

A WEALTHY PLANTER'S WILL.

DON TOMAS TERRY'S DISPOSITION OF HIS PROPERTY CONTESTED.

An exemplified copy of the will of Don Tomas Terry, one of the wealthiest planters of Cuba, was offered for probate in the Surrogate's Office yesterday. Don Tomas was the father of Juan Pedro Terry, whose will, leaving his wife and unborn child an estate valued at \$6,000,000, was recently filed in the Surrogate's office. Don Tomas's will was drawn up on April 22, 1885. The entire estate is valued at \$50,000,000, a part of which, valued at \$20,000,000, is in the United States. The will begins as follows:

"In the name of God Almighty, amen. Be it known that we, Don Tomas Terry y Adau, a native of Caracas, United States of Venezuela, and Doña Teresa Dorticos y Ligo, a native of Oberon, France, both legitimate consorts, finding ourselves in the free use of our intellectual faculties, with good memory and in perfect state of health, protesting that we profess the Catholic, Apostolic, Roman religion, fearing death and the uncertainty of its hour, we have deliberated and resolved to ordain conjointly our last will and testament in the following manner."

The testators then describe their marriage on Oct. 31, 1837, and name their children as follows: Don Tomas, Doña Teresa, Don Andres, Doña Carmen, Don José Eduardo, Don Eduardo Serafin, Don Francisco Javier, Don Juan Pedro, Don José Emilio, Doña Natividas, Don Antonio, and Doña Isabel, of which Don Tomas, Don José Eduardo, Doña Teresa, and Doña Isabel are dead. They declare that they began married life with a combined capital of \$20,000 and a young negress, and that the properties given away in the will are profits of the conjugal society. Then follows a list of the amount of money that each child has had during its lifetime up to Dec. 31, 1885. The amounts range from \$68,228 80, to Don Antonio, to \$1,779, 421 07, to Don Juan Pedro. The total amount given to each child is to be deducted from the share left upon the ultimate division of the property. Among the properties mentioned are two houses in this city—which are held in other persons' names—No. 37 West Twenty-seventh-street and No. 454 Fifth-avenue. The only direct bequest in the will, in addition to a gift of \$25,000 to Don Pedro O'Bourke, a clerk, is as follows:

"I, Don Tomas Terry, do bequeath and donate to my wife, Doña Teresa Dorticos, and to my children, Don Francisco Javier and Don José Emilio, \$300,000 in Spanish gold, to the end that they should employ it for a purpose which I have secretly intrusted to them, and my heirs or their legitimate representatives shall not at any time, nor at any time whatsoever, be entitled to oppose this legacy, nor to demand explanations about the investments that may be given to the sum."

The estate is distributed in the following manner:

"We acknowledge, constitute, and appoint as our sole and universal heirs of all our properties, right and actions, our children—Don Andres, Doña Carmen, Don Eduardo Serafin, Don Francisco Javier, Don Juan Pedro, Don José Emilio, Doña Natividas, and Don Antonio—share and share alike, without preventing the reduction to which the foregoing clauses of this will refer."

To facilitate the division of the estate several plantations in Cuba are mentioned to be set aside for certain of the children.

The copy of the will was offered by ex-Chief-Justice Charles P. Daly, who presented also the petition of Don José Emilio Terry praying for ancillary letters testamentary. The Surrogate admitted the will to probate and granted letters testamentary to Don José Emilio Terry, who took the oath of office. Frederic R. Coudert appeared on behalf of Baroness Blanc, a daughter of Don Tomas, to ask for an order requiring cause to be shown why the decree admitting the copy of the will to probate and granting ancillary letters testamentary should not be revoked. The letters testamentary will not be issued until the petition is passed upon.