New South Wales Will Books, 1800-1952, No. 130999.

Will of Thomas John Treloar of Tamworth in the State of New South Wales, Merchant, written 17 Apr 1919, proved 10 Jun 1925.

(paragraphed)

This is the last Will of me Thomas John Treloar of Tamworth in the State of New South Wales, Merchant. I appoint **my wife Mary Ellen Treloar** and **my sons Thomas John Treloar** and **William James Hill Treloar** (hereinafter called my trustees) to be the executors and trustees of this my Will and I declare that all trusts and powers hereinafter vested in my trustees may be exercised by the survivors or survivor of them of the executors or administrators of such survivor or other the trustees or trustee for the time being of this my Will.

I bequeath the household furniture plate linen glass books pictures liquors fuel and housekeeping stores of which I shall die possessed to my said wife.

I bequeath the following pecuniary legacies that is to say to **my sister Jane Ann Carter** of Troon Cornwall England widow the sum of two hundred pounds to **my niece Susan Jane Perry** of Troon aforesaid the sum of two hundred pounds to **my sister-in-law Martha Annie Treloar** of Wendron Kerston [i.e. Helston] Cornwall England the sum of two hundred pounds to **my nephew John Harris** of Springston New Zealand one hundred pounds to each of the following persons namely Cornelius John Cleary William Robert Brooks and Hubert Francis Westley the sum of one hundred pounds provided he shall be in my employment at the time of my death To each of the following persons namely Samuel Bateman Richard Hosken Nankervis and Harold Stephens the sum of fifty pounds provided he shall be in my employment at the time of my death And to each other employee of mine at the time of my death the sum of three pounds for each year or part of a year for which he or she shall have been in my employment To St. John's Church of England Tamworth aforesaid the sum of two hundred pounds to the Tamworth Hospital the sum of two hundred pounds to the Mechanics Institute Tamworth the sum of fifty pounds to the Ladies Benevolent Society Tamworth the sum of one hundred pounds to the Tamworth Pastoral Agricultural and Horticultural Association the sum of one hundred pounds and to the Trustees of the Porkellis Wesleyan Chapel at Wendron aforesaid the sum of one hundred pounds I also bequeath to my said nephew John Harris all moneys payable under the Policy of Insurance No. 274590 for two hundred and fifty pounds taken out in his name in the Australian Mutual Provident Society and assigned by him to me I bequeath to my trustees the sum of ten thousand pounds upon trust thereout to pay to each of **my daughters Elizabeth Estelle Treloar** and **Grace Evelyn Treloar** the sum of five thousand pounds on her attaining the age of fifty years and in the meantime to invest the said sum of ten thousand pounds and to pay the income arising from such investments to my said daughters in equal shares without power of anticipation in the case of either principal or income And I declare that if either of my said daughters shall die before attaining the age of fifty years without leaving issue her surviving her share in the said sum of ten thousand pounds and the income thereof or so much thereof as shall at the time of her death remain in

the hands of my trustees shall be paid to my surviving daughter in like manner as her original share in the said sum of ten thousand pounds and the income thereof And I empower my trustees if my personal estate shall not be sufficient for that purpose to raise the said sum of ten thousand pounds or such part thereof as may be necessary by mortgage of my residuary real estate or such part thereof as my trustees may in their discretion think fit I give and bequeath any mortgagee which I may have at the time of my death of any properties situated within a radius of twenty miles of Barraba in the said State and all my shares in Lillis Treloar and Company Limited to my trustees upon trust until my youngest daughter for the time being shall attain the age of thirty years to pay one half of the income arising therefrom or from the investments of the proceeds thereof to my said daughter Elizabeth Estelle Treloar and to pay the other half to my said daughter Grace Evelyn Treloar and upon my youngest daughter for the time being attaining the age of thirty years To hold the said mortgages and shares or the proceeds thereof upon trust for my said daughters in equal shares and if either of my said daughters shall die before attaining the age of thirty years without leaving issue her surviving then in trust for the survivor of them

I bequeath the residue of my personal estate after payment thereout of my personal and testamentary expenses (including all estate and probate duty whether State or Federal payable in respect of my estate) and debts and the legacies bequeathed by this my Will to my trustees upon trust as to one half thereof for my son Thomas John Treloar and as to the other half thereof for my son William James Hill Treloar and if either of my said sons shall die in my lifetime without leaving issue him surviving the share of the son so dying shall go and belong as to two thirds thereof to my surviving son and as to one third thereof to my said daughters in equal shares.

I devise all my freehold land messuage and premises known as "Wendron" situated at the corner of Upper and White Streets Tamworth and being allotments 8 9 and 10 of Section 56 to my trustees upon trust to permit my said wife to use and occupy the same during her life provided that she shall at all times keep all buildings and improvements thereon in good and thorough repair and pay all rates and taxes from time to time falling due thereon and shall also keep the said buildings and improvements insured to their full insurable value in the names of my trustees and in the event of the same or any part thereof being destroyed by fire shall apply the insurance moneys in reinstating the said premises

And from and after the death of my said wife in trust for my said son Thomas John Treloar his heirs and assigns I give and devise all my real estate situated at Barraba in the said State And also all that piece or parcel of land situated in Peel Street Tamworth aforesaid and being part of Allotment 4 of Section 2 having a frontage of sixty six feet to Peel Street by a depth of one hundred and sixty feet to my trustees upon trust that until my youngest daughter for the time being shall attain the age of thirty years my trustees shall enter into and remain in possession or receipt of the rents and profits of the said real estate and manage the same with power to let the same or any part thereof for any term of years not exceeding five years in possession or from year to year or for any period less than a year at such rents and on such conditions as they shall think fit And shall with and out of such rents and profits keep all buildings and improvements in the said real estate and premises in

good and substantial repaid and insured to their full value against loss or damage by fire and shall pay all rates and taxes on my said real estate and in the event of any building being destroyed or damaged by fire shall apply the insurance moneys in reinstating the same or in erecting a building of a like value And shall pay the balance of the said rents and profits to my said daughters Elizabeth Estelle Treloar and Grace Evelyn Treloar in equal shares and upon my youngest daughter for the time being attaining the age of thirty years my trustees shall hold the said lands and hereditaments in trust for my said daughters in equal shares as tenants in common And if either of my said daughters shall die before my youngest daughter for the time being shall attain the age of thirty years leaving issue I declare that the share of the daughter so dying shall go and belong to the other of them And I declare that if both my said daughters shall die before attaining the age of thirty years without leaving issue my said real estate shall fall into and form part of my residuary real estate And I declare that it shall be lawful for my trustees at any time before my youngest daughter for the time being shall attain the age of thirty years if they shall think it advisable to do so to sell all those pieces or parcels of land being parts of lots 13 and 12 of Section 9 in the Town of Barraba as aforesaid on which are erected the hotel messuage and premises known as "The Central Hotel" And I direct that my trustees shall invest the proceeds of such sale and shall hold the investments representing the same and the income arising therefrom upon the trust hereinbefore declared concerning my real estate at Barraba aforesaid

I give and devise all the residue of my real estate to my trustees in trust that until my youngest son for the time being shall attain the age of thirty years my trustees shall enter and remain in the possession or receipt of the rents and profits of my said residuary real estate and manage the same with power to let the same or any part thereof for any term of years not exceeding five years in possession or from year to year or for any period less than a year at such rents and upon such conditions as my trustees shall think fit and with and out of the said rents and profits pay to my said wife an annuity of seven hundred pounds by equall quarterly payments the first such payments to be made at the end of three calendar months after my decease and shall keep all buildings and improvements as my said residuary real estate in good and substantial repair and insured in their full insurable value against loss or damage by fire and shall pay all rates and taxes thereon and in the event of any building being destroyed or damaged by fire shall apply the insurance moneys in reinstating the same or in erecting a building of like value And shall pay the balance of the said rents and profits of my residuary real estate to my said sons in equal shares and upon youngest son for the time being attaining the age of twenty years my trustees shall hold my said residuary real estate upon trust for my said sons Thomas John Treloar and William James Hill Treloar in equal shares as tenants in common subject however as to all that piece of land situated at the corner of Peel and Brisbane Streets Tamworth aforesaid being part of allotment 1 of Section 2 and having a frontage of about eighty feet to Peel Street by a depth of about one hundred and fifty feet to Brisbane Street in which are erected various shops and offices to the payment to my said wife of the said annuity of seven hundred pounds during her life which I hereby declare shall be a first charge on the said piece or parcel of land and if either of my said sons shall die before my youngest son for the time being shall

attain the age of thirty years without leaving issue who shall survive that period I declare that the share of the son so dying shall go and belong to two thirds thereof to my remaining son who shall have attained or shall attain the age of thirty years and as to one third thereof to my daughters who shall have attained or shall attain the age of thirty years in equal shares or if there shall be only one such daughter then to that one wholly I also declare that if any child of mine shall die before the period when any prospective share to which he or she shall be entitled under this my Will shall actually become vested leaving issue who shall survive such period such issue shall take and if more than one then equally between them the share whether original or accruing which his her or their parent would have taken under this my Will if he or she had survived the said period And I also declare that all moneys liable to be invested under this my Will may be invested in or upon any stocks funds or securities of or guaranteed by the Government of New South Wales or the Commonwealth of Australia or upon fixed deposit in any Bank in the said State which my trustees shall deem reliable or upon mortgage of freehold or Conditionally Purchased and Conditionally Leased lands on which all conditions except the payment of the balance of purchase money to the Crown have been completed in the said State I devise all estates vested in me as a trustee or mortgagee to my trustees subject to the trusts and equities affecting the same respectively

I hereby revoke all previous wills and testamentary dispositions In Witness whereof I have hereunto set my hand this seventeenth day of April in the year of our Lord one thousand nine hundred and nineteen.

(Signed)

Signed by the Testator the said Thomas John Treloar as and for his last Will in the presence of us both present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as attesting witnesses:—

G. H. Newman, Solr, Tamworth, R. Leigh, Solicitor, Tamworth.

This is a codicil to the last Will of me Thomas John Treloar of Tamworth in the State of New South Wales Merchant which Will bears date the seventeenth day of April one thousand nine hundred and nineteen In addition to the pecuniary legacies bequeathed by my said Will I bequeath the following pecuniary legacies that is to say to my nephew John Harris of Springston New Zealand the sum of one hundred pounds to each of **my nieces Elizabeth Annie Trezies Tregarthan** Hilston Cornwall England **Grace Emily Williams wife of J. H. G. Williams** of Bodilly Wendron Hilston Cornwall England **Henrietta John Hosken wife of Frederick Hosken** Pembro Breage Hilston Cornwall England and **Mary Annie Thomas** of Comborne Cornwall England the sum of two hundred pounds I give and bequeath to my daughters Elizabeth Estelle Treloar and Grace Evelyn Treloar all my shares in Hawke and Treloar Limited Gunnedah absolutely I give and devise to my said daughters as tenants in common all that piece or parcel of land situated in Peel Street Tamworth aforesaid being allotment 4 and part of allotment 5 of Section 1 containing in all three roods twenty two perches more or less I direct my trustees to pay my wife Mary Ellis Treloar until my youngest son for the time being shall attain the age of thirty years an

additional annuity of three hundred pounds payable in like manner as the annuity of seven hundred pounds given to her by my said Will and upon my youngest son for the time being attaining the age of thirty years I direct that my sons Thomas John Treloar and William James Hill Treloar shall continue to pay the said annuity of three hundred pounds to my said wife during her life and that the payment thereof shall be a first charge upon all that piece or parcel of land situated at the corner of Brisbane and Lower Streets Tamworth aforesaid containing thirty and three quarter perches more or less and being part of Lot ten Section two in all other respects I confirm my said Will In Witness whereof I have hereunto set my hand this fifteenth day of September in the year of our Lord one thousand nine hundred and twenty two

(Signed)

Signed by the Testator the said Thomas John Treloar as and for a codicil to his last Will in the presence of us both present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as attesting witnesses:
G. H. Newman, Solr, Tamworth, E. A. Paterson, Solr, Tamworth.

10th June 1925. On this date Probate of the last Will and codicil thereto of the abovenamed deceased was granted to Mary Ellis Treloar of Tamworth, widow and Thomas John Treloar of the same place, merchant, the executrix and one of the executors named in the said Will, with leave reserved for William James Hill Treloar, the other executor named therein to come in and prove. Testator died on the 18th May 1925. Estate sworn at £128401 17*s*. 7*d*. Net.