

4/475

Will

of

Simon Staughton

Esq.

red 11 feet
Coffin

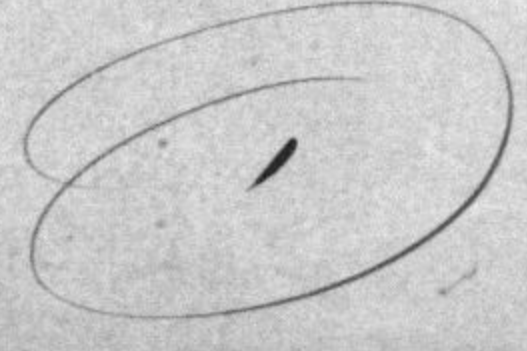
This is the paper writing marked A referred to in the Affidavit of Henry Woodbridge and Thomas Sney and produced and shown to them at the time of the hearing thereof before me this fourth day of June the thirteenth eight hundred and eighty three and which affidavit is hereto annexed. Chas. Chichester Burgess Attorney at Law of the Colony of Victoria in the City of Melbourne.

This is the last Will and Testament of me Simon Staughton of Esford on the River Werribee in the parish of Oyarra Warrak in the County of Bourke and Colony of Victoria Gentleman I devise the freehold messuage or dwelling house with the offices gardens and appurtenances thereto belonging situate at Esford aforesaid now in my own occupation and bequeath the furniture pictures prints musical instruments plate linen china glass and other household effects which shall be in or about the same at my decease unto my son Samuel Thomas Staughton of Esford aforesaid Gentleman Frederick William Armitage of Duckpond Station Deak in the County of Grant and Colony of Victoria Esquire and George Christian Darbyshire of the City of Melbourne in the said Colony of Victoria Civil Engineer (hereinafter called "my said Trustees") their heirs executors administrators and assigns upon the trusts following that is to say Upon trust in the first place to permit such of my children as at the time of my decease shall be unmarried to have the occupation use and enjoyment of the said messuage or dwelling house with the offices gardens and appurtenances thereto belonging and the furniture pictures prints musical instruments plate linen china glass and other household effects which shall be in or about the same at my decease until my son Harry Werribee shall attain the age of Twenty three years or continue unmarried and I direct that so long as the said messuage or dwelling house and premises shall remain in the occupation of any of my children under the trust herebefore declared of and concerning the same the rates and taxes if any payable in respect of the said messuage or dwelling house and appurtenances and the expense of repairing the said messuage or dwelling house and appurtenances and insuring the same and the said furniture and effects in and about the same against fire shall be paid by my said Trustees out of my Estate And subject to the trust for occupation herebefore declared as to the said personal Estate and effects herebefore bequeathed In trust for my said son Harry Werribee absolutely and as to the said real Estate herebefore devised save and except a certain bridge erected by me over or across the said River Werribee and the approaches thereto In trust for my said

This is the paper writing marked A referred to in the Affidavit of Samuel Thomas Staughton and Thomas Armitage and George Christian Darbyshire sworn to this fourth day of June the thirteenth eight hundred and eighty three and which affidavit is hereto annexed. Chas. Chichester Burgess Attorney at Law of the Colony of Victoria in the City of Melbourne.

This is the paper writing marked A referred to in the Affidavit of George Christian Darbyshire and Samuel Thomas Staughton sworn to this fourth day of June the thirteenth eight hundred and eighty three and which affidavit is hereto annexed. Chas. Chichester Burgess Attorney at Law of the Colony of Victoria in the City of Melbourne.

Witness my hand and seal this fourth day of June the thirteenth eight hundred and eighty three at Melbourne in the Colony of Victoria.



Simon Staughton

Son Harry Werrbee during his life and immediately after his decease In trust
for every son of my said Son Harry Werrbee and his issue male in succession
so that every eldest son and his issue male may be preferred to every younger
son and his issue male and so that every such son may take an estate for his
life with remainder to his first and every subsequent son successively according
to seniority in tail male And in failure of such issue In trust for every
daughter of my said Son Harry Werrbee and her issue male in succession so
that every elder daughter and her issue male may be preferred to every younger
daughter and her issue male and so that every such daughter may take an
estate for her life with remainder to her first and every subsequent son of
successively according to seniority in Tail male And in failure of such issue
In trust for the first and every subsequent daughter successively in tail male
of every son and daughter of my said Son Harry Werrbee in the order in which
the said messuage or dwelling house and appurtenances are hereinbefore limited
to the sons of every son and daughter of my said Son Harry Werrbee And on
failure of such issue In trust for the first and every subsequent son and the
first and every subsequent daughter successively in tail general of every son and
daughter of my said Son Harry Werrbee in the order in which the said
messuage or dwelling house and appurtenances are hereinbefore limited
in tail male to the sons and daughters of every son and daughter of my said
Son Harry Werrbee And on failure of such issue In trust for my Son
Samuel Thomas during his life and immediately after his decease In trust
for every son of my said Son Samuel Thomas and his issue male in
succession so that every elder son and his issue male may be preferred to
every younger son and his issue male and so that every such son may
take an estate for his life with remainder to his first and every
subsequent son successively according to seniority in tail male And on
failure of such issue In trust for every daughter of my said Son
Samuel Thomas and her issue male in succession so that every elder
daughter and her issue may be preferred to every younger daughter and
her issue male and so that every such daughter may take an estate for
her life with remainder to her first and every subsequent son successively
according to seniority in tail male And in failure of such issue In trust
for the first and every subsequent daughter successively in Tail male of every
son and daughter of my said Son Samuel Thomas in the order in
which the said messuage or dwelling house and appurtenances are hereinbefore

Witness Henry Woodridge
John Casey

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Simon Staughton

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limited to the sons of every son and daughter of my said Son Samuel Thomas
And on failure of such issue In trust for the first and every subsequent son
and the first and every subsequent daughter successively in tail general of every
son and daughter of my said Son Samuel Thomas in the order in which the
said messuage or dwelling house and appurtenances are heretofore limited
in tail male to the sons and daughters of every son and daughter of my
said Son Samuel Thomas And in failure of such issue In trust for my
son Stephen George and his assigns during his life and immediately after
after his decease In trust for every son of my said son Stephen George
and his issue male in succession so that every elder son and his issue
male may be preferred to every younger son and his issue male and
so that every such son may take an estate for his life with remainder to
his first and every subsequent son successively according to the seniority in
tail male And on failure of such issue In trust for every daughter of my
said son Stephen George and her issue male in succession so that every
elder daughter and her issue male may be preferred to every younger
daughter and her issue male and so that every such daughter may take an
estate for her life with remainder to her first and every subsequent son or
successively according to seniority in tail male And on failure of such issue
In trust for the first and every subsequent daughter successively in tail
male of every son and daughter of my said son Stephen George in the
order in which the said messuage or dwelling house and appurtenances
are heretofore limited to the sons of every son and daughter of my
said son Stephen George And on failure of such issue In trust for the
first and every subsequent son and the first and every subsequent daughter
successively in tail general of every son and daughter of my said son Stephen
George in the order in which the said messuage or dwelling house and appurtenances
are heretofore limited in tail male to the sons and daughters of every son
and daughter of my said son Stephen George And on failure of such issue
In trust for every daughter of mine and her issue male in succession so
that every elder daughter and her issue male may be preferred to every
younger daughter and her issue male and so that every such daughter
may take an estate for her life with remainder to her first and every
subsequent son successively according to seniority in tail male But
subject to a limitation in immediate precedence of the life estate of each
daughter to my said son Samuel Thomas the said Frederick William Armitage

Witness Henry Woodruff
John Perry

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Lucas Stoughton

and the said George Christian Parbysure their executors administrators and assigns for a term of One hundred years if she shall so long live Upon trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be discharges And upon failure of such issue In trust for the first and every subsequent daughter successively in tail male of every daughter of mine in the order in which the said messuage or dwelling house and appurtenances are hereinbefore limited to the sons of every daughter of mine And upon failure of such issue In trust for the first and every subsequent son and the first and every subsequent daughter successively in tail general of every daughter of mine in the order in which the said messuage or dwelling house and appurtenances are hereinbefore limited in tail male to the sons and daughters of every daughter of mine And upon failure of such issue In trust for my own right heirs And as to the said Bridge erected by me over or across the said River Werribee and the appurtenances thereto In trust to permit the same to be from time to time and at all times used and enjoyed by any or all of the parties who under or by virtue of this my will may from time to time be entitled in possession to any of the lands or hereditaments hereby devised I devise and bequeath the Sinteralogy Station or run situate on the Lower Darling River in the Colony of New South Wales Together with all the sheep cattle and horses which at the time of my death shall be depasturing - at or upon the said Station or Run and the said Station or Run and the lease or license of or for the same and all benefit of renewal of such lease or license and all right of preemption in respect thereof Together with all and singular houses buildings outhouses sheds erections and improvements stock yards fences huts presses horses carts harness bullocks drays yokes stores implements utensils chattels and effects then being at or upon or belonging to the said Station or Run unto my Sons Simon Frederic Samuel Thomas and Stephen George and their respective heirs executors administrators and assigns equally as Tenants in Common Nevertheless subject to - and charged with the payment by my said sons respectively in equal proportions of the balance of the purchase money of the said

New South Wales

Witness Henry Woodroffe
Arthur Esling

(4)

Simon straight

Ed

Simon Thomas

Station Stock and premises which at the time of my decease may remain owing and unpaid And I declare that the said unpaid purchase money and all mortgages and other incumbrances which shall at my decease charge or affect the said Station Stock and premises or any part thereof alone or together with other hereditaments shall be deemed to be wholly and exclusively charged upon and payable out of the said Station Stock and premises lastly hereinbefore devised and bequeathed in exoneration of all my other real estate and of my personal estate I dispose of all the freehold hereditaments not hereinbefore devised of which I am or may at my decease be competent to dispose for an estate of inheritance with their appurtenances in manner following that is to say To my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their executors administrators and assigns for the term of Five hundred years to be computed from my death without impeachment of waste upon the trusts hereinafter expressed And subject to such term I devise all the pieces or parcels of land and hereditaments specified and comprised in the first Schedule hereunder written with their appurtenances to my son Simon Frederic for his life And subject to such term as aforesaid I devise all the pieces or parcels of land and hereditaments specified and comprised in the second Schedule hereunder written with their appurtenances and subject to the life estate of my said son Simon Frederic hereinbefore created all the said pieces or parcels of land and hereditaments specified and comprised in the said first Schedule hereunder written with their appurtenances to my son Samuel Thomas for his life and immediately after his decease To every son of my said son Samuel Thomas and his issue male in succession so that every elder son and his issue male may be preferred to every younger son and his issue male and so that every such son may take an estate for life with remainder to his first and every subsequent son successively according to seniority in tail And on failure of such issue To every daughter of my said son Samuel Thomas and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male that subject to a limitation in immediate precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their executors administrators and assigns

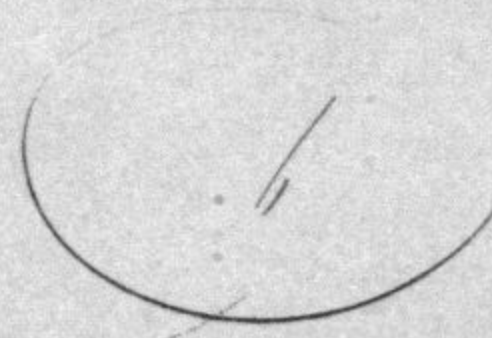
Witness Henry Woodbridge
John Lacey

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Simon Thomas

for a term of One hundred years if she shall so long live Upon Trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharges And on failure of such issue To the first and every subsequent daughter successively in tail male of every son and daughter of my said son Samuel Thomas in the order in which my said hereditaments are hereinbefore limited To the sons of every son and daughter of my said son Samuel Thomas And in failure of such issue To the first and every subsequent son and the first ~~son~~ and every subsequent daughter successively in tail general of every son and daughter of my said son Samuel Thomas in the order in which my said hereditaments are hereinbefore limited in tail male to the sons and daughters of every son and daughter of my said son Samuel Thomas And on failure of such issue To my son Stephen George and the heirs of his body for such estates and upon and subject to such limitations and provisions as are hereinafter declared in favor of my said son Stephen George and the heirs of his body of and concerning the lands hereditaments and premises comprised in the third Schedule hereunder written And on failure of issue of my said son Stephen George To my son Harry Merrice and the heirs of his body for such estates and upon and subject to such limitations and provisions as are hereinafter declared in favor of my said son Harry Merrice and the heirs of his body of and concerning the lands hereditaments and premises comprised in the fourth Schedule hereunder written And on failure of issue of my said son Harry Merrice To every daughter of mine and her issue male in succession so that every elder daughter and her issue male may be preferred and every younger daughter and her issue male and so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their executors administrators and assigns for a term of One hundred years if she shall so long live Upon Trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharges And in failure of such issue To the first and every subsequent daughter successively in tail male of every daughter of mine in the order in which my said hereditaments are hereinbefore limited to the sons of every daughter of mine

Witness Myself
John Bullard



Lucius Beaumont

W
H

And on failure of such issue to the first and every subsequent son and the first and every subsequent daughter successively in tail general of every daughter of mine in the order in which my said hereditaments are herebefore limited in tail male to the sons and daughters of every daughter of mine And upon failure of such issue To my own right heirs And subject to such terms as

I devise all the pieces or parcels of land and hereditaments specified and comprised in the Third Schedule hereunder written with their appurtenances to my son Stephen George for his life and immediately after his decease to every son of my said son Stephen George and his issue male in succession so that every elder son and his issue male may be preferred to every younger son and his issue male and so that every such son may take an estate for life with remainder to his first and every subsequent son successively according to seniority in tail male And on failure of such issue To every daughter of my said son Stephen George and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate or precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their Executors administrators and assigns for a term of One hundred years if she shall so long live Upon Trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharges And on failure of such issue to the first and every subsequent daughter successively in tail male of every son and daughter of my said son Stephen George in the order in which my said hereditaments are herebefore limited to the sons of every son and daughter of my said son Stephen George

And on failure of such issue To the first and every subsequent son and the first and every subsequent daughter successively in tail general of every son and daughter of my said son Stephen George in the order in which my said hereditaments are herebefore limited in tail male to the sons and daughters of every son and daughter of my said son Stephen George And on failure of such issue to my son Samuel Thomas and the heirs of his body for such estates and upon and subject to such limitations and provisions as are herebefore declared in favor of my said son Samuel Thomas and the heirs of his body of and concerning the lands hereditaments and premises comprised in

Witness Henry Woodbridge
 Thomas Perry

(7)

Simon Staughton

The second Schedule hereunder written And on failure of issue of my said son Samuel Thomas To my son Harry Werribee and the heirs of his body for such estates and upon and subject to such limitations and provisions as are hereafter declared in favor of my said son Harry Werribee and the heirs of his body of and concerning the lands hereditaments and premises comprised in the fourth Schedule hereunder written And on failure of issue of my said son Harry Werribee To every daughter of mine and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their executors administrators and assigns for a term of One hundred years if she shall so long live Upon Trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharges And on failure of such issue To the first and every subsequent daughter successively in tail male of every daughter of mine in the order in which my said hereditaments are herebefore limited to the sons of every daughter of mine And on failure of such issue to the first and every subsequent son and the first and every subsequent daughter successively in tail general of every daughter of mine in the order in which my said hereditaments are herebefore limited in tail male to the sons and daughters of every daughter of mine And upon failure of such issue to my own right heirs And subject to such term as aforesaid I devise all the pieces or parcels of land and hereditaments specified and comprised in the Fourth Schedule hereunder written with their appurtenances to my said son Harry Werribee for his life and immediately after his decease to every son of my said son Harry Werribee and his issue male in succession so that every elder son and his issue male may be preferred to every younger son and his issue male and so that every such son may take an estate for life with remainder to his first and every subsequent son successively according to seniority in tail male And on failure of such issue to every daughter of my said son Harry Werribee and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such

Witness Henry Woodrife
J. Woodrife

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Simon Werribee

daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Armitage and the said George Christoph Darbyshire their executors administrators and assigns for a term of One hundred years if she shall so long live Upon trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be discharges And on failure of such issue to the first and every subsequent daughter successively in tail male of every son and daughter of my said son Harry Beribee in the order in which my said hereditaments are herebefore limited to the sons of every son and daughter of my said son Harry Beribee And on failure of such issue to the first and every subsequent son and the first and every subsequent daughter successively in tail general of every son and daughter of my said son Harry Beribee in the order in which my said hereditaments are herebefore limited in tail male to the sons and daughters of every son and daughter of my said son Harry Beribee and on failure of such issue to my son Samuel Thomas and the heirs of his body for such estates and upon and subject to such limitations and provisions as are herebefore declared in favor of my said son Samuel Thomas and the heirs of his body of and concerning the lands hereditaments and premises comprised in the Second Schedule hereunder written And on failure of issue of my said son Samuel Thomas To my son Stephen George and the heirs of his body for such estates and upon and subject to such limitations and provisions as are herebefore declared in favor of my said son Stephen George and the heirs of his body of and concerning the lands hereditaments and premises comprised in the Third Schedule hereunder written And on failure of issue of my said son Stephen George To every daughter of mine and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to limitation in immediate precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Armitage and the said George Christoph Darbyshire their executors administrators and assigns for a term of One hundred years if she shall so long live Upon trust to pay the rents

Witness Henry Goldie
John Dancy

Simon Dancy

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to such daughter for her separate use free from marital control but without
power of alienation and her receipts alone to be sufficient discharges And on
failure of such issue to the first and every subsequent daughter successively
in tail male of every daughter of mine in the order in which my said
hereditaments are herebefore limited to the sons of every daughter of mine
And in failure of such issue to the first and every subsequent son and the
first and every subsequent daughter successively in tail general of every daughter
of mine in the order in which my said hereditaments are herebefore limited
in tail male to the sons and daughters of every daughter of mine And upon
failure of such issue To my own right heirs And subject to such term as
aforesaid I devise all the pieces or parcels of land and hereditaments so
specified and comprised in the Fifth Schedule hereunder written with their
appurtenances unto and to the use of my said son Samuel Thomas the said
Frederick William Armitage and the said George Christian Darbyshire their
executors administrators and assigns during the life of my daughter Martha
Tasmania Upon the Trust following - Upon Trust if my said
daughter shall be married at my decease to pay the rents and profits
thereof as and when the same shall become due and not by way of
anticipation into her own hands during her then coverture for her separate
use independly of her husband and for which rents and profits her
receipts alone shall be sufficient discharges to my said Trustees And
upon further Trust immediately after any and every marriage which my
said daughter whether married at my decease or not shall contract after
my decease to create and declare by some instrument in writing under the
hands of my said Trustees a Trust of the rents and profits thereof in her
favor during her then coverture for her separate and inalienable use similar to
to the Trust lastly herebefore contained And upon further Trust during any
and every discoverture of my said daughter to pay to her so much of the rents
and profits thereof as would not although the same were payable to her be
by her act or default or by operation of Law disposed of so as to prevent her
personal enjoyment thereof and to apply so much of the rents and profits
thereof as would if the same were payable to her be disposed of as last
aforesaid for the benefit of all or some or one of her children or other issue for the
time being in existence if any or if none of the person or some or one of the
persons who if trusts powers and limitations hereafter contained concerning the
same hereditaments in favor of her husband children and issue had failed of

Witness Henry Goodwin

Arthur Lacey

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Levion Kington

of effect should be entitled to the same rents and profits in such & in
proportions at such times and in such manner as my said Trustees
shall think fit And I empower my said daughter whether sole or covent
by any deed or deeds with or without power of revocation and new
appointment or by her last will to trust the said last mentioned hereditaments
or any part thereof to any or every husband whom such daughter shall have
married or be about to marry and shall actually marry for his life in
remainder expectant upon the decease of my said daughter And I
also empower my said daughter by deed to grant leases of the same
hereditaments or any part or parts thereof for any term or terms of years
not exceeding Twenty one years in possession at the best rent without
taking any fine or premium And after the decease of my said daughter subject
to any appointment in favor of a husband to be made by her as aforesaid
I devise the same hereditaments To every son of my said daughter Martha
Tasmania and his issue male in succession so that every elder son and his
issue male may be preferred to every younger son and his issue male
and so that every such son may take an estate for life with remainder
to his first and every subsequent son successively according to seniority in
tail male And in failure of such issue to every daughter of my said
daughter Martha Tasmania and her issue male in succession so that every
elder daughter and her issue male may be preferred to every younger daughter
and her issue male and so that every such daughter may take an estate for her
life with remainder to her first and every subsequent son successively according
to seniority in tail male But subject to a limitation in immediate precedence
of the life estate of each daughter to my said son Samuel Thomas the said
Frederick William Armitage and the said George Christian Darbyshire their
executors administrators and assigns for a term of One hundred years if she shall
so long live Upon Trust to pay the rents to such daughter for her separate use
free from marital control but without power of alienation and her receipt alone
to be sufficient discharges And in failure of such issue to the first and every
subsequent daughter ^{successively} in tail male of every son and daughter of my said daughter
Martha Tasmania in the order in which my said hereditaments are hereinbefore
limited to the sons of every son and daughter of my said daughter Martha
Tasmania and in failure of such issue to the first and every subsequent son and
the first and every subsequent daughter successively in tail general of every son and
daughter of my said daughter Martha Tasmania in the order in which my

Witness George Woodruffe
Thomas Emery

Senior daughter

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said hereditaments are herebefore limited in tail male to the sons and daughters of every son and daughter of my said daughter Martha Tasmania and in failure of such issue to my son Samuel Thomas and the heirs of his body for such estates and upon and subject to such limitations and provisions as are herebefore declared in favor of my said son Samuel Thomas and the heirs of his body of and concerning the lands hereditaments and premises comprised in the second schedule hereunder written And on failure of issue of my said son Samuel Thomas to my son Stephen George and the heirs of his body for such estates and upon and subject to such limitations and provisions as are herebefore declared in favor of my said son Stephen George and the heirs of his body of and concerning the lands hereditaments and premises comprised in the third schedule hereunder written And on failure of issue of my said son Stephen George to my son Harry Worribee and the heirs of his body for such estates and upon and subject to such limitations and provisions as are herebefore declared in favor of my said son Harry Worribee and the heirs of his body of and concerning the lands hereditaments and premises comprised in the fourth schedule hereunder written And on failure of issue of my said son Harry Worribee to every daughter of mine other than my said daughter Martha Tasmania and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate precedence of the life estate of each daughter To my said son Samuel Thomas the said Frederick William Amitage and the said George Christian Darbyshire their executors administrators and assigns for a term of One hundred years if she shall so long live Upon Trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharges And on failure of such issue to the first and every subsequent daughter successively in tail male of every daughter of mine other than my said daughter Martha Tasmania in the order in which my said hereditaments are herebefore limited to the sons of every daughter of mine save as aforesaid And on failure of such issue to the first and every subsequent son and the first and every subsequent daughter successively in tail general of every daughter of mine save as aforesaid in the order in which my said hereditaments are herebefore limited in tail male to the sons and daughters of every daughter of mine save as aforesaid And upon failure of such issue to my own right heirs And subject to such

Witness
Henry Woodroffe
Thomas Dancy

James Beaumont

As in and by the said I devise all the pieces or parcels of land and hereditaments specified and comprised in the Sixth Schedule hereunder written with their appurtenances unto and to the use of my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their Executors administrators and assigns during the life of my daughter Emma Australia upon the trusts following. namely. Upon Trust if my said daughter shall be married at my decease to pay the rents and profits thereof as and when the same shall become due and not by way of anticipation into her own hands during her then coverture for her separate use independently of her husband and for which rents and profits her receipts alone shall be sufficient discharges to my said Trustees And upon further trust immediately after any and every marriage which my said daughter whether married at my decease or not shall contract after my decease to create and declare by some instrument in writing under the hands of my said Trustees a trust of the rents and profits thereof in her favor during her then coverture for her separate and inalienable use similar to the trust lastly hereinbefore contained And upon further trust during any and every discoverture of my said daughter to pay to her so much of the rents and profits thereof as would not although the same were payable to her be by her act or default or by operation of Law disposed of so as to prevent her personal enjoyment thereof and to apply so much of the rents and profits thereof as would if the same were payable to her be disposed of as last aforesaid for the benefit of all or some or one of the children or other issue for the time being in existence if any or none of the person or some or one of the persons who if the trusts powers and limitations hereinbefore contained concerning the same hereditaments in favor of her husband children and issue had failed of effect would be entitled to the same rents and profits in such proportions at such times and in such manner

Witness my hand and seal
at London this 13th day of June 1854

Emma Australia

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as my said Trustees shall think fit and I empower my said daughter whether sole or covert by any deed or deeds with or without power of revocation and new appointment or by her last will to limit the said hereditaments or any part of them to any or every husband whom such daughter shall have married or be about to marry and shall actually marry for his life in remainder expectant upon the decease of my said daughter And I also empower my same daughter by deed to grant leases of the same hereditaments or any part or parts thereof for any term or terms of years not exceeding twenty one years in possession at the best rent without taking any fine or premium And after the decease of my said daughter subject to any appointment in favor of a husband to be made by her as aforesaid I devise the same hereditaments to every son of my said daughter Emma Australia and his issue male in succession so that every elder son and his issue male may be preferred to every younger son and his issue male In that every such son may take an estate for life with remainder to his first and every subsequent son successively according to seniority in tail male And on failure of such issue to every daughter of my said daughter Emma Australia and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such daughter may take an estate for her life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate precedence of the life estate of each daughter To my said son Samuel & Thomas the said Frederick William Armitage and the said George Christian Darbyshire their executors administrators and assigns for a term of one hundred years if she shall so long live Upon trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharges And on failure of such issue to the first and every subsequent daughter successively in tail male of every son and daughter of my said daughter Emma Australia in the order in which the said hereditaments are

Witness Henry Woodruffe
Arthur Denny

Erin Beaugh

hereinbefore limited to the uses of every son and daughter of my said daughter Emma Australia and on failure of such issue to the first and every subsequent son and the first and every subsequent daughter successively in tail general of every son and daughter of my said daughter Emma Australia in the order in which any said hereditaments are hereinbefore limited in tail male to the sons and daughters of every son and daughter of my said daughter Emma Australia And on failure of such issue to my son Jamuel Thomas and the heirs of his body for such estates and upon and subject to such limitations and provisions as are hereinbefore declared in favor of my said son Jamuel Thomas and the heirs of his body of and concerning the lands and hereditaments and premises comprised in the second schedule hereunder written And on failure of issue of my said son Jamuel Thomas to my son Stephen George and the heirs of his body for such estates and upon and subject to such limitations and provisions as are hereinbefore declared in favor of my said son Stephen George and the heirs of his body of and concerning the lands hereditaments and premises comprised in the third schedule hereunder written And on failure of such issue of my said son Stephen George to my son Harry Werribee and the heirs of his body for such estates and upon and subject to such limitations and provisions as are hereinbefore declared in favor of my said son Harry Werribee and the heirs of his body of and concerning the lands hereditaments and premises comprised in the fourth schedule hereunder written And on failure of issue of my son Harry Werribee to every daughter of mine other than my said daughter Emma Australia and her issue male in succession so that every elder daughter and her issue male may be preferred to every younger daughter and her issue male and so that every such daughter may take an estate for life with remainder to her first and every subsequent son successively according to seniority in tail male But subject to a limitation in immediate precedence of the life estate of such daughter to my said son Jamuel Thomas the said Frederick William Armitage and the said George Christian Darbshire their executors

Witnesses
Henry Woodruff
Thomas Curry

Simon Boughton

administrators and assigns for a term of one hundred years if she shall so long live Upon trust to pay the rents to such daughter for her separate use free from marital control but without power of alienation and her receipts alone to be sufficient discharge And on failure of issue to the first and every subsequent daughter successively in tail male of every daughter of mine other than my said daughter Emma Australia in the order in which any said hereditaments are hereinbefore limited to the sons of every daughter of mine save as aforesaid And on failure of such issue to the first and every subsequent son and the first and every subsequent daughter successively in tail general of every daughter of mine in the order in which my said hereditaments are ~~limited~~ hereinbefore limited in tail male to the sons and daughters of every daughter of mine And upon failure of such issue to my own right heirs I direct that the said rents and profits hereinbefore directed to be paid to my said daughters Martha Tasmania and Emma Australia respectively during any and every disverture of my said daughters respectively shall so long as my said daughters shall be under the age of twenty one years be retained by my said Trustees upon the trusts hereinafter declared of and concerning the same And subject to such term as aforesaid I devise the pieces or parcels of land and hereditaments specified and comprised in the seventh schedule hereunder written with their appurtenances Unto my said son Samuel Thomas the said Frederick William Armitage and the said George Christian Darbyshire their heirs and assigns To such of the uses and upon and subject to such of the trusts powers and provisions in the settlement made upon the occasion of the marriage of my daughter Mary with the said Frederick William Armitage declared and contained of and concerning the lands and hereditaments in the said settlement mentioned adjoining the said lands comprised in the said seventh schedule hereto as may be then subsisting or capable of taking effect I declare that the said term of five hundred years hereinbefore limited to my said Trustees is so limited upon the trusts following (that is to say) as to the lands hereditaments

Witness my hand and seal
at London this 16th day of June 1841

Simon Douglas

and premises comprised in the seventh Schedule hereunder a
written Upon trust to permit the said Frederick William Armitage
his executors/administrators and administrators to occupy the same
with their appurtenances during the continuance of the said term
he or they yielding and paying therefor unto my said Trustees
the same annual rent as is now paid ^{or which may be paid} by ~~him to me~~ for the
said premises And as to all the hereditaments comprised in the
said term (including therein the said lands hereditaments and
premises lastly hereinbefore mentioned Upon trust in the first
place out of the rents and profits thereof to pay to the several
persons next hereinafter named during the continuance of the said
term if they shall respectively so long live the several annuities
of sterling money which follow their respective names namely To
each of my said sons Junion Frederic Ganuel Thomas and Stephen
George Two hundred Pounds a year to my said son Harry Verribee
One hundred and fifty Pounds a year and to each of my said
daughters Martha Tasmania and Emma Australia One hundred and
fifty Pounds a year Provided always that the said annuities to
my said son Harry Verribee and to my said daughters Martha
Tasmania and Emma Australia shall until they shall respectively
attain the age of twenty one years be paid to or retained by the
persons hereinbefore appointed guardians of my said last mentioned
son and daughters to be by them applied in the maintenance
and education of my said last mentioned son and daughters
respectively And upon further trust in case my personal estate
hereinafter bequeathed to my said Trustees shall be insufficient to
satisfy my debts funeral and testamentary expenses and to furnish
a fund for payment of the annuities hereinafter bequeathed and
to pay the purchase money of the lands and hereditaments to
hereinafter directed to be purchased by my said Trustees then out
of the rents and profits of the hereditaments comprised in the
said term after payment of such annuities to my said sons
and daughters as aforesaid or by mortgage of the same premises
or any part thereof to raise in aid of my personal estate so
bequeathed as aforesaid so much money as shall be sufficient
to satisfy the same debts and expenses and to provide a fund for

Witness Henry Woodruff
Arthur Lacey

Linon Staught

payment of the annuities hereinafter bequeathed as hereinafter
directed and to pay the purchase money of the lands and
hereditaments hereinafter directed to be purchased by my said
trustees and to apply the money to be so raised accordingly
And I direct that any sum or sums of money raised by my
said Trustees by way of mortgage under the power hereinbefore
contained in that behalf shall together with the interest thereon
and all costs charges and expenses of and occasioned by such mortgage
or mortgages respectively be repaid or paid by my said Trustees
out of the rents and profits of the said hereditaments comprised in
the same term AND I declare that when and so soon as all
my debts funeral and testamentary expenses shall be paid and
a sufficient fund shall be furnished for payment of the said
annuities hereinafter bequeathed and for the purchase of the lands
and hereditaments hereinafter directed to be purchased by my said
Trustees and all monies raised by way of mortgage under the
power hereinbefore contained in that behalf and all such interest
costs charges and expenses as aforesaid shall be fully paid and
discharged the said term of five hundred years and the said
annuities hereinbefore directed to be paid to my said sons and
daughters shall absolutely cease and determine I empower every
person for the time being entitled in possession as beneficial tenant
for life or as tenant in tail under the limitations hereinbefore
contained by Indenture executed by him or her in the presence of
and attested by one or more witness or witnesses to appoint by way
of lease my said hereditaments or any of them (except my said
messuage or dwellinghouse situate at Exford aforesaid now in my
own occupation and the offices gardens and appurtenances therunto
belonging) for any term of years not exceeding twenty one years
in possession from the making of the Lease so as the best yearly
rent payable quarterly or monthly be reserved and no fine or
premium be taken and so as the lease contain covenants for
payment of the rent and taxes for repairing and keeping in repair
the premises demised and if the lease comprise any buildings for
insuring the same against loss by fire to the extent of two thirds
of the value thereof with such other covenants as the lessor shall

Witness Henry Woodroffe
Richard Denny

Senior Knight

think reasonable and also a proviso for reentry on nonpayment of the rent for a period not exceeding twenty days after the same shall become due or on breach of any of the covenants and so as the lessee execute a ~~correspondent~~ counterpart of such lease - I bequeath all the pure and half-bred sheep which shall belong to me at the time of my decease to my said sons Junion Frederic Samuel Thomas Stephen George and Harry Werribee to be divided between them in shares as nearly equal as may be by my said Trustees whose decision shall be conclusive I bequeath all the sheep other than pure and half-bred sheep and all the cattle and horses which at the time of my death shall be depasturing at or upon the several stations or runs the purchased lands upon which stations or runs have been heretofore devised and the said Stations or Runs and the leases or licenses of or for the same and all benefit of renewal of such leases or licenses and (subject to the proviso hereinafter contained for purchase by my said Trustees of certain of the lands upon the said stations or runs) all right of pre-emption in respect thereof respectively Together with all and singular houses buildings outhouses sheds erections improvements stock yards fences huts presses horses carts harness bullock drays yokes stoves implements utensils chattels and effects then being at or upon or belonging to the said stations or runs respectively To the person or persons respectively who ~~shall~~ stand under the limitations in that behalf heretofore contained shall take the first life estate in the respective purchased lands upon each of the said stations or runs respectively it being my intention that save as aforesaid the sheep cattle and horses so depasturing as aforesaid upon each of the said stations or runs and other the premises at or upon or belonging to each of the said stations or runs shall pass under this bequest to the person who shall take the first life estate in the purchased lands upon such station I bequeath the residue of the personal estate to which I shall be entitled at my decease unto my said son Samuel Thomas Staughton the said Frederic William Armitage and the said George Christian Darbyshire Upon Trust to convert or collect and get in the same and receive the money to arise therefrom with full authority to compound debts submit differences to arbitration

Witness ~~Henry Woodhouse~~
Stephen George

Junion Staughton

give receipts execute releases and do or concur in all acts and arrangements for realizing my estate or settling my affairs according to their discretion I declare that my said Trustees shall have a discretionary power to postpone for such period as to them shall seem expedient the conversion or getting in of any part of my residuary personal estate but the outstanding personal estate shall be subject to the trusts hereinafter contained concerning the money to arise from such conversion as aforesaid And I direct that my said Trustees shall stand possessed of the proceeds of the conversion of the said residue of my personal estate upon trust thereout to pay all my funeral and testamentary expenses and debts and the annuities hereinafter bequeathed and the purchase money of the lands and hereditaments hereinafter directed to be purchased by my said Trustees together with the expenses of executing this trust and to apply the money arising from such conversion ~~as~~ accordingly I bequeath to the several persons next hereinafter named for their respective lives the several annuities of sterling money which follow their respective names namely to my brother George Staughton of Easton Bedford in the County of Bedford ~~in~~ in that part of the United Kingdom of Great Britain and Ireland called ~~Ireland~~ England Twenty six Pounds a year To my brother Stephen Staughton of Easton aforesaid Fifty Pounds a year to Catherine Beccia of the same place Fifty Pounds a year and to Emma Gilbert of Stockwell ~~work~~ Road near the City of London widow Fifty Pounds a year I direct such annuities to be paid in equal portions quarterly on the twenty fifth day of March the twenty fourth day of June the twenty ninth day of September and the twenty fifth day of December in each and every year and the first quarterly portion to be paid on such of the said days as shall occur next after my decease And I declare that sums proportionate to such parts of the current quarter as shall have elapsed at the deaths of the respective annuitants shall be paid to their respective executors or administrators at the end of one Calendar month after their respective deaths And I direct sufficient funds to be appropriated in the names or name of my Trustees or Trustee for the time being out of the proceeds of the conversion of such residue of my personal

Witness Henry Woodruffe
Henry Woodruffe

Simon Staughton

estate as aforesaid and if that shall prove insufficient then out of the money hereinbefore directed to be raised by my said Trustees under the trust hereinbefore declared of and concerning the said term of five hundred years hereinbefore limited to my said Trustees to answer by means of the income thereof the payment of the same annuities which funds on the dropping of the respective annuities shall be divided by my said Trustees equally between my said sons Samuel Thomas Stephen George and Harry Veribee and my said daughters Martha Tasmania and Emma Australia share and share alike And whereas there are certain unsold Crown lands adjoining several of the pieces or parcels of land hereinbefore described, ^{and which are within the limits drawn on the said map} which said unsold Crown Lands are now ^{partly} occupied by me in connection with some or one of my said stations or runs and which said Crown Lands ~~are more particularly described in the eighth schedule hereunder & written and~~ are delineated in the map or plan hereunto annexed and are therein respectively ^{colored} colored ~~and~~ I direct that the Trustees or Trustee for the time being of this my Will shall when and so soon as the said lands or any part thereof shall be offered for sale by the Government of Victoria out of the proceeds of the conversion of such residue of my personal estate as aforesaid and if that shall prove insufficient then out of the money hereinbefore directed to be raised by my said Trustees under the trust hereinbefore declared of and concerning the said term of five hundred years hereinbefore limited to my said Trustees purchase the said lands as and when the same should be so offered for sale as aforesaid for the most reasonable price for which the same can be gotten And I direct that my said Trustees or Trustee shall stand seized of the said lands when purchased upon the trusts hereinbefore declared (that is to say) as to that portion of the said lands described and set forth in the ^{said plan} ~~first part~~ ^{and included in the portion of Council suggested to my son Samuel Thomas} of the said eighth schedule and in the said plan colored Green ^{or adjoining thereto} Upon such trusts in favor of my said son Samuel Thomas and the heirs of his body and the several persons taking in remainder after the heirs of the body of my said son as shall correspond with the limitations hereinbefore declared of the land hereditaments and premises comprised in the second schedule hereunder written And as to that portion of the said lands and hereditaments delineated and

W. H. C. ✓
 W. H. C. ✓
 W. H. C. ✓
 W. H. C. ✓

W. H. C. ✓

Witness Henry Goodridge
 Thomas Young

Simon Langton

To No set forth in the ^{lines} ~~second~~ part of the said eighth schedule and in the said plan colored 14Caw Upon such trusts in favor of the my said son Stephen George and the heirs of his body and the several persons taking in remainder after the heirs of the body of my said son as shall correspond with the limitations hereinbefore declared of the lands hereditaments and premises comprised in the third schedule hereunder written And as to that portion of the lands

To No { and hereditaments described and set forth in the ^{lines} ~~third part of the~~ said eighth schedule and in the said plan colored 13Caw - Upon such trusts in favor of my said son Harry Weribee and the heirs of his body and the several persons taking in remainder after the heirs of the body of my said son as shall correspond with the limitations hereinbefore declared of and concerning the lands and hereditaments and premises comprised in the fourth schedule hereunder written. I declare every estate for life hereinbefore limited to be impeachable for waste I empower and direct the Trustees or Trustee for the time being of this my Will during the minorities of my said son Harry Weribee and my said daughters Martha Tasmanian and Emma Australia to let from year to year or for any term not exceeding seven years in possession at the best rent and to manage in all respects the hereditaments hereinbefore devised to my said son and to my said Trustees in trust for my said daughters respectively and to receive the rents and profits thereof and after payment of the incidental outgoings and expenses to apply the net rents and profits or an adequate part thereof respectively in the maintenance and education of my said son and daughters respectively and to invest the unapplied surplus (if any) on real securities in the said Colony of Victoria or in the Government Debentures of the said Colony and improve the same as an accumulating fund varying the investment from time to time as often as may be thought proper for any other of the kinds aforesaid but with liberty to apply the income and if deemed necessary the capital also of the same fund for the maintenance and advancement in life of my said son and daughters respectively and the same fund or so much thereof as respectively as shall not be so applied shall in the event of their respective attainment of the age of twenty one years or in the case of

Witness Henry Woodroffe
John Denny

Livora Beaughton

my said daughters marrying under that age be their absolute & property respectively but in the event of the death of my said son under that age of twenty one years or of either of my said daughters under that age and unmarried the share in the same fund of such son or daughter so dying as aforesaid shall follow the destination of the residue of my personal estate I devise all the real estate vested in me as mortgagee or trustee to my said son Samuel Thomas the said Frederic William Armitage and the said George Christian Darbystire their heirs and assigns subject to the trusts and equities affecting the same respectively I declare that the receipts of the Trustees or Trustee for the time being of this my will shall be discharges for all monies to be received by them or him pursuant to any of the trusts of this my will and shall exonerate the person or persons paying the same from all liability in respect of the application thereof Provided also in case any of the said Trustees of this my will shall die in my lifetime or shall refuse the trusts or in case any Trustee for the time being shall die or become incapable unable or unwilling to act then I empower the surviving or continuing Trustees or Trustees or if there shall be none^{then} then the executors or administrators of the last surviving Trustee or the refusing or retiring Trustee or Trustees as the case may be by any deed in writing to appoint any person or persons in the room of such deceased refusing retiring or incompetent Trustee or Trustees and on every such appointment every trust property transferable at law shall be legally vested by proper conveyances any every trust & property not transferable at law shall be equitably vested by force of the appointment itself in the new Trustees either alone or as the case may require jointly with the continuing or surviving Trustees or Trustee I direct that the Trustees or Trustee for the time being of this my will may deduct and mutually allow to each other all disbursements and expenses incident to the execution of my will and shall be responsible each for his own acts and defaults only and irresponsible for losses occurring without wilful neglect or default and shall be indemnified with or out of any trust property against all liabilities consequential on the execution of my will I direct that the trusts and powers hereinbefore confided to my Trustees

Witness Henry Woodruff
John Denny

Simon Leighton

herein appointed may be executed by the Trustees or Trustee for
 the time being of my Will and in regard to Trustees to be
 hereafter appointed as well before as after the vesting of the trust
 property in them I devise and bequeath the residue of my
 real and personal estate not hereinbefore devised or bequeathed to
 my said son Samuel Thomas his heirs executors administrators and
 assigns for his absolute benefit I appoint my said son Samuel
 Thomas the said Frederic William Ammitage and the said George
 Christian Darbyshire Trustees and executors of this my Will And
 I appoint the Trustees or Trustee for the time being of this my Will
 to be guardians or guardian of the persons and fortunes of my infant
 children And I revoke all former and other Wills In Witness
 whereof I the said Simon Staughton the Testator have hereunto set
 my hand and seal the day and First day of April in
 the year of our Lord one thousand eight hundred and sixty three &

Signed by the said Testator Simon Staughton
 Or and for his last Will and Testament in the
 presence of us present at the same time and at
 his request in his sight and presence and in the
 presence of each other have subscribed our names
 as attesting witnesses

Simon Staughton

Henry Woodruffe
 Surgeon
 South Yarra

J. H. M. Jones
 Fitzroy Street Melbourne