

Transcript of David Brown's Will¹**No. 3732 Series I**

1. This is the last will and testament of me David Brown of Jerry's Plains in the county of Hunter in the colony of New South Wales, yeoman.
2. I direct that all my just debts, funeral and testamentary expenses shall be paid by my executive and executor, hereafter named as soon as conveniently may be after my decease. I devise my real estate as follows:
3. As to that portion of my property at Jerry's Plain: aforesaid having forty-nine rods frontage to the South side of the Government road running through my said property and bounded on the West side by Duff's boundary line to my back fence; on the South by forty-nine rods of that fence and thence to the road, and also the messuage or Inn thereon erected known as the "Horse and Jockey" and now in the occupation of Patrick Ward. And also as to that other portion of my said estate having forty-nine rods frontage to the North side of the said road, and bounded on the West by Duff's boundary line eighty rods and on the East by eighty rods of a private reserved road of half a chain in width which I intend shall be reserved from the main road aforesaid to the river Hunter. **I give and devise the same unto my wife Eliza from to hold unto and to the use of my said wife her heirs and assigns for her separate use and benefit exclusive of any husband with whom she may intermarry and free from his debts, control, interference or engagements.**
4. And as to that portion of my land at Jerry's Plains aforesaid bounded on the South side by the land last mentioned, on the West by Duff's boundary line on the North by the river Hunter and on the East by the private reserve road aforesaid. **I give and devise the same unto George Huntley of Balmain near Sydney in the said colony Esquire and my said wife their heirs and assigns to the use of my son "Robert Bruce Brown" his heirs and assigns if and when he shall attain the age of twenty-one years.** And as to that other portion of land, bounded on the North by the said Government road, on the west by the land first before mentioned on the south by the said boundary fence and on the East by the land next hereafter mentioned.
5. And also as to that other portion of land bounded on the North by the said Government road partly on the West by the last mentioned land on the remainder of the west and on the south by land granted to Charles Rybot and on the East by land granted to "Thomas Brown" except that portion thereof which I have given for a Church burial ground. I give and devise the same unto the said George Huntley and their heirs and assigns to the use of my son "Alfred Brown" his heirs and assigns if and when he shall attain the age of twenty-one years.
6. And as to that other portion of land bounded on the South by the said Government road and on the West by the said private reserved road sixty rods and on the East by my daughter "Catherine Hobden". I give and devise the same to my said wife and her assigns during her life and after her decease to the use of my grandson "David Brown" his heir and assigns for ever.
7. And as to that other portion of land bounded on the West by the said private reserve road: seventy rods on the South by the last mentioned portion of land, on the East by land belonging to the said Catherine Hobden **I give and devise the same to the use of my said wife during her life and after her decease to the use of my grandson "Thomas Brown" his heirs and assigns for ever.**
8. And as to that other portion of land bounded on the West by the said private reserved road, on the South by the land lastly afore devised on the East by "by land" belonging to Mrs. Hobden and on the North by the River Hunter **I give and devise the same to the use of my wife during her life and after her decease: to the use of my grandson "John Brown" his heirs and assigns for ever.**

¹ Paragraphs, numbering, underline, italics, and bold type are by author..

9. And as to my **allotments in Bourke Street in the of Maitland** purchased from Michael Bourke, I devise the same to the said George Huntley and my said wife and heirs and assigns to the use of my son "Henry Brown" if and when he shall attain the age of twenty-one years.
10. **But in case any of my said sons shall die** in my lifetime or **during the life of my said wife before attaining the age of twenty-one years** or in case of **any of my said grandsons shall die in the lifetime of said wife without leaving lawful issue**, then I give and devise the land here devise to such son or grandson unto my said wife absolutely for her separate use free from the debts, control, interference or engagements of any husband with whom she may intermarry and to her heirs and assigns.
11. I hereby declare that it shall be lawful for my said wife whether covert or sole to receive the rents and profits of the land hereby devised to each of my said sons respectively during his minority for her own use and benefit without being liable to answer or account for the same (she maintaining educating and bringing up my said sons and grandsons respectively during their infancy) and also to make any leases of the land belonging to any minor for any term not extending beyond the period of his infancy.
12. And the receipt of my said wife whether covert or sole: nor all money and which she may receive by virtue hereof shall be sufficient discharges to the person or persons taking the same. I give, devise and bequeath all the rent and residue of my real estate and the whole of my personal estate whatsoever and wheresoever, subject nevertheless to the payment of my just debts funeral and testamentary expenses, unto my said wife for her separate use and benefit exclusive of any husband with whom she may intermarry and free from his debts contrive interference or engagements and to her heirs executors administrators and assigns.
13. And I hereby declare that in case my said wife shall die without issue or without having disposed of the hereditaments here by devised to her in her lifetime or devised the same by will, then I give the same hereditaments unto my said three sons Robert Bruce Brown, Alfred Brown and Henry Brown, share and share alike and their heirs and assigns as tenants in common.
14. I hereby appoint the said wife executrix of this my will.
15. And I do hereby also appoint my said wife guardian of my said sons and grandsons during their minority.
16. Lastly I hereby revoke all other wills. In witness whereof I have to this and to the two preceding sheets of this my will yet my hand this fifteenth day of December one thousand eight hundred and fifty-six. David Brown. Signed by the said testator as and for 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 hereunto subscribed our names as witnesses:

J. J. Lee Sols. Sydney

Henry J. Brown of Sydney gentlemen

On 13th February, one thousand eight hundred and fifty-seven. This day upon Petition Probate of the last will and testament of David Brown deceased sac granted to Eliza Brown the executrix in the said will named George Huntley the executor also in said will named having duly renounced Testator died 15 December one thousand eight hundred and fifty-six. Goods sworn at £2000. Probate dated same day as granted.