

1423  
Will and Codicil

of

Edward Towle

Rangoon

for

Office Copy

Domicile

1. I Edward Fowle of Lake House Rangoon hereby revoke all wills codicils and other testamentary dispositions heretofore made by me and declare this to be my last will which is to take effect according to the law in force in British Burma where I am and intend to remain domiciled.

Executors  
and  
Trustees.

2. I appoint Emile Badier of Rangoon my nephew and present partner in the distillery and brewing and general business now carried on by me and the style and firm of E. Fowle & Co and Mah Kyin of Lake House Rangoon, the mother of my four natural children viz: Edward Fowle, Thomas Fowle, Rose Fowle and Robert Fowle, to be my executor and executrix and joint trustees of this my will and I declare that all trusts and powers hereinafter reposed in my trustees may be exercised by them.

new glass China  
pictures prints

House hold  
furniture  
and  
effects

3. I bequeath to Mah Kyin of Lake House and Kandawgya Rangoon aforesaid all my watches jewels, ornaments of the person and wearing apparel and all my plates plated articles furniture, linen, china, pictures, prints, musical instruments, books and other articles of household use or ornament, horses carriages saddlery harness and stable furniture, live and dead stock, tools, boats, implements and utensils and

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and wines, liquors household stores and provisions which respectively at the time of my death shall be in or about, or belonging to, or appropriated for the stables coach houses, outbuildings gardens and compounds, thereto belonging all the above I bequeath absolutely to the said Mah Kyin.

4. I also devise to Mah Kyin aforesaid my dwelling house known as Lake House Rangoon and the Stables outhouses, servants' buildings and other building appurtenants thereto and ten (10) acres of ground immediately adjoining the said house for her life and after her death to Edward Fowle my eldest natural son by the said Mah Kyin, and after his death to Thomas Fowle my second natural son by the said Mah Kyin and after his death to Rose Fowle my natural daughter by the said Mah Kyin and after her death to Robert Fowle my youngest natural child by the said Mah Kyin. Provided always that my said house is intended to be reserved as a family house and home for my said natural children and their mother Mah Kyin jointly to be occupied by them, so long as they shall remain unmarried, or if married provided the consent of the devisee to whom the house shall for the time belong be obtained - ground rent, Imperial and Municipal taxes to be equally paid by ~~any~~ such of them as shall continue to occupy the said house.

m

Lake  
House

Home for  
family

11  
[on the aforesaid conditions -

5

Personal  
property

5- In regard to all personal property, such as money in the Bank or sums due to me for principal or interest on bonds, mortgages or any other documents whatsoever, rents of houses or lands credits etc I devise and bequeath the same to Emily Badelie and Mah Kpin my executors and executrix aforesaid or other the trustees for the time being of this my will upon trust to be applied in the manner hereinafter set forth. I devise Emily Badelie and Mah Kpin my executor & executrix <sup>or</sup> aforesaid or other the trustees for the time being of this my will to distribute as follows that is to say: all monies received as profits on the distilling, brewing, and other business or rents from real estate or interest, or sums due to me, or monies in any Bank or Banks, to be applied in the following manner, after paying my debts and funeral and testamentary expenses viz to pay the following legacy free from legacy duty, that is to say to Charlotte Rebecca Foul my wife from whom I have been judicially separated the sum of £ 20 twenty pounds sterling in cash, which sum I declare shall be in satisfaction and bar of all claims whatsoever in the part of the said Charlotte Rebecca Foul

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Rebecca Fowle, whether under the name of dower  
or jointure to which by the common law or by  
custom she might be entitled on any account  
whatsoever. The balance I direct my executors and  
trustees aforesaid to <sup>be</sup> divided into seven equal shares  
and apportioned as follows viz to Mary Pyin the mother  
of <sup>my</sup> four natural children one seventh, to Emily  
Bardley my executor ~~and trustees aforesaid~~ one seventh  
and the same share each to <sup>each of</sup> my children viz: Edward  
Fowle, Thomas Fowle, Rose Fowle and Robert Fowle  
~~baptized in the Town Church of Rangoon in my name~~  
~~but not born in wedlock~~ and Emily Fowle <sup>my daughter</sup>  
~~born in wedlock~~ each of them to receive share and share  
alike. The yearly amount of the above incomes to be  
left to the discretion of the executors and trustees  
aforesaid and to be paid by them according to  
the capital acquired yearly from profits in farms &  
factories rents and interests, after making provision  
for repairs, reserving sufficient to keep up the estate.

6. In the event of one or more of the legates  
of the above seven shares dying without issue his  
or her share or shares to be rateably divided among  
the survivors. It being understood that each child

male

male ~~whether legitimate or illegitimate~~ shall be entitled  
to his portion of the above legacies or shares upon attain-  
ing the age of twenty one years <sup>for</sup> his own and absolute  
use and that each female child shall be entitled to her  
portion, upon marriage or upon attaining the age of  
twenty one years for her own and absolute use independently  
of her husband at the time being; his debts control  
and engagements

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Management  
of  
E. Fowle & Co  
business

4. I further direct that my Distillery Brewery and  
General business now carried on under the style and firm  
of E. Fowle & Co shall continue to be carried on by my  
present partner Emile Badier my executor and trustee  
aforesaid under the same style and ~~firm~~ name, so long  
as he can work the same to advantage and that he  
shall receive as remuneration for this service the sum of £500/-  
five hundred rupees per month from the profits of the  
said business independently of his seventh share as one of  
the seven legatees above named. And I further direct that  
be the said Emile Badier, as manager of the said firm  
of E. Fowle & Co shall have full management of the said  
business and be hereby empowered as manager to purchase mate-  
rial for carrying on the said business and to draw and  
sign cheques alone in the name of the firm for all  
purposes

purposes strictly connected with the firm.

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8. With respect to my real estate consisting of lands houses, farms, stock or factories (exclusive of Lake House and my house hold furniture and effects devised and bequeathed under clauses 3 & 4) I direct that all houses and lands shall remain unsold for a period of ten years or longer after my decease and I hereby bequeath all the lands, houses, factories farms, stock capital and real estate of every description (with the exceptions hereinbefore named) unto the trustees at the time of this my will, in trust for the benefit of those named in this will, according to the directions herein contained and my expressed intention which is that so soon after the expiration of ten years from my decease as my trustees shall think fit the whole property shall be divided and apportioned in seven equal shares among the legatees hereinbefore named, that is to say to Noah Pyin the mother of my four natural children and joint executrix of this my will one seventh; to Emile Badier my nephew and present partner and joint executor to this my will one seventh: and the same share to each of my children viz Edward, Thomas Rose

and

and Robert Fowle my four natural children  
aforesaid, and Emily Fowle my daughter born in wedlock.  
It being understood that each male child, whether  
legitimate or illegitimate who shall have attained  
the age of twenty one at the time of this division  
of the property shall be entitled to the full use &  
enjoyment of his share; and each female child upon  
marriage or attaining the age of twenty one years  
shall be entitled to the full and free use and enjoy-  
ment of her share of the property independently  
of her husband for the time being of his debts, control  
and engagements. Provided always that it shall  
be left to the discretion of the executors and  
trustees to equally apportion such lands, houses, farm-  
ing farms, stock, real estate and capital among  
the legatees aforesaid according to their discretion  
and judgment should they not consider it advantageous  
or desirable to sell the property - but if the property  
should be sold by the trustees, then the amount realized  
by such sale must be invested in Indian English or  
other safe securities and must be apportioned in seven  
equal shares to the seven legatees before mentioned; under  
trust for those under age and for their free and sole

use

use if of full age,

9. And I declare that if at ~~any~~ my decease any child hereinbefore mentioned, or any child of such child of mine, entitled in expectancy to a share under this my will shall be under the age of twenty one years and being a female shall be unmarried, then and in every such case my trustees may apply the whole or any part of the income of the expectant ~~share~~ share of such minor for or towards his or her maintenance and education with liberty to pay the same to the guardian of or any of the guardians of such minor for the purpose aforesaid without being liable to see to the application thereof Provided always and I declare that every devise and bequest hereby or by any codicils hereto made to any female ~~child~~ and whether in real or personal estate or of a capital fund or sum. or other property real or personal and whether in possession or reversion or expectancy shall be for her sole and separate use independently of any husband and of his debts, control and engagements & her receipt alone shall be a discharge for all monies, whether in the

Maintenance  
clause

In case  
of girl  
under  
husband  
control

the nature of income or capital, accruing or payable to her during any eventure in respect of any interest or property of whatsoever description so devised or bequeathed and she shall not have power to dispose or deprive herself of the benefit by anticipation of such capital fund or sum or other property while her interest therein shall be reversionary or in expectancy

Appointment of guardian  
10. I further appoint Mah Ngin aforesaid guardian over my four natural children by her viz: Edward Fowle, Thomas Fowle, Rose Fowle and Robert Fowle and I appoint Emile Badchier aforesaid guardian over my daughter Emily Fowle now in England. I also devise all estates vested in me as a trustee or mortgage unto the said Emile - Badchier and Mah Ngin subject to the trusts & equities affecting the same respectively but so that the money secured by any mortgage shall form part of my personal estates -

11. And I declare that if the trustees hereby appointed or any of them shall die in my life time or if they or any of them or any future

Trustees

Appointment  
of  
other trustees

trustee or trustees of this my will shall die or go  
to reside abroad or shall desire to retire from or  
refuse, or become incapable to act in the trusts  
of this my will before the same shall be fully  
performed, then I appoint my ~~eldest~~ natural  
son Edward Fowle to be a trustee of this my  
will; and in the event of his death in my lifetime  
or refusing or becoming incapable to act in the trusts  
of this my will before the same shall be fully  
performed then I appoint my second natural  
son Thomas Fowle to be a trustee of this my will;  
and in the event of his death in my lifetime,  
or refusing or becoming incapable to act in the  
trusts of this my will before the same shall  
be fully performed, then I appoint my natural  
daughter Rose Fowle or in the event of her death  
or inability to act, then to my youngest natural  
son Robert Fowle to be a trustee of this my will.  
12. Lastly I direct that my body shall not be  
buried but cremated on my ground - at Lake House  
and for this purpose direct that my body be given

to

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to Noah Hyin my executor and trustee aforesaid  
with whom I have left instructions to carry out  
my wishes in this regard.

In witness whereof I the said Edward  
Fowle have to this ~~to~~ my last will and testament  
set my hand this twentieth day of March in the  
year of our Lord, one thousand eight hundred  
and eighty two — Signed E. Fowle —

Signed and acknowledged  
by the above named Testator  
Edward Fowle as his Last  
Will & Testament in the  
presence of us, present at  
the same time, and who  
in his presence and in the  
presence of each other have  
hereto subscribed our names  
as witnesses —

Signed J. C. Gillbanks  
Barrister at Law  
4 Phayre Street Rangoon

" J. D. Brisson  
Junior Chaplain Rangoon

" W. Gillbanks  
22 Pagoda Road Rangoon

The above will was drawn by me from  
instructions received from Mr E. Fowle the Testator  
and I having compared it with the original that  
it is a true & correct copy —  
20 March 1882  
J. C. Gillbanks  
B. at Law

1. This is a Codicil to the last will and testament of me Edward Fowle of Lake House Rangoon dated the twentieth day of March 1882—
2. Whereas by clause 2 of the said will I have appointed Emile Badelier and Mah Kyin to be joint executors and trustees under my will I hereby appoint Charles John Brown Secretary of the Municipality of Rangoon to act as executor and trustee to my estate in addition to the above executor and trustees and that in the event of any disputes between the executors then the decision of the majority shall stand good—
3. Whereas also under clause (8) of my said will bearing the above date it is declared that all real estate consisting of lands, houses, farms, stock or factories (inclusive of Lake House, and household furniture and personal effects devised and bequeathed under clauses 3 and 4) shall remain unsold for a period of ten years or longer after my decease. Now I hereby revoke this portion of the said clause and declare that I desire all my property not devised under clauses 3 & 4 shall be sold at any time after my death as the executor to my will may <sup>deem</sup> proper provided that a longer period than one year

year shall not expire after my death before the  
sale of the said property—

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4. I also wrote & caused so much of the same clause  
(8) which stipulates that the proceeds realized by the  
sale of all property shall be invested in Indian,  
English, or other safe securities before being apportioned  
to my seven heirs mentioned in the will. Now I  
declare it to be my wish that after the sale of  
my property or the sale of any portion thereof I desire  
that all those who are to receive any portion of the  
proceeds thereof as mentioned and contained in my said  
will and who are over 21 years of age shall be paid  
their portions thereof without unnecessary delay  
and shall have full and absolute control over their  
portion or share and that the portion or portions  
of those who have not attained their twenty first  
year of age is or are to be placed in trust in Court,  
or other good securities for the said parties till  
such time as they shall attain the age of 21  
years—

5. In all other respects I confirm my said will
6. In witness whereof the said Edward Fowle have  
to this codicil set my hand this twenty first

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Edw E Fowler

Edw. Hugh Sturges, J. Esq. Senior Civil Surgeon  
" Arthur Colbert Esq. Rangoon

Proved in the Court of the Recorder.

of Mangrove C. this case No 17 of 1885.