

This is the will of John Maher marked A referred to in
the annexed affidavit of Daniel Brophy and Richard Stanislaus
Toley sworn by both of them before me this 15th day of
November 1893

Jas C Shaur

A Commissioner for taking affidavits

55/5

Dated 13 Dec 1893

55/5

RS III

of

John Maher



Deborah A. Maher
Ballarat

In the Supreme Court
of the Colony of Victoria }

In its probate jurisdiction

In the will of John Maher late of Ballarat
in the Colony of Victoria Tanner deceased

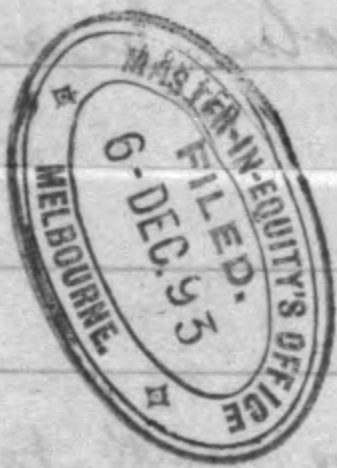
This is the will of John Maher produced to Charles Henry
William Hardy at the time of making his affidavit sworn before me
herein the 25th day of November 1893

Jas C Shaur

A Commissioner for taking affidavits

A

This is the last Will and Testament
of me John Maher of Eyre Street Ballarat Farmer I
appoint Daniel Brophy and Richard Stanislaus Foley both
of Ballarat Produce Merchants Trustees and Executors of
this my will I bequeath to my wife Margaret Maher the
use and enjoyment during her life of all my personal estate
I direct that my trustees shall permit my said wife to change
use, alter and manage my personal estate generally in such
manner as she may think fit with liberty either to permit
it to continue in the state in which it shall be found at my death
or to get it in and invest the proceeds in the names of my
trustees upon any stock funds or securities or at any rate
of interest or in the purchase of any real or personal property
and to vary the investment when and as she shall think
fit (any real property so purchased to be considered as converted
into and treated as personalty for all the purposes of this
my will) and without liability on the part of my trustees or either
of them or the said Margaret Maher her heirs or assigns to account
for pay for or make good any change alteration defect or deficiency
which may occur therein during the life of my said wife. After
the death of my said wife I bequeath my personal estate but
subject to whatever change alteration defect or deficiency therein which
may have occurred or arisen during the lifetime of my said wife
to my son Martin Maher of Bullarook Farmer But if the said
Martin Maher shall not be living at my decease I direct that the
said personal estate shall go to and be taken by my daughter
Mary Deedman wife of George Deedman of Ballarat aforesaid
Laborer I devise all my real estate to which I shall be entitled at my
decease to my said trustees to hold the same Upon Trust for my wife
Margaret Maher and her assigns during her life without impeachment
of waste and after her death upon trust for my son Martin Maher
during his life and after his death upon trust as to fifty acres of
land part of allotment three section eighteen parish of Bunquer
County of Grant beginning at the north east corner or angle of the said
allotment thence along the eastern boundary of the same allotment to
the northern fence of the lane running westerly from the main road
to the ford across the creek in the said allotment three thence by
that fence to the said ford and thence by such rectangular lines
as will lead a boundary line to the southern boundary of the said
allotment so that by following the said southern boundary line to
the north western angle of the said allotment and thence along the



Witnesses
J. B. Carson
J. B. Carson

northern boundary thereof to the commencing point the said area of fifty acres shall be included in the whole for my daughter Mary Deedman her heirs and assigns And as to the other portion of the said allotment three Upon trust for the children if any of the said Martin Maher him surviving in equal shares in fee simple absolutely as tenants in common with power to my said trustees during the minority of any of the said children to let the said land and apply the proceeds thereof in and towards the maintenance education and bringing up of all or any of the said children as my trustees may in their discretion deem best But if my said son Martin Maher shall die without leaving issue him surviving then Upon trust to convey the said other portion to my said daughter Mary Deedman her heirs and assigns in fee simple absolutely so that in case of the death of my said son Martin Maher without leaving issue him surviving the said Mary Deedman her heirs and assigns shall take as well the portion of my real estate which such children would have taken as the fifty acres thereof hereinbefore devised to her upon the death of my said son Martin Maher I revoke all other testamentary dispositions by me at any time heretofore made In Witness whereof I have hereunto set my hand this thirteenth day of September one thousand eight hundred and ninety three

The mark of John Maher

Signed by the said testator John Maher by his making his mark hereto as and for his last will and testament in the presence of us the undersigned both present at the same time who at his request in his presence and in the presence of each other have subscribed our names as attesting witnesses And we certify that the said testator being illiterate and unable to write the said will was prior to his executing the same read over and explained to him by the undersigned John Byrne Pearson and that he appeared to perfectly understand the same and made his mark thereto in our presence

John Byrne Pearson

Solicitor & Barrister

John Maher

M. B. Carson

Cardigan Street

Ballaarat