

9 Dec. 1887

R. Andrew Mather

Attested copy of Will.

Dated 13 Feb. 1882.

M. 19/36

Dated 13th February 1882

M^r R Andrew Mathers

Attested Copy

Will

Young Walker & Allport

This is the last Will of me Robert Andrew Mather
of Hobart in Tasmania Draper
I revoke all Testamentary instruments heretofore executed by me
and I appoint my two sons Robert Mather and Thomas Bourne
Mather both of Hobart aforesaid Drapers and James Backhouse
Walker of Hobart aforesaid Solicitor executors and trustees of
this my will I bequeath to my wife Ann Mather all the
household furniture linen china glass books pictures provisions
and other household effects belonging to me at the time of my death
And as to all the rest of my estate and effects both real and
personal I devise and bequeath the same unto and to the
use of the said Robert Mather Thomas Bourne Mather and
James Backhouse Walker their heirs executors administrators
and assigns Upon trust to dispose of the same according
to the directions hereinafter contained (that is to say) I direct
that my debts and funeral and testamentary expenses shall
be paid as soon as may be out of such parts of my real
and personal estate as shall at my death be employed in the
drapery business hereinafter mentioned And whereas under a
Deed of Partnership bearing date the seventh day of February
one thousand eight hundred and eighty one and made between
myself of the first part the said Robert Mather of the second
part and the said Thomas Bourne Mather of the third part
I am entitled to a certain share as therein mentioned in the
Drapery business carried on by me in partnership with the
said Robert Mather and Thomas Bourne Mather at No 91
Brocks Buildings Liverpool Street Hobart aforesaid under the
style or firm of "Andrew Mather & Co" and in the capital
stock in trade property profits and effects thereof Now I direct
that my share in the said partnership property profits and
effects (the value of such share having been first ascertained
in the manner provided in the said Deed of Partnership) after
deducting therefrom all my personal debts funeral and
testamentary expenses shall be considered as divided into nine
equal parts or shares And I direct my said Trustees to

stand possessed of three of such parts or shares In trust for my son the said Robert Mather of three other of such parts or shares In trust for my son the said Thomas Bourne Mather of one other of such parts or shares In trust for my daughter Ann Benson Shoobridge the wife of William Ebenezer Shoobridge of Hawthorn Lodge Bushy Park in Tasmania Farmer of one other of such parts or shares In trust for my son Joseph Benson Mather the younger of Railton in Tasmania aforesaid Schoolmaster and of the remaining one of such parts or shares In trust for my daughter Jane Elison Pollard the wife of Theophilus Henry Pollard of N^o 39 Queensberry Street Hotham in the colony of Victoria Grocer I direct that the value of the said shares of the said Ann Benson Shoobridge Joseph Benson Mather the younger and Jane Elison Pollard shall as one aggregate sum remain in the said business as a loan to the surviving and continuing partners . . . repayable with interest at the rate of five pounds per centum per annum by the instalments and at the times hereinafter mentioned (that is to say) the principal sum to be paid by quarterly instalments of one hundred and twenty five pounds each the first of such quarterly instalments to be paid at the expiration of three months from the date of my decease And the interest on the said principal sum or on so much thereof as shall for the time being remain unpaid shall be added to and paid with each instalment of principal and the payment of such instalments and interest shall be secured by Bills of Exchange drawn by my Trustees or Trustee other than the said Robert Mather and Thomas Bourne Mather upon and accepted by the surviving or continuing partners in the said firm Provided Always that if at any time before the whole of the said shares of the said Ann Benson Shoobridge Joseph Benson Mather the younger and Jane Elison Pollard respectively shall have been paid to them respectively my said sons Robert Mather and Thomas Bourne Mather or the survivor of them shall feel that the state of the business will safely warrant the withdrawal of the sum required therefor I lay it upon their consciences

to pay to each of my former creditors who in the year one thousand eight hundred and seventy two accepted a composition of ten shillings and twelve shillings in the pound respectively (except to the Commercial Bank which I consider to have been already well paid on account of the large amount of interest at high rates which they have received from me) the balance of the debts due to them by me in the said year And I direct that the sum required for such payment shall be borne by all my said children rateably in the proportion of the shares to which they may be respectively entitled under the preceding direction as to the apportionment of my share in the said business and I hereby empower my Trustees to deduct from the amount of the said shares of my said children respectively such proportion as aforesaid Provided always that if my said sons Robert Mather and Thomas Bourne Mather or the survivor of them in their or his sole and unfettered discretion shall deem the business unable to bear the payment of the sum required for such payment to my former creditors as aforesaid and shall so declare by writing under their or his hands addressed to my Trustees then I release my Trustees from all responsibility in the matter leaving it to my said sons to act as in their sole judgment they may deem best And as to the residue of my real and personal estate not employed in the said business I direct my trustees to stand possessed thereof Upon trust to sell such residuary real estate by public sale or private contract together or in parcels and to sell ~~convert~~ convert and get in such residuary personal estate And upon further trust to invest the moneys to arise from such sale conversion and getting in upon Debentures of the Government of Tasmania or Debentures guaranteed by the Government of Tasmania or upon real securities in Tasmania and to vary any such investments from time to time for any others of a like nature And upon further trust to pay the yearly produce of such moneys or of the securities when the same shall be invested to my said wife for her life for her sole

and separate use And after the decease of my said wife then as to as well ~~the~~ Capital and Securities as the yearly produce thenceforth to become due In trust for all my children then living in equal shares I declare that if any son or daughter of mine shall die in my lifetime or before the period of distribution lastly hereinbefore mentioned as the case may be the share or shares original and accruing in my estate to which each son and daughter so dying would if living at my decease or at such period of distribution as the case may be have been entitled under the trusts aforesaid shall be held by my Trustees upon such trusts and subject to such provisions in favor of the child or children of such son or daughter respectively as the same would have been held if such son or daughter had died immediately after my decease And I empower my Trustees during the minority of any grandchild of mine for the time being entitled to a share of the said trust moneys and investments to apply the annual income ~~to~~ the share to which each such minor shall be entitled in or towards his or her maintenance and education or otherwise for his or her benefit or in the option of my trustees to pay the said annual income to the parent or guardian of such minor without being liable to see to the application thereof I direct that the shares of my daughters and granddaughters under this my will shall be enjoyed and disposed of by them respectively as separate property free from marital control their respective receipts to be sufficient discharges to my Trustees for the same I direct that the share in my estate to which my daughter the said Jane Elison Pollard may become entitled to at the death of my said wife may at the discretion of my Trustees be retained by my Trustees for a period not exceeding five years from the death of my said wife and during the time the principal is so retained in their hands as aforesaid my Trustees shall keep the same invested and shall pay the income thereof as and when the same shall from time to time be actually received into the hands of my said daughter for her separate

use her receipt to be a sufficient discharge I devise all estates vested in me as Trustee or Mortgagee to the said Robert Mather Thomas Bourne Mather and James Backhouse Walker their heirs executors administrators and assigns subject to the trusts and equities affecting the same respectively I declare that the powers and discretions heretofore given to my "Trustees" shall be vested in and exercisable by the Trustees or Trustee for the time being of my will In witness whereof I have hereunto set my hand this Thirteenth day of February one thousand eight hundred and eighty two—
—R Andrew Mather—

Signed by the said Testator Robert Andrew Mather as and for his last Will and Testament in the presence of us present at the same time who at his request in his sight and presence and in the presence of each other have hereunto subscribed our names as attesting witnesses— Thos J King Jr. —
R. G. McWilliams —

I Robert Andrew Mather have caused to be made in this my will the alterations hereinafter specified that is to say in the fifteenth line from the top of the second page the word "ten" is erased and the word "nine" is inserted in its stead. In the twentieth line from the top of the said second page the word "two" is erased and the word "one" is inserted in its stead I declare the above writing so altered to be my Will As witness my hand this Second day of May in the year of Our Lord one thousand eight hundred and eighty four— R Andrew Mather —

Signed by the said Robert Andrew Mather in the sight and presence of us both present at the same time who in his sight and presence at his request and in the presence of each other have hereunto subscribed our names as attesting witnesses — Thos J King Jr. —
R. G. McWilliams —

We certify that the writing contained in this and the four
preceding pages of paper is a true copy of the Original Will
and underwritten Memorandum whereof it purports to be a
copy having been examined and compared therewith this 27th
October 1864.

By us
(34) Geo H Marshall } Clerk to Messrs Young Walker & Allport
(34) Percy Luttrell } Solicitors Hobart.