

Charles Maidment Strathalbyn
Gentleman deceased

In the Supreme Court
Ecclesiastical Jurisdiction

Be it known unto all men
that on the twentieth sixth day of March in
the year of our Lord one thousand eight
hundred and sixty six the last will
and testament of Charles Maidment
late of Strathalbyn in the Province of South
Australia gentleman deceased who died
at his residence at Strathalbyn aforesaid
on the twenty seventh day of October
one thousand eight hundred and sixty
five a true copy of which said will is
hereunto annexed marked with the letter
A and proved and registered in this
Court and that the administration of
all and singular the personal estate
and effects of the said deceased was
granted by the aforesaid Court to
Edwin Charles Maidment one
of the Executors named in and appointed
by the said will with leave for George
Ellis the other executor therein named
to come in hereafter and claim probate
of the said will He the said Edwin
Charles Maidment having first sworn
that he would well and truly execute
the same so far as the estate of the
said Charles Maidment deceased
should extend and the law bind him
And that he would make and exhibit
to this Honorable Court a true and
perfect inventory of all the goods

Charles Maidment Strathalbyn
gentleman deceased

In the Supreme Court

Be it known unto all men that on the twenty
sixth day of March in the year of our Lord one
thousand eight hundred and sixty six this last
will and testament of Charles Maidment late
of Strathalbyn in the Province of South
Australia gentleman deceased who died at his
residence at Strathalbyn aforesaid on the
twenty seventh day of October one thousand
eight hundred and sixty five a true copy of
which said will is hereunto annexed marked
with the letter A and proved and registered in
this court and that the administration of all
and singular the personal estate and effects
of the said deceased was granted by the
aforesaid court to Edwin Charles Maidment
one of the executors named in and appointed
by the said will with leave for George Ellis the
other executor therein named to come in
hereafter and claim probate of the said will
he the said Edwin Charles Maidment having
first sworn that he would well and truly
execute the same so far as the estate of the
said Charles Maidment deceased should
extend and the law bind him AND that he
would make and exhibit to this Honorable
Court a true and perfect inventory of all the
goods

Sworn under
£ 150

and chattles rights credits and effects of the
said Charles Maidment deceased on or before
the twelfth day of August one thousand eight
hundred and sixty six and render a just and true
account of his executorship when he should be
lawfully called upon so to do

Given at Adelaide the fourth day of
May in the year of our Lord one
thousand eight hundred and sixty six
under my hand and the seal of the
Supreme Court of the Province of South
Australia

R. D. Hanson C.J.

and chattles rights and credits of the said
Charles Maidment deceased on or before the
twelfth day of August one thousand eight
hundred and sixty six and render a just and
true account of his executorship when he
should be lawfully called upon so to do.

Given in Adelaide the fourth day of May in the
year of our Lord one thousand eight hundred
and sixty six under my hand and the seal of the
Supreme Court of the Province of South
Australia.

R. D. Hanson

C. J.

Sworn under 150 pounds

This is the last Will and Testament
of me Charles Maidment of Strathalbyn
in the Province of South Australia Gentleman
I desire that all my just and lawful debts
death bed funeral and testamentary expenses
be paid out of my personal estate by my
Executors hereinafter named I give devise
and bequeath unto Edwin Maidment
of near Woodchester my son and George
Ellis of the Meadows farmer whom I hereby
appoint Trustees and Executors of this my
will all my real and personal estate of
whatever description and wheresoever situate
that I now am or shall at my decease be
entitled to Upon trust to permit and suffer
my dear wife Esther Maidment to enjoy the
same and the rents and profits thereof for
the term of her natural life if she shall so
long remain my widow and from and after
her decease or marrying again which ever event
shall first happen then Upon trust as to
my real estate to all my children equally as
tenants in common And as to my personal estate
to my said children equally share and share

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This is the last Will and Testament of me
Charles Maidment of Strathalbyn in the
Province of South Australia gentleman. I
desire that all my just and lawful debts
death bed funeral and testamentary
expenses be paid out of my personal estate
by my executors hereinafter named I give
devise and bequeath unto Edwin Maidment
of near Woodchester my son and George
Ellis of the Meadows farmer whom I hereby
appoint trustees and executors of this my
will all my real and personal estate of
whatever description and wheresoever
situate that I now am and shall at my
decease be entitled to upon trust to permit
and suffer my dear wife Esther Maidment
to enjoy the same and the rents and profits
thereof for the term of her natural life if
she shall so long remain my widow and
from and after her decease or marrying
again which ever event shall first happen
then upon trust as to my real estate to all
my children equally as tenants in common.
And as to my personal estate to my said
children equally share and share

alike. And I declare and my will is that if any child or children shall die leaving lawful issue during the lifetime and widowhood of my said wife then such issue shall take their deceased parents share in said real and personal estate if one and of more than one share and share alike. Provided always and I do hereby declare that if my said trustee or either of them or any future trustee or trustees to be appointed under this provision of my will shall die or be desirous to be discharged or refuse or become incapable to act in the trusts aforesaid then and in that case it shall be lawful for the surviving or continuing trustee or trustees for the time being (and for this purpose refusing or retiring trustees shall if willing to act in the execution of this power be considered continuing trustees) 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 refusing or becoming incapable to act as aforesaid. And as often as any new trustee or trustees shall be nominated and appointed as aforesaid all the trust estates and premises as shall be then vested under this my will shall be respectively conveyed aforesaid and transferred 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 be upon the trusts and to and for the uses intents and purposes hereinafter 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

alike. AND I declare and my will is that if any child or children shall die leaving lawful issue during the life time and widowhood of my said wife then such issue shall take their deceased parents share in said real and personal estate if one and of more than one xxx share and share alike PROVIDED always and I do hereby declare that if my said trustees or either of them or any future trustee or trustees to be appointed under this provision of my will shall die or be desirous to be discharged or refuse or become incapable to act in the trusts aforesaid then and in case it shall be lawful for the surviving or continuing trustee or trustees for the time being and for this purpose refusing or retiring trustees shall if willing to act in the extension of this power be considered continuing trustees 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 or dying desiring to be discharged or refusing or becoming incapable to act as aforesaid AND as often as any new trustee or trustees shall be nominated and appointed as aforesaid all the trust estates and premises as shall be then vested most?? this will my 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 be upon the trusts and to and for the uses intents and purposes hereinafter 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

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 refusing or becoming incapable to act as aforesaid And as often as any new trustee or trustees shall be nominated and appointed as aforesaid all the trust estates and premises as shall be then vested under this my will shall be respectively conveyed assigned and transferred 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 be upon the trusts and to and for the uses intents and purposes hereinafter 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

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 refusing or becoming incapable to act as aforesaid AND as often as any new trustee or trustees shall be nominated and appointed as aforesaid all the trust estates and premises as shall be then vested most?? 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 aforesaid either solely or jointly with the surviving or continuing trustees as the case may be upon the trusts and to and for the uses intents and purposes hereinafter 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 also and I do hereby will and declare that neither of the 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 or sums of money other than what they shall respectively actually receive by virtue of the trusts in them hereby reposed notwithstanding either of them shall join in any receipts for the sake of conformity and that one of them shall not be answerable or accountable for the other of them or for the acts receipts neglects or defaults of the other of them but each only for his or their own acts receipts neglects and defaults And also that my said trustee or trustees shall be reimbursed and paid out of my said estate all such costs charges or expenses as they or any of either of them shall be put to or shall sustain or expend in or about the execution of the trusts in them hereby reposed or in anywise relating thereto And I revoke all former and other wills by me at any time heretofore made and declare this only to be my last will and testament In witness whereof I the said Charles Maidment have to this my will (written on this and the preceding sheet of paper) set my hand and seal this eleventh day of May in the year of our Lord one thousand eight hundred and fifty four

his marks
Charles x Maidment
and seal (ls)

of this my will PROVIDED also and I do hereby will and declare that neither of the 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 or sums of money other than what they shall respectively?? actually receive by virtue of the trusts in them hereby reported?? notwithstanding either of them shall join in any receipts?? for the sake of conformity and that one of them shall not be answerable or accountable for the other of them or for the acts receipts neglects or defaults of the other of them but each only for his or their own acts receipts neglects and defaults AND also that my said trustee or trustees shall be reimbursed and paid out of my said estate and all such costs, charges or expenses as they or any or either of them shall be put to or shall sustain or expend in or about the execution of the trusts in them hereby reposed or in anywise relating thereto AND I revoke all former and other wills by me at any time heretofore made and declare this only to be my last will and testament IN WITNESS, whereof I the said Charles Maidment have to this my will (written on this and the preceding sheet of paper) set my hand and seal this eleventh day of May in the year of our Lord one thousand eight hundred and sixty four
CharlesMaidment – his mark and seal

Signed sealed published and declared by the said testator as and for 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 subscribed our names as witnesses (the same having been first read over and explained to him)

in witness
J Bamar
Edward Waddy

J Bamar at Mt Barker
Edward Waddy Gent Strathalbyn

Signed sealed published and declared by the said testator as and for 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 subscribed our names as witnesses (the same having been first read over and explained to him)

J Bamar labr Mt Barker
Edward Waddy?? Gent Strathalbyn