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Dated 22nd September 1846

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Will

— of —

William Coghill Esq.

Wm. Coghill Esq.
Esq. etc

This is the parchment writing marked A
referred to in the several affidavits of David
Coyhill and George Coyhill sworn before me
the twenty seventh day of September A. D. 1860

E. Courtney

A Commissioner of the Supreme Court
of the Colony of Victoria for taking
affidavits

This is the parchment writing marked C
referred to in the affidavits of ~~David Coyhill and~~
John Barter Bennett sworn before me the
day of September A. D. 1860

Joseph Ritchie

A Commissioner of the Supreme Court
of the Colony of Victoria for taking affidavits

I, **William Coghill**, of Cumberland Farm in the parish of Will-Will-Rook near Melbourne within the district of Port Phillip in the Colony of New South Wales Esquire do hereby declare this to be my last will and testament I appoint my Wife Christin Coghill and my sons David Coghill and George Coghill to be the executrix and executors of this my Will I direct all my just debts funeral and testamentary expenses to be paid as soon as conveniently may be after my decease I give and devise unto and to the use of my said Wife Christin Coghill during her life all that piece of land being section number seven in the parish of Will-Will-Rook in the district aforesaid known as the Cumberland Estate And I give and bequeath unto my said Wife during her life all the cattle sheep horses and other stock farming implements household goods furniture plate china and effects at the time of my decease being on or belonging to my said Cumberland Estate with full power to manage use consume and enjoy the same and every of them during her life without being answerable or accountable for any loss diminution or casualties which may be occasioned or happen by or during the said management use consumption and enjoyment I give devise and bequeath all the rest residue and remainder of all my real and personal Estate debts monies securities for money stock effects goods and chattels of what nature and kind soever and from and after the decease of my said Wife my said Cumberland Estate and all the said Stock Implements furniture plate and goods thereon unto and to the use of my said Wife Christin Coghill and my said sons David Coghill and George Coghill their heirs executors administrators and assigns according to the nature and qualities thereof respectively upon the trusts nevertheless and for the ends intents and purposes and with under and subject to the powers provisions and declarations hereinafter expressed concerning the same respectively that is to say upon trust that they the said Christin Coghill David Coghill and George Coghill or the survivors or survivor of them and their his or her assigns or other the Trustees or Trustee for the time being of this my Will shall with all convenient speed after my decease (when and as the same shall respectively become applicable to the trusts hereof) call in and convert into money my said personal Estate and the stocks funds and securities whereon the same shall be invested and absolutely sell and dispose of my real estate either altogether or in parcels by public auction or private contract to any person or persons willing to become the purchaser or purchasers thereof for such price or prices sum or sums of money as to my said Trustees or Trustee shall seem reasonable and shall enter into make and execute all such contracts agreements conveyances releases assurances acts and deeds as they or he may deem necessary or expedient I declare that every receipt of the said Trustees or Trustee for the time being hereof for any money payable under this my Will shall effectually discharge the person or persons paying the same from being answerable or accountable for the misapplication

and assigns according to the nature and qualities thereof respectively upon the trusts —
nevertheless and for the ends intents and purposes and with under and subject to the
powers provisos and declarations hereinafter expressed concerning the same respectively
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Trustees or Trustee for the time being of this my Will shall with all convenient speed
after my decease (when and as the same shall respectively become applicable to the trusts
hereof) call in and convert into money my said personal estate and the stocks funds
and securities whereon the same shall be invested and absolutely sell and dispose of my
real estate either altogether or in parcels by public auction or private contract to any
person or persons willing to become the purchaser or purchasers thereof for such price
or prices sum or sums of money as to my said Trustees or Trustee shall seem reason-
-able and shall enter into make and execute all such contracts agreements conveyances
releases assurances acts and deeds as they or he may deem necessary or expedient I
declare that every receipt of the said Trustees or Trustee for the time being hereof for
any money payable under this my Will shall effectually discharge the person or —
persons paying the same from being answerable or accountable for the misapplication
or nonapplication thereof or of any part thereof or from being obliged to see to the —
application thereof And I declare that my said Trustees or Trustee shall stand and
be possessed of and interested in the monies to arise from the sale or sales of my said
real estate and to arise or be produced from my said personal estate and the Interest
dividends and annual produce thereof upon trust for all and every my said sons David
and George and my sons John Coghill William Coghill and Donald Coghill and my
daughters Helen Coghill Elizabeth Coghill Margaret Coghill and Christina Coghill to be
divided between them in equal shares and proportions as to the shares of my said
sons In trust to pay and transfer the same unto my said sons their executors ad-
-ministrators and assigns as soon after my decease as conveniently may be And as to
the shares of my said daughters upon trust to lay out and invest the share of each
of my said daughters upon Government or real securities in the said district of Port Phillip
with full power from time to time to alter vary and transpose the funds or securities
whereon the said shares shall for the time being be invested And stand possessed
thereof upon trust from time to time to pay the Interest dividends and annual produce
of her respective share and of the funds and securities whereon such share shall be —
invested unto each of my said daughters respectively for her own sole and separate
use during her life free from the debts and control of any husband whom she may
marry and so that she shall have no power to alien charge or anticipate the same
And every receipt of each of my said daughters respectively or of the person to whom

she shall (after the same shall have become due) appoint the said Interest dividends and annual produce or any part thereof to be paid shall be an effectual discharge to every person paying the same for so much as in every such receipt shall be acknowledged to be received And from and after the decease of each and every of my said daughters respectively upon trust as to the respective shares of each and every of my said daughters and the funds and securities whereon the same shall be invested and the Interest dividends and annual produce thereof In trust for all and every the child and children of each of my said daughters respectively who being a son or sons shall attain the age of twenty one years or die under that age leaving issue or being a daughter or daughters shall attain that age or marry equally to be divided between or amongst them if more than one share and share alike and to be paid and transferred accordingly And if there shall be but one such child of any or every of my said daughters the whole share of such daughter to be in trust for such only child respectively but in case all or any of my said daughters shall die without having had any child or children or no such child or children shall live to attain vested interest in the said trust monies and premises then as to the share or respective shares of such of my said daughters so dying as aforesaid and the funds or securities whereon the same shall be invested in trust for such person or persons in such parts and proportions and generally in such manner and form as such of my said daughters so dying as aforesaid shall respectively by her last Will and Testament notwithstanding her coverture direct or appoint And in default of such direction or appointment in trust for the survivors of all of my said sons and daughters their executors administrators and assigns if more than one in equal shares and proportions and if only one then the whole in trust for such survivor his or her executors and administrators absolutely And I hereby declare that my said Trustees and the survivors and survivor of them and the Trustees and Trustee for the time being of this my Will shall stand possessed of interested in and hold the securities to which each and every of my said daughters may become entitled either by survivorship or accuer under the trusts of this my Will upon and for such and the same trusts ends intents and purposes and subject to the same declarations as are herein expressed contained and declared of and concerning the original shares of my said daughters respectively Provided always and I hereby declare and direct that in case all or any of my said daughters shall die leaving any child or children who being a son or sons shall be under the age of twenty one years or being a daughter or daughters shall be under that age ^{and} ~~is~~ unmarried she Trustees or Trustee for the time being hereof shall pay and apply so much as to them him or her shall deem expedient of the Interest dividends and annual produce arising from the share and respective shares to which such child or children shall be actually or presumptively entitled under the trusts aforesaid in and towards his her and their maintenance and education respectively during his her or their minority and respective minorities And I declare that the unapplied part of the said Interest dividends and annual produce shall follow the destination of the shares from whence the same respectively shall have arisen I empower the Trustees or Trustee for the time being of this my Will to compound or allow time for the payment of any debt or debts due to my estate And to satisfy or settle all demands against my estate whether supported by strictly legal evidence or not And all accounts between me and any person or persons on such terms as my said Trustees or Trustee shall in their his or her discretion think expedient And to refer any matters in difference relating to my affairs to arbitration Provided always and I declare that if the Trustees appointed in this my Will or to be appointed as hereinafter mentioned or any of them shall happen to die or be absent from the said Colony for one year or shall disclaim or be desirous of being discharged from or refuse or decline or be incapable to accept or to act in the trusts hereby in them respectively reposed as aforesaid before the said trusts shall be fully executed then and in every such case and so often as the same shall happen it shall be lawful for the then surviving or continuing Trustees or Trustee or the executors or administrators of the last surviving Trustee by any Instrument in writing under their or any of their hands or hand from time to time to appoint any fit and proper person or persons to supply the place of the Trustees or Trustee so dying being absent from the said Colony disclaiming or desiring to be discharged

M. 6

Witness
My hand
at New York
the 10th day of
June 1744

from or refusing declining or becoming incapable to accept the said Trusts or to act as
 aforesaid And when and so often as any new Trustee or Trustees shall be nominated
 and appointed as aforesaid all the trust estates monies and premises shall be thereupon
 with all convenient speed conveyed assured assigned and transferred in such sort
 and manner and so as that the same may be legally and effectually vested in the
 person or persons so to be appointed as aforesaid either solely or jointly with the
 surviving or continuing Trustee or Trustees as occasion shall require to the uses upon
 the trusts and for the purposes hereinbefore expressed and declared of and concerning
 the same trust estates monies and premises or such of them as shall be then sub-
 sisting undetermined and capable of taking effect And the person or persons so
 to be appointed as aforesaid shall have all the powers and authorities of the Trustee
 or Trustees in whosoever he or they shall be substituted or appointed Provided
 always and I hereby further declare that the Trustees and Trustee for the time
 being of this my Will and every of them their and every of their heirs executors and
 administrators shall be responsible for only so much money as they shall respec-
 tively actually receive by virtue hereof or the trusts herein contained And that no
 one or more of them shall be answerable for the others or other of them but each
 of them for his own acts receipts neglects or defaults only nor shall they or any of
 them be answerable for any securities upon which the said trust monies and
 premises or any part thereof shall be placed out or invested nor for any misfortune
 loss or damage which may happen in execution of any of the aforesaid trusts or in
 relation thereto except the same shall happen by or through their own wilful
 neglect or default respectively And also that it shall be lawful for my said Trustees
 or Trustee and every of them out of the monies which shall come to their respective
 hands by virtue of the trusts hereof to retain and reimburse themselves himself
 and herself respectively and also to allow to his her and their Co Trustees all loss costs
 damages and expenses which they or any of them may sustain expend disburse
 at or be put unto in execution of the trusts aforesaid or in relation thereto I
 hereby revoke all former Wills and Codicils which I have heretofore made and
 I declare this to be my last will In Witness whereof I the said William Coghill
 the testator have to this my last Will and Testament contained in one skin of
 parchment set my hand (that is to say) at the bottom of each of the two preceding
 pages and at the foot or end of my said will on this third and last page thereof
 this twenty second day of September in the year of our Lord one thousand eight
 hundred and forty six

Signed published and declared by
 the above named testator as his last
 Will and Testament in the presence
 of us present at the same time who
 in his presence at his request and in
 the presence of each other have
 hereunto affixed our names as
 witnesses attesting the execution
 hereof.

Wm Coghill

Wm Duerden

J. B. Brown

John Duerden

This is a codicil to my last Will and Testament above written I declare my will and
 mind to be that the Trustee or Trustee for the time being of my said Will shall in their or
 his discretion have full power and authority to justly sell the sale or sales by me directed to
 be made of my real and personal estate or any part thereof respectively to such time or
 times as they or he shall think fit so that the same may realize the best price or most
 money Dated this twenty second day of September one thousand eight hundred
 and forty six

Witness

John Duerden

J. B. Brown

Wm Coghill