

Dated 7th Jan 1916

Will of Mr
Robert Magrane Reilly

Robertson
Solicitor
Tunbridge

A

This is the last Will and Testament of me Robert Magrane Reily of Adelong Creek in the Colony of New South Wales Innkeeper and Grazier I Bequeath to my Son Robert Magrane Reily my gold watch and guard I devise and bequeath all the real and personal estate which shall belong to me at my decease and which is hereinafter comprised under the denomination of "my Trust Property" unto and to the use of my Trustees hereinafter named Upon trust to dispose thereof according to the directions hereinafter contained, (that is to say) I direct that my said Trustees shall pay to the several persons hereinafter named the several legacies of Sterling money which follow their respective names, (that is to say) To my daughter Martha Freebody the wife of Robert Freebody of Adelong Creek aforesaid minor the sum of Fifty pounds - and to my daughter Catharine Dickenson the wife of William Dickenson of Adelong Creek aforesaid minor the sum of one hundred pounds and I direct that the legacies to my said daughters shall be paid unto their respective proper hands free from marital control and for which legacies their respective receipts shall be discharges and I direct that the said legacies shall be paid at the expiration of Two years after my decease and in the meantime shall be lodged in the names of my said Trustees in the Savings Bank of New South Wales upon interest To my god-daughter Martha Cicely Hyde the daughter of John Hyde of Adelong in the said Colony the sum of Twenty five pounds which sum I direct to be paid to her at the expiration of Three years after my decease and in the meantime to be lodged in the said Savings Bank in the names of my said Trustees upon interest in the said Bank To each child of my said daughter Martha Freebody as aforesaid child of my said daughter Catharine Dickenson the sum of Twenty five pounds to be paid at the expiration of Three years after my decease and in the meantime to be lodged in the said Savings

R. M. Reily

(1)

This is the Paper written marked A - referred to in Affidavit of
 Mary Handelson and William Turnbull sworn before me this
 twenty ninth day of January one thousand eight hundred and
 sixty four
 James Robertson
 Administrator for Affinity

A

Bank in the names of my Trustees upon interest as aforesaid AND I declare that it shall be lawful for my said Trustees to raise any money which shall be requisite to satisfy my debts and funeral and Testamentary expenses and the pecuniary legacies hereinbefore bequeathed by selling, mortgaging, (either with or without a power of sale) or charging my said Trust Property or any part or parts thereof or by all or any of those means in such manner as my said Trustees shall think proper AND I declare that any sale of my said Trust Property may be effected by my said Trustees either by Public Auction or Private Contract with power to my said Trustees to make any special or other conditions of sale as to the title or evidence of title otherwise and with power to buy in the premises at any sale by auction or to rescind any contract either on terms or gratuitously and to resell the premises without being answerable for any loss AND I declare that the receipts of my said Trustees to purchasers and others for moneys paid to my said Trustees shall be sufficient discharges for the same and from all liability to see to the application thereof AND I declare that no purchaser or mortgagee shall be obliged to ascertain the occurrence or existence of any event or purpose in or for which a sale mortgage or charge is hereinbefore authorised to be made nor to enquire into or take notice of any matter connected with the Propriety or regularity of any sale mortgage or charge AND I direct that my said Trustees shall hold the residue of my said Trust property in trust for my two Sons JOHN and REILLY and Robert Magrane Reilly in equal shares but if either of them shall die in my life time without leaving issue living at his decease then in trust for the Survivor of my said Two Sons AND in the event of both my said Sons dying in my lifetime without leaving Issue then in trust for my two said daughters Martha Freebody and

Catharine Dickenson in equal shares for their sole and separate use free from marital control I empower my said Trustees to pay any debts owing by me or claimed as due from me upon any evidence which they shall think sufficient and to accept any security real or personal for any debt or debts owing to me and also to compromise or compound any debt or debts owing to me and to allow such time for the payment thereof as to them shall appear reasonable and also empower my said Trustees in the sale and conversion of my Trust Property to give such credit as they shall think proper and in case my said Trustees or either of them shall die in my life time or shall in my decease renounce the Trust of my Will or in case any Trustee for the time being of my Will shall die or become unwilling or unable to act or shall cease to reside in the said Colony I then empower the surviving or continuing Trustee or in default of any of them the retiring Trustee or the executors or administrators or any or either of the executors or administrators of the last deceased Trustee as the case may be by any writing to nominate a new Trustee or new Trustees for the purpose of filling such vacancy or vacancies and such new Trustee or new Trustees shall have the same powers in all respects as the Trustees hereby appointed and I direct that the respective Trustees for the time being of this my Will shall be responsible for so much money only as shall come to their own respective hands and that they shall not be answerable for the acts or defaults of each other or for involuntary losses and particularly that any Trustee who shall pay over to his co-Trustee or shall do or concur in any act enabling his co-Trustee to receive any moneys for the general purposes of this my Will or for any definite purpose authorized by my Will shall not be obliged to see to the due application thereof nor shall such Trustee be subsequently rendered responsible by an express

R. B. Beech

notice or intimation of the actual misapplication of the same moneys but this clause shall not restrict the power of any trustee to require from his co-trustee an account of the application of moneys in his hands or to insist on his replacing moneys misapplied by him and I empower my Trustees to retain and allow to each other the costs and expenses incurred in the execution of the trusts or in relation thereto. — I appoint Levy Mandelson of Summit in the said Colony Esquire and William Turnbull of St. George's Creek aforesaid Storekeeper to be the executors and Trustees of this my Will and to be the guardians of my said Son Robert Magrane Reily and lastly I revoke all former and other Wills In witness whereof I have hereunder set my hand this seventh day of January in the Year of Our Lord One thousand eight hundred and sixty three

Signed by the said Testator as his last will and Testament, in the presence of us, present at the same time, who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses

R. M. Reily

A. Quirk
Solicitor
Summit
C. Inglis M. D.
Summit

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In the Supreme Court
of New South Wales
ecclesiastical jurisdiction

5973

In the Will of Robert Magrane
Reily, deceased.

Petition for Probate

Dated 29th March 1864

A. C.

2^d April 1864. This day upon Petition Probate of the last
Will and Testament of Robert Magrane Reily deceased
was granted to Levy Mandelson & William Turnbull
the Executors in the said Will named - Testator
died the 31 day of May 1864 - Jords sworn
at £1000. Probate dated the same day & so
granted.

W. H. M. S. J.
Prothonotary

In the Supreme Court
of New South Wales
Ecclesiastical Jurisdiction

In the Will of Robert Magrane Reily
late of Adelong Creek in the Colony of
New South Wales Innkeeper and Grazier
deceased

To the Honorable Sir Alfred Stephen
Knight Companion of the Bath Chief Justice
and the Honorable Samuel Frederick Milford
and Edward Wise Esquires Puisne Judges of the
Supreme Court of New South Wales

The Humble Petition of Levy Mandelson
of Tumut in the said Colony Esquire and
William Turnbull of Adelong Creek in the
said Colony Storekeeper the Executors of the
Will of the said Robert Magrane Reily

Sheweth

That the above named Robert Magrane Reily
departed this life on or about the thirty first
day of January One thousand eight hundred
and sixty four having first duly made his
last Will and Testament and thereby appointed
your Petitioners the Executors thereof

That your Petitioners have taken upon themselves
the administration of the goods chattels and
credits of the said deceased

That your Petitioners on the Ninth day of

February instant caused a Notice to be inserted in the Government Gazette of the said Colony of their intention to apply that Probate of the Will of the said Robert Magrane Reily might be granted to them as the Executors thereof

That your Petitioners have caused due search to be made in the proper Office of this Honorable Court and find that no Caveat has been entered in this matter.

Your Petitioners therefore humbly pray your Honors that Probate of the Will of the said deceased may be granted to them as such Executors as aforesaid

And your Petitioners will ever pray be

Scott Clouston
William Forsyth

Sumat, 29 February 1864.

2 April 1864
Per as prayed
Lawrence J. Milford

In the Supreme Court
of New South Wales
Ecclesiastical Jurisdiction

In the Will of Robert Magrane Reily
late of Adelong Creek in the Colony of
New South Wales Innkeeper and Grazier
deceased

On the fifteenth day of March in the year
one thousand eight hundred and sixty four Jacob
Henry Jnder of Sydney in the Colony of New
South Wales Gentleman being duly sworn Maketh
oath and saith as follows:-

1 On the Ninth day of February ¹⁸⁶⁴ ~~1863~~ ¹⁸⁶⁴ ~~1863~~ an Ad-
vertisement was duly published in the New South
Wales Government Gazette by James Robertson
Proctor for Levy Mandelson
Colony Esquire and William Turnbull of Adelong
Creek aforesaid Storekeeper intimating the intention
of the said Levy Mandelson and William Turnbull
to apply to this Honorable Court at the expiration of
fourteen days from the publication thereof that Probate
of the said Will might be granted to them as the
Executors therein named

2 I have this day searched in the proper office of
this Honorable Court and find that no Caveat has
been entered in this matter

Sworn by the Deponent on the
day first above mentioned at
Sydney aforesaid
Before me.

J. Jnder

A. Stephen

A. Commissioner for Affidavits

In the Supreme Court
of New South Wales
ecclesiastical jurisdiction
5973

In the Will of Robert
Magrane Keily deceased

Affidavit of Publication

In the Supreme Court
of New South Wales
Ecclesiastical Jurisdiction

In the Will of Robert Magrane Reily
of Adelong Creek in the Colony of New
South Wales Innkeeper and Grazier
deceased.

On this Twaty ninth day of February in the year
One thousand eight hundred and sixty four Levy
Mandelson of Tumut in the said Colony Esquire
and William Turnbull of Adelong Creek in
the said Colony Stonekeeper being severally duly
sworn Make oath and say as follows:-

1 The said Robert Magrane Reily departed this
life on or about the Thirty first day of January
last having first duly made his Last Will and
Testament bearing date the Seventh day of
January One thousand eight hundred and sixty
three and thereby appointed us his Executors
The said Will is hereto annexed marked A

2 The said Robert Magrane Reily had whilst
living and at the time of his death goods
chattels and credits within the Colony of New
South Wales

3 We will pay all the debts and legacies of
the said deceased so far as his goods chattels credits
and effects will extend and the law bind us
We will exhibit a true full and perfect Inventory

of all and every the goods rights and credits
of the said deceased together with a just and
true account of our administration into the
Registry of the Supreme Court of New South Wales
when we shall be lawfully called thereunto

I.R. We believe that the goods chattels ~~and~~ credits
and effects of the said deceased do not exceed
the value of One thousand Pounds Sterling.

Sworn by the two Deponents
on the day first above mentioned
at Tumut in the Colony aforesaid

Before me

George Handerson
William Lushbult

James Robertson

A Commissioner for Affidavits.

In the Supreme Court
of New South Wales
Ecclesiastical Jurisdiction

In the Will of Robert Magrane
Reily, deceased

Affidavit
of death and of due
administration