents

thereof, after paying for the repairs of the Houses, (as I wish them to be always preserved and kept in the best order) shall be added to the residue of my Estate for Pious and Charitable uses, as hereinafter declared and mentioned — and with regard to my Plate, Furniture, and Fixtures, I have already directed that those which are at Covelong are to be kept and retained for the use of my wife, and those at my dwelling House in Madras, for my Niece *Mary Bilderbeck*, and the person who after their respective death may be entitled to inherit the same, with my two Houses at Covelong and Madras as hereinafter mentioned.

Twenty-eighth.—It is hereby declared that I have founded an Hospital and Charity House at the Luz, near my Garden, for the purpose of feeding the poor, and maintaining Families in indigent circumstances, of all Nations, and of every Religion, without distinction of Caste or Quality and have invested the sum of Fifty Thousand (50,000) Sicca Rupees in a Government Promissory note, to defray the expense of the said Charity — I do further declare, that I have likewise founded a College of Priests at the Cathedral of Saint Thome, for saying Prayers, and also a Seminary for the Instruction of Priests, and I have invested Twenty-five Thousand (25,000) Sicca Rupees to each of those Institutions, in two other separate Government Certificates, and it is my wish that the Interest or Income arising from the said three different Promissory notes, or obligations shall be applied for defraying the expenses of those Institutions—I do further declare, that I have invested certain other sums of Money for the benefit of the Church of Covelong, and for the Seminary and School which I have founded there, the particulars of which will clearly appear by my said Memorandum Book B., and in which are entered all the Funds and property left by me for Churches and Charitable uses —and I desire that the Interest arising and accruing from those Funds be appropriated for continuing, and paying the expenses of the said Establishments. The Government securities and other bonds belonging to those Institutions are kept separately and distinct.

Twenty-ninth.—It is my further Will and desire to have another Hospital and Charity House at Covelong, on the same plan as the one founded at the Luz, and which if not accomplished before my death, I desire that my Executors shall within two years after my decease make a separate Fund of Fifteen Thousand (15,000) Star Pagodas from the Government securities belonging to my Estate, and that the Interest arising therefrom shall be applied towards defraying the expenses of the intended Hospital and Charity House, and the surplus (whatever it may

be) to go for the use and benefit of the Seminary and School at Covelong, and I request that this Establishment be kept under the care and superintendence of my wife, and the Head Ministers and Masters of the Seminary, who are now or may hereafter be appointed for the Church of Covelong—But the Bishop of St. Thome will have the power of making Rules and Regulations for conducting the same—It is also my Will and desire that a sum of Three Thousand (3,000) Star Pagodas be laid out and expended for building and erecting a proper Hospital and Charity House at that place, for the aforesaid purpose.

Thirtieth.— Having left the aforementioned Charitable Institutions principally under the control and management of the *Bishop or Vicar General of St. Thome*, and allotted sufficient Funds for keeping and maintaining them in a decent and respectable way—It is now my particular desire and request that the *Bishop or Vicar General* and his successors who may receive the Interest Monies of the said Funds will be pleased to render an account of the receipts and disbursements annually to the *Archbishop of Goa*, and also to my Executors and the Survivors of them, and I further request that the *Bishop or Vicar General* for the time being in conjunction with my *Executors* will have the kindness to nominate and appoint annually a Committee of Syndics, consisting of six Pious and Respectable Persons, three of whom shall be Clergymen, who may hold the Situation of Vicar at some of the Churches of St Thome, Luz, and St. Thomas's Mount and the other three to be Seculars of Roman Catholic Religion, who are to act jointly with the Bishop or Vicar General, for managing and conducting the affairs of the different Trusts by a regular method, that they will employ a faithful Clerk for keeping proper accounts of those Institutions, and that the salary and other expenses, &c., be paid from the said Funds, and I further request that copies of the accounts be annually forwarded for the approval of the *Archbishop of Goa* for the time being, who I beg and beseech as a particular favour to inspect the same with every attention, and he is hereby fully authorized to correct all abuses or misapplication of the Property which may appear to him to be contrary to the Intentions herein expressed—I have taken all these precautions with a view to procure those Funds and Property for as long as it may please the Almighty God, the author of all good, to favour and continue the said Institutions which I have founded through his infinite power and mercy, solely for his honour and glory and not from any vanity of this world.

Thirty-first.—The rest and residue of my Estate in money and securities, together with the Interest which may accumulate

thereon, as well as all my landed property, consisting in Houses, Gardens and Grounds (not hereinbefore given or disposed of) I give and bequeath the same to my Executors—upon Trust to be, and remain under their control and management, and that the Interest arising from the money, and Securities together with all the rents and profits of my Houses, Garden and Grounds, I desire to be applied as follows—that is to say, that the Bishop or Vicar General of St. Thome for the time being, and his successors shall receive all the aforesaid, interest, rents, and income of my property as they become due, and that he will with the advice and approbation of the Majority of the Committee, or Syndics who may be appointed after my death to act with him jointly, for the management of the Charitable Funds as hereinbefore directed, distribute the same in Charity every three, six, or twelve months, to those persons who are related to me and my said wife (and not provided for by this my Will) and who are or may be reduced to a state of Poverty, and to all those who are now receiving monthly Pensions from me, as will appear by a List in my Book; and also to all poor Orphans, Widows and distressed Families who may be objects of charity, and most deserving, and also to contribute for Charity Schools — and as I have entirely left the said distribution to be made according to the best of their judgment, I trust that it would be done in a fair and conscientious manner, and without any partiality whatever; otherwise they will have to answer before God for any improper use that may be made of them.

Thirty-second.— It is my earnest and particular desire, that all the Government Bonds, Promissory Notes and other Securities which may belong to my Estate, shall immediately after my death be made out and taken in the joint names of my Executors and Trustees, and that they shall be endorsed, expressed, and mentioned as appertaining to my Estate, and the purposes for which they are intended and all which Securities together with the Title Deeds of my Landed Property, are to be left and deposited in the Treasury, or with the Accountant-General or Treasurer of the Government of Madras, or Bengal, to remain there or with them for ever—and shall not on any account whatever be taken or removed therefrom by any person or persons whomsoever, except for the purpose of renewing or getting other Securities, and after the needful being done, they are to be placed again in the Treasury under the care of the Treasurer, or Accountant-General for the time being.

Thirty-third.—I do hereby Will and appoint my said worthy Friends *George Arbuthnot*, *James Morgan Strachan*, *John Binny* and *William Scott* . . . . and also the said *Emmanuel Gilderbeck* and *Joseph Gilderbeck* when the two last

shall attain their respective age of Twenty-five years, toge
with the Bishop or Vicar General of St Thome, for the t
being, and his successors, to be the Executors and Trustee
this my last Will and Testament -and it is my further de
that on the death or absence from Madras of the said Ge
*Arbuthnot, James Morgan Strachan, John Binny, William Sco
Emmanuel Elderbeck* and *Joseph Elderbeck*, then the e
control and management of all the affairs of my Estate an
devolve on the said Bishop or Vicar General, for the time b
and his Successor and successors in the Bishopric of St. Th
for ever—and he is to be considered as my permanent Exec
and Trustee--(but upon the same conditions as hereinbe
mentioned) without his being under the necessity of applying
or obtaining, Probate of Administration—and that upon
taking charge of my Estate, Monies and Effects (*after the d
and absence of my other Executors and Trustees as aforesaid*)
as well as his successor and successors shall under
present provision exercise the same power, privileges, and au
rities, and the discretion of paying, receiving, calling in, inv
ing and reinvesting, maintenance and distributing, and
giving and granting Receipts and discharges, and all other p
and authorities whatsoever, as if he had actually obta
Probate or Administration of my Estate and Effects.

Thirty-fourth.—I do hereby revoke all former Wills
Codicils by me heretofore made, and do declare this only t
my Last Will and Testament, and for fear of accident, I
made two of the same tenor and date—In Witness where
have to each sheet of this my Will subscribed my name, a
this last sheet thereof my Seal also, this Nineteenth day of
In the year of our Lord One Thousand Eight Hundred
Twenty.

Dated, .
19th July . 1820.
John D'Monte.

Signed, Sealed, Published, and J. D'MONTE (Se
delivered by the said *John D'monte*,
to be his last Will and Testament,
in the presence of us, who in his
presence, and at his request, and in
the presence of each other, have
signed our names as a Witness
hereto.

Anthony De Sousa --(Writer.

Aram Chelly Lytchmân.

CODICIL

OF THE

WILL AND TESTAMENT

OF

JOHN DE MONTE, Esq.



Codicil to my last Will and Testament dated 18th day of July 1820.

I hereby confirm the Will abovementioned, and which is herewith enclosed with the following alterations:—

Having since executed the said Will, I have retired from the Firm of *Arbuthnot D'Monte* and Co., on the 31st December last, and closed all my Interest therein, as will appear by the discharge granted by my Partners.

By the 12th and 13th Paragraphs of my Will, I have left to my Niece *Mary Bilderbeck*, the sum of Twenty-five Thousand Pagodas in Cash, and also the House where I am now residing, with the Furniture and Fixtures, &c., and which I do hereby annul and make void, and as my said Niece is about to be married, it has been arranged that her marriage portion should be Twenty-five Thousand Pagodas, that is to say Nineteen Thousand Pagodas in cash and Six Thousands in a House. The said *Mary Bilderbeck*, having of her own about Eight Thousand Pagodas, which is lodged at Interest in the House of *Arbuthnot* and Co., and I request my Executors to pay more Eleven Thousand Pagodas, so as to make up the Nineteen Thousand in Cash, and also to assign over the Title Deeds of the House which I bought lately from the Estate of Mr. McTaggart, and I further request my Executors to settle the said Nineteen Thousand Pagodas in Cash, and the House upon her, and the issue of her marriage under proper Trustees—The House where I am residing which I left in my Will to the said *Mary Bilderbeck*, is to remain unsold along with my other landed Property as directed in the 27th Paragraph in my said Will—With regard to my Silver Plate and Furniture, &c., which are in my dwelling House, I desire my wife may have the option of taking one half and the other Half to be given to my said Niece —The Fixtures.

such as Lustres, Lamps, Wall Shades, &c., are to remain on t
Premises, and they are to be let with the House—The Sacr
Pictures and Portraits are to be given to my Wife and Niece.

The pearl and diamond necklaces which I lately purchas
from the Trustees of Messrs. *D'Fries*, and which are kept in
cash chest with my other valuable Property, I desire may b
sold, and the Proceeds placed to the credit of my Estate.

By the 15th Paragraph of my Will, I left to *Joseph Bilderbe*
the house which I have now given to the said *Mary Bilderbeck*
and instead of that House, I give the said *Joseph Bilderbeck*, m
House and Garden situated at Nayapettah, known by the nam
of *Wescott's* Garden, now occupied by Doctor Steward, to b
enjoyed by him under the same restriction as mentioned in m
Will.

I bought from the Trustees of Messrs. *D'Fries* last year
building which was applied for a Chapel, and I request m
Executors will assign over the Title Deeds thereof to the Vic
General of St. Thome and the persons who have now th
management of the said Chapel.

In my Will I left to *Emmanuel* and *Joseph Bilderbeck* Te
Thousand Pagodas to each in Cash, I now desire that it may b
only Five Thousand Pagodas to each of them, so that the fo
brothers *Emmanuel*, *Charles*, *Joseph*, and *John*, may receive a
equal sum of Five Thousand Pagodas each.

Among the Funds which I left for the Covelong Church
there was a sum of Twenty-five Thousand Rupees which w
appear in my Books, and which sum I have lately applied
other uses, and I request that a sum of Fifty Thousand Rupe
may be invested in Government Security for the use of the sa
Church, and which sum (together with the other Funds of th
said Church) I consider will be amply sufficient to defray all th
expenses of the said Church, and also of the Seminary an
School which I have founded there.

It will be found by the Books of the Carnatic Insurance
Society, of which I was Secretary, a certain sum of money whic
was reserved for the payment of a claim, and which sum
remains still unclaimed. I request my Executors will examin
that account, and ascertain who were Members at the time, an
pay from my Estate the portion or share of each Member wh
may be entitled to it.

I give to the Reverend Father Antonio Francisco Dos Archanyos, Two Thousand and Fifty Pagodas to be paid three months after my decease, as a remembrance of my good esteem for him.

I request my Executors will pay Five Hundred Pagodas to each of the daughters of the Victoriano Pereira, when they are married.

I give to the Church situated at the Luz, the sum of Five Hundred Pagodas to be placed in Government Security under the management of the Vicar of the said Church

I request my Executors will pay to Mr. Anthony Fanaken, the sum of One Thousand Pagodas, two months after my decease, for his great attention during my illness.

I also request my Executors will pay to my Writer Anthony DeSouza the sum of Two Hundred Pagodas, two months after my decease

I hereby appoint my wife Mary D'Monte to be the Executrix of my Will, to act in conjunction with my Executors.

I have signed and sealed this as the Codicil to my said last Will and Testament in the presence of three Malabar Witnesses, who are my Servants.

Madras, this Twenty-fifth Day of April, 1821.

Witnesses:

[illegible]

J. D'MONTE. (Seal)

Examined, compared, and carefully collated, with the original Will and Codicil, proved in the Supreme Court of Judicature at Madras, and attested to be true Copies.

C. R. Cust.
Dy. Regt.

Copy of the Oath Administrated to Mr Emmanuel Bilderbeck, on the Nineteenth day of September, One Thousand Eight Hundred and Twenty-seven.

You swear that you believe this to be the Last Will
Testament and Codicil of John D'Monte Esquire, late of Ma
Merchant deceased, that you are one of the Executors name
the said Will, that you will faithfully Administer his Effect
paying Debts and Legacies, so far as his effects will extend
the Law requires, and that you will exhibit a true and pe
Inventory of all his said Effects and likewise a just accou
this your Executorship, into the Supreme Court of Judicatu
Madras when you shall be thereto lawfully required.

SO HELP YOU GOD.

C. H. Clay,
Dy. Regt.

(Signed) E. Bilderbeck.

Fre Jose de Gracia, Ex Provincial of the Monks of St. Augstin of the Congregation of the East Indies, Lecturer on Theology and Synodal Examiner in the Arch Diocese of Goa, Secriastical Governor and Episcopal Administrator of the Diocese of St. Thome in Mylapoor, etc.

To whomsoever the knowledge of this may concern, Health and Peace in Christ Jesus

We make it known to all that Mr. John DeMonte, Merchant in Madras, represented to us that having purchased from the British Company a piece of ground at Davelong where he built a house for his and his family's dwelling and residence, but seeing that great distance rendered it difficult both for himself and family to comply with the obligation of hearing Mass and the other precepts of our Holy Mother the Church which difficulty is also experienced by a few Christians inhabiting there, at present is desirous to remedy this difficulty therefore as the Church on the spot near the same house, which was commenced by Father Carmelete, is still imperfect as it was left on his death, the Dome not being completed and the Walls not being plastered as there was no one for upwards of 20 years to take the trouble to complete this work, the said Mr. John D'Monte proposes for the Glory of God and for his own and his families and other Christians to complete at his expense the Dome of the said Church, plaster the Walls within and without, to build a small house with the necessary accommodations as much as is sufficient for a convenient dwelling of a Priest who ought to be a Chaplain of the said Church; to erect therein an Altar with all its ornaments to supply clothes and vestments and all the necessary furniture and books in order to have the Holy Sacrifice of Mass and other divine Service required by the necessity and devotion of the faithful thereto celebrated with decency; which work it is believed will cost more than 2,000 Pagodas, which expense the said Mr. John DeMonte undertakes voluntarily on this condition alone, that by a public and irrevocable document is given to himself during his life time and on his death to his lawful heirs and successors, the privilege and right of nominating for the Chaplain of the said Church a Priest of their own choice whom he promises to support decently, to invest a certain fund which

may be sufficient for his maintenance. And considering ove
maturely the end and the details of this proposal, knowing tha
it is all directed for the great glory and service of God and o
the other hand, that it is in no ways prejudicial to the right of th
Royal Patronage of the Crown of Portugal nor to the right an
interests of this Diocese, we do accept and approve this propos
and grant to the said Mr. John DeMonte permission to ord
the reparation of the said Church of Covelong and to bring it t
its ultimate perfection and as soon as it is completed and supplie
with all that is required, the said Mr. John DeMonte mu
inform us or the Prelate for the time being of the Diocese i
order to examine personally whether everything is in co
formity to the Rubrics and Canons of the Church and to ble
the said Church and furniture, and to give permission to ha
the divine service celebrated therein.

We do likewise grant to the said Mr. John DeMonte and
his lawful successors the privilege of nominating and presenti
for the Chaplain of the said Church a Priest of their own cho
if he is possessed with the necessary qualifications renderi
him worthy of that ministry in conformity to the Canon La
and the Priest thus selected by the said Mr. John DeMonte a
his heirs and successors for this chaplaincy, shall be presen
to us or to the Prelate for the time being of this Diocese,
receive the approbation and confirmation and Letters Pat
enabling him to exercise the said ministry, and also admini
sacraments of the Church to the faithful inhabiting t
District of Covelong and no foreign Priest shall ever
presented for this chaplaincy, nor any of those occupied in
service and Administration of the Christians of the Bishop
And should a Priest happen at any time to be presented
this Chaplaincy who has rendered himself by any way
worthy, and therefore rejected by the Prelate of the D
cese: the person who at this time may possess the right of
nomination shall present another having the necessary requisi
And this privilege shall continue as long as the series of
lawful heirs and successors of the said Mr. John DeMonte will l
exist in case the descendants happen to be extinct, for
with shall this privilege be extinct and the right of nominating
chaplain for the said Church shall pass to the Prelate gov
ning this Diocese: for this privilege is granted exclusively to
said Mr. John DeMonte and his lawful heirs and successors
long as his family may last, and not to others.

And in Order that this obligation may be firm and irrevocable without being ever questioned, we direct this public Document to be written in the Ecclesiastical chamber, and registered in the Book of Documents where the said Mr. John DeMonte signed together with us and the Chamber clerk, who wrote this and other witnesses. And an authentic copy of this Document shall be given to the said Mr. John DeMonte for his security by our Ecclesiastical Notary, signed by us, and sealed with the seal of the Pontifical Chamber St. Thome of Mylapore, 24th June 1808.

(Signed) FRE JOSE DE GRACIA,

Episcopal Governor.

I Father Lourenco Norberto de Braganca, Notary of the Ecclesiastical Judge of this Bishopric of St. Thome, ordered to be written and signed, myself.

(Signed) Padre Lourenco Norberto de Braganca.

Registered in the Current Book of Documents P. 105 v.

(Signed) Antonio Francisco de Azevedo,

Clerk of the Ecclesiastical Chamber.

Exb (Suit 350)
Pltf
26/9/17

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Ordinary Original Civil Jurisdiction)

O.P.No. 753 OF 2017

Sir John Demonte Trust

Petitioner

FILED
14 SEP 2017
Assistant Registar (O.S)

DOCUMENT – 3
Dated :- 19-01-1820
Codicil of the will and Testament of Sir John de Monte.

30807

31 AUG 2017

Certified to be a true copy
of the said 29/9/17
Assistant Registrar (O.S.)

Mrs. AUXILIA PETER
COUNSEL FOR PETITIONER