

Jeremiah Maloney late of
Gangery in the County of Dillies in the
Colony of Victoria Farmer deceased.

This is the last Will and Testament to of me
Jeremiah Maloney of Gangery in the County of Dillies in the Colony
of Victoria Farmer First I order and direct all my just debts funeral
and testamentary expenses to be paid by my Executors hereinafter
named as soon after my decease as conveniently may be.
I give devise and bequeath to Michael Dunn of Spring Creek in the
said County Farmer and Daniel Horigan of Yester Hill Mackay
in the said County Road contractor their heirs and assigns upon
the following trusts and to and for the uses intents and purposes
and subject to the powers provisions declarations ^{against} bequests and
conditions hereinafter declared That is to say As to all that piece
or parcel of Land containing by admeasurement one hundred and
five acres one rood and thirty four perches situate in the Parish of
Gangery aforesaid being part of Portion Thirtys seven where I now
reside To the use of my son James Maloney for and during the term
of his natural life and from and after the determination of that
estate I trust for such person or persons and for such estate and
estates ends and purposes as the said James Maloney shall by
his last will and Testament duly executed limit direct and
appoint. And in default of such direction limitation or
appointment I trust for the heirs of the body of him the said
James Maloney in equal shares and in default of such issue
I trust for my son Thomas Maloney for the term of his
natural life and from and after the determination of that
estate I trust to such person or persons and to and for such
estate and estates ends intents and purposes as the said Thomas
Maloney shall by his last will and Testament duly executed
direct limit or appoint and in default of such direction limi-
tation or appointment I trust for the heirs of the body of him
the said Thomas Maloney in equal shares And in default of
such issue I trust for the right heirs of me the said Jeremiah
Maloney my heirs and assigns forever. As to Portion Thirtys four
in the Parish of Koroit in the said County containing by ad-
measurement Thirly acres be the same more or less I trust
to receive the rents and profits thereof for the term of five years
from the date of this my will to assist them in paying my debts
and after payment of all my debts to pay the rents and profits
thereof to my son James Maloney. And after the expiration of the
said term of five years T. as to said Portion Thirtys four to

and subject to the powers granted hereinabove and the conditions hereinafter declared that is to say As to all that piece
of land containing by admeasurement one hundred and
five acres one rood and thirty four perches or there abouts in the Parish of
Langley aforesaid being part of Portloue Thirtys seven where I now
reside To the use of my son James Maloney for and during the term
of his natural life and from and after the determination of that
estate I m trust for such person or persons and for such estate and
estates ends and purposes as the said James Maloney shall by
his last will and Testament duly executed limit direct and
appoint And in default of such direction limitation or
appointment I m trust for the heirs of the body of him the said
James Maloney in equal shares and in default of such issue
I m trust for my son Thomas Maloney for the term of his
natural life and from and after the determination of that
estate I m trust to such person or persons and so and for such
estate and estates ends intents and purposes as the said Thomas
Maloney shall by his last will and Testament duly executed
direct limit or appoint and in default of such direction limi-
tation or appointment I m trust for the heirs of the body of
the said Thomas Maloney in equal shares And in default of
such issue I m trust for the right heirs of me the said Jeremiah
Maloney my heirs and assigns forever As to Portloue Thirtys four
in the Parish of Koroit in the said County containing by ad-
measurement Thirtys acres be the same more or less I m here-
to receive the rents and profits thereof for the term of five years
from the date of this my will to assist them in paying my debts
and after payment of all my debts to pay the rents and profits
thereof to my son James Maloney And after the expiration of the
said term of five years To as to said Portloue Thirtys four to
the use of my son Thomas Maloney for the term of his natural
life And from and after the determination of that estate I m trust
for such person or persons and so and for such estate and estat-
es ends intents and purposes as the said Thomas Maloney shall
by his last will and Testament duly executed direct limit or
appoint And in default of such direction limitation or appor-
timent I m trust for the heirs of the body of the said Thomas Maloney
in equal shares and in default of such issue to the use of my
son James Maloney for the term of his natural life and from and
after the determination of that estate I m trust for such
persons and so and for such estate and estates as the same

direct bent and appaunt and in default of such directions by
law or appointment I w^t trust for the children of the said T.
Maloney in equal shares and in default of such issues I w^t t
for the right heirs of me the saide Jeremiah Maloney my he
assignee forever I give to my son Thomas Maloye & the sum of
hundred pounds payable to him at the end of five years from
date of this my will and I direct my son James to pay him the
money And I charge Portion Forty seven (paying) with the pa
ment thereof I give to my boissie James Lane as long as he
lives in Victoria an Annuity or yearly sum of Twenty five p
lone I direct my son James to pay him that money And I charg
Portion Forty seven with the payment thereof Subject to the pa
ment of my just debts funeral and testamentary expenses I
give and bequeath all my household furniture and all my
stock and personal property whatsoever and wheresoever to my
son James Maloney I hereby declare that should my son Thomas
before the property hereby devised and given to him becomes
leaving lawfull issue then the said property shall go to his lawfull
issue Provisos always and I do hereby declare and direct that
my said Trustees or any future Trustees or Trustees to be appointed
under this provision of my wife shall dis or be desirous to be
discharged or be unwilling or incapable to act in the trusts
aforesaid then and in that case it shall be lawful for my son
James Maloney and after his decease for my son Thomas Maloye
and after his decease then for the surviving trustee or trustees of
this my will of his or their own discretion by any deed or writing
under his or their hands and seals to be attested by two or more
credable witnesses to nominate and appoint any other fit person
or persons to be trustee or trustees in the place or stead of the
trustee or trustees so dying desiring to be discharged or unwilling
or incapable to act as aforesaid And as soon after as any new
Trustee shall be nominated and appointed as aforesaid all
the trustes and premises as shall be then w^t done under this
my will shall be respectively conveyed assigned and tran
ferred in such manner that the same may be legally and
effectually vested in the person or persons so appointed as
aforesaid either solely or jointly with the surviving or continuing
trustees as the case may requires. Upon the same trusts and to and
for the uses intents and purposes as hereinbefore expressed and
declared or such of them as shall be then subsisting and capable
of taking effect and the persons so appointed as aforesaid shall have
and be entitled to exercise the same powers and authorities as if
they had been appointed Trustees of this my will. Provided
and I do further in witness whereof I have hereunto set my hand
and seal this twenty second day of November in the year of our Lord
one thousand eight hundred and forty three and in the year of my age
seventy four and in the year of the reign of our Sovereign Lord
King Edward VII of Great Britain and Ireland and of the British
Empire and Commonwealth of Australia and of the dominions
thereof and of the thirtieth year of his reign.

—ment of my just debts funeral and testamentary expenses to give and bequeath all my household furniture and all my stock and personal property whatsoever and wheresoever to my James Malony I hereby declare that should my son Thomas die before the property hereby named and given to him becomes my leaving lawfull issues then the said property shall go to his lawfull issues Provisos always and I do hereby declare and direct that my said Trustees or any future Trustees or Trustees to be appointed under this provision of my will shall die or be desirous to be discharged or be unwilling or incapable to act in the trusts agreed to herein and in that case it shall be lawful for my Son James Malony and after his decease for my son Thomas Malony and after his decease then for the surviving trustee or trustees of this my will of his or their own discretion by any deed or writing under his or their hands and seals to be attested by two or more credible witnesses to nominate and appoint any other fit person or persons to be trustee or trustees in the place or stead of the trustee or trustees so dying, desiring to be discharged or unwilling or incapable to act as aforesaid. And as soon after as any new trustees shall be nominated and appointed as aforesaid all the trustees then and previous as shall be then no longer under this my will shall be respectively conveyed assigned and transferred in such manner that the same may be legally and effectively vested in the person or persons so appointed as aforesaid either solely or jointly with the surviving or continuing trustees as the case may require. Upon the same trusts and to and for the uses intents and purposes as heretofore expressed and declared or made of them as shall be then subsisting and capable of taking effect and the persons so appointed as aforesaid shall have and be entitled to exercise the same powers and authorities as if they had been appointed Trustees of this my will. Provided also and I do hereby further will and declare that none of the several trustees hereby appointed nor any of the Trustees to be hereafter appointed by virtue of this provision shall be charged or chargeable with or for any sum of money other than what they shall respectively actually receive by virtue of the trusts in them hereby imposed notwithstanding they or any of them shall join in any receipt for the sake of conformity. And that one of them shall be answerable or accountable for the other of them or for the acts received by them but only for his or their own neglect and default or neglect and default of And also that it shall be lawful for them with and out of the monies which shall come to their respective hands

by virtue of the trusts aforesaid to retain to and reimburse him
honorably or themselves respectively and allow [3] to his heir or heirs to
trustee or trustees all such costs charges or expenses as they or
of them shall it may respectively sustain expence or be put up
in or about the execution of the trusts in the aforesaid reprobated
and my will Thomas the further sum of three hundred pounds payable five years after the date
or in any wise relating thereto I appoint the said Michael Dunn
and Patrick Horrigan executors of this my will And I recall
all former and other wills by me at any time heretofore made
and declare this only to be my last will and Testament witness
whereof I have subscribed my hand this Twenty seventh day
June in the year of our Lord one thousand eight hundred and
sixty five

Signed and declared by the said Jeremiah
Lealoney the Testator as and for his last will
and Testament in the presence of us who in
his presence at his request and in the presence
of each other have hereunto subscribed our
names as witnesses of the word I also give to
my son Thomas the further sum of three
hundred Pounds payable five years after the
date of this my will being first intimated
above

George Barber
Supt Warrnambool

Henry Hutton
Clerk to

Mr George Barber
Warrnambool.

Probate granted on Thursday the fifteenth day of February in
year of our Lord one thousand eight hundred and sixty six
to Michael Dunn and Daniel Horrigan the executors named
and appointed by the wife of the deceased.

Date of death 12th July 1865

Properly sworn to £150.0.0

Issued 22nd February 1866

Geo. Barber Td

Michael Mc Caffery late of
Burrumbet in the colony of Victoria
Former deceased.

This is the last will and Testament of
Michael Mc Caffery of Burrumbet in the colony of Victoria
Known after payment of all my just debts funeral expenses